

ORDINANCE NO. 2019-____

AN ORDINANCE amending the Future Land Use Map and Zoning Map of the City of Yakima for parcels 181314-14433, 41406, 41407, 41408, 41519, 41520, and 41521 as follows: Future Land Use Map from Industrial to Commercial Mixed Use, and Zoning Map from Light Industrial (M-1) to General Commercial (GC)

WHEREAS, the City of Yakima is required to plan under the Washington State Growth Management Act (GMA), RCW 36.70A.040; and

WHEREAS, RCW 36.70A.130 provides for continuing review and evaluation of comprehensive plans and development regulations at least every five years and for the revision or amendments to such plans not more than once a year but at least once every five years, with certain exceptions; and

WHEREAS, RCW 36.70A.470 requires that counties and cities planning under RCW 36.70A.040 include in their development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest comprehensive plan amendment (CPA) or development regulation amendments; and

WHEREAS, RCW Ch. 36.70A further requires that the suggested amendments be docketed and considered not more often than once a year, consistent with the provisions of RCW 36.70A.130; and

WHEREAS, on March 16, 2004, the City Council enacted Ch. 16.10 YMC to provide procedures and criteria for amending and updating the Yakima Urban Area Comprehensive Plan; and

WHEREAS, on February 19, 2019, the City Council adopted Resolution No. R-2019-021 to open the Comprehensive Plan Amendment process for 2019; and

WHEREAS, on April 11, 2019, the City of Yakima Planning Division submitted applications for Comprehensive Plan Amendment, Rezone, and Environmental Review (CPA#004-19, RZ#004-19, SEPA#017-19) requesting to change the Future Land Use Map designation for parcels 181314-14433, 41406, 41407, 41408, 41519, 41520, and 41521, which are legally described in Exhibit "B" attached hereto and incorporated herein by this reference, from Industrial to Commercial Mixed Use and to concurrently rezone from Light Industrial (M-1) to General Commercial (GC); and

WHEREAS, The applications were considered complete for processing on May 13, 2019 and public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on May 20, 2019, and June 14, 2019; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on June 14, 2019, which was not appealed; and

WHEREAS, The City of Yakima Planning Commission (YPC) held a study session to review this Comprehensive Plan Amendment and Rezone on June 26, 2019; and

WHEREAS, after proper notice, on July 10, 2019, the Yakima Planning Commission (YPC) heard the staff presentation regarding the proposed CPA and Rezone, held a public hearing, considered the public testimony; and,

WHEREAS, pursuant to the approval criteria set forth in YMC § 16.10.040 and YMC § 15.23.030, the YPC unanimously recommended approval of the proposal; and

WHEREAS, the YPC recommendation and findings was signed by the Chair on July 24, 2019, a copy of which is found in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, pursuant to YMC § 16.10.090, and after the required notice was provided, the Yakima City Council held a public hearing on September 3, 2019, to receive public comments on the Planning Commission's recommended findings on the proposed CPA and Rezone; and

WHEREAS, the City Council of the City of Yakima, having considered the record herein and the recommendation from the Planning Commission, and after holding a public hearing on September 3, 2019, where no public testimony was provided, hereby finds and determines that approval of the requested CPA and Rezone is in the best interest of residents and the City of Yakima and will promote the general health, safety and welfare; now, therefore

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Findings, Analysis and Conclusions. Subject to the specific terms of this Ordinance, the Yakima City Council adopts the July 24, 2019 findings, conclusions, and recommendation of the Yakima Planning Commission for CPA#004-19 and RZ#004-19. A copy of said recommendation is attached as Exhibit "A".

Section 2. Any and all official Zoning, Future Land Use, or similar maps shall be amended to reclassify the subject real properties set forth herein consistent with the above sections of this Ordinance.

Section 3. Transmittal to State. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce within ten days of adoption.

Section 4. Severability/Validity. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Ratification. Any act consistent with the authority, and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. Authorization to File. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the Yakima County Auditor, as necessary.

Section 7. Effective Date. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 17th day of September, 2019.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date: _____

Effective Date: _____

Exhibit "A"
YPC Recommendation



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

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YAKIMA PLANNING COMMISSION

**RECOMMENDATION TO THE YAKIMA CITY COUNCIL
FOR
COMPREHENSIVE PLAN AMENDMENT AND REZONE
CPA#004-19, RZ#004-19**

July 24, 2019

WHEREAS, The City of Yakima adopted the Yakima Comprehensive Plan 2040 in June 6, 2017; and

WHEREAS, The Washington Growth Management Act and local ordinances provide a process for the annual review of amendments to the Plan as requested by citizens, property owners and/or local government; and

WHEREAS, Under the provisions of YMC Ch. 1.42 the Yakima Planning Commission (YPC) is responsible for the review of these applications and for recommending the approval, modification or denial of each request; and

WHEREAS, On April 11, 2019 applications for Comprehensive Plan Amendment and Rezone were submitted by the City of Yakima Planning Division to amend the Comprehensive Plan Future Land Use Map Designation, as a correction from the 2006 Comprehensive Plan, from Industrial to Commercial Mixed Use, and concurrently Rezone from Light Industrial (M-1) to General Commercial (GC), parcels 181314-14433, 41406, 41407, 41408, 41519, 41520, 41521 (City File CPA#004-19, RZ#004-19); and

WHEREAS, The applications were considered complete for processing on May 13, 2019 and public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on May 20, 2019, and June 14, 2019; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on June 14, 2019, which was not appealed (City File SEPA#017-19); and

WHEREAS, The YPC held a study session to review this Comprehensive Plan Amendment and Rezone on June 26, 2019; and

WHEREAS, The Yakima Planning Commission held an open record public hearing on July 10, 2019 to hear testimony from the public, consider the Amendment and Rezone, and provide a recommendation to the Yakima City Council;

Now therefore, the Yakima City Planning Commission presents the following findings of fact, conclusions, and recommendation to the Yakima City Council:

APPLICATION # CPA#004-19, RZ#004-19
APPLICANT: City of Yakima Planning
APPLICANT ADDRESS: 129 N 2nd St., Yakima, WA 98901
PROJECT LOCATION: Vicinity of N 16th and Hathaway St
PARCEL(S): 181314-14433, 41406, 41407, 41408, 41519, 41520, 41521

FINDINGS OF FACT

1. The applicant requests to amend the Comprehensive Plan Future Land Use Map designation from Industrial to Commercial Mixed Use with a concurrent Rezone from Light Industrial (M-1) to General Commercial (GC).
2. The subject parcels are approximately 3.08 acres in size and are surrounded by vacant property, and commercial uses and zoning.
3. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during their July 10, 2019 public hearing, with the recommendation of APPROVAL of the proposed amendment and rezone.
4. The proposed Comprehensive Plan Amendment is consistent with the applicable approval criteria in YMC § 16.10.040, as follows:
 - a. This change is being processed to correct an error discovered as part of the 2006 Comp Plan Update. The parcels in question are already commercial or are suitable for commercial development.
 - b. The Commercial Mixed Use designation implements several goals and policies of the 2040 plan.
 - c. This error was discovered when reviewing a project for DSHS in early 2019. Prior to the 2006 Comprehensive Plan, these parcels had a Future Land Use of "Institutional" and commercial zoning. The 2006 Comprehensive Plan documents provide no rationalization or analysis as to why these parcels changed to Industrial/M-1 during that update. Nor have there been any subsequent requests to make these parcels Industrial.
 - d. The impact should be minimal because the property under consideration is better suited for commercial development as opposed to Industrial use. The total acreage of this proposal will remove 3.08 acres of Industrial land. However, examining all proposals for the 2018 and 2019 cycles, the net impact is an increase of 7.22 acres of Industrial land.
5. The proposed Rezone from Light Industrial (M-1) to General Commercial (GC) is consistent with the applicable approval criteria in YMC § 15.23.030, as follows:
 - a. Testimony at the public hearing was considered.
 - b. The property is suitable for uses within the GC zoning district and will facilitate a single contiguous zoning district.
 - c. The GC zoning district is an implementing zone of the Commercial Mixed Use Future Land Use Designation.
 - d. The property is currently capable of being served by all necessary public utilities and can be accessed by public streets.
 - e. The proposed Rezone is considered compatible with the surrounding neighborhood and no mitigation is proposed at this time.
 - f. The public need for this Rezone is to correct an error from the 2006 Comprehensive Plan, and to provide Zoning consistent with existing uses.

CONCLUSIONS

1. The Amendment and Rezone are minor in nature;
2. No adverse impacts have been identified;
3. No written comments or testimony was received in opposition to the request;
4. This proposal underwent Environmental Review;
5. The proposed Comprehensive Plan Future Land Use Map Amendment from Industrial to Commercial Mixed Use with a concurrent Rezone from Light Industrial (M-1) to General Commercial (GC) is consistent with the Yakima Urban Area Zoning Ordinance and Yakima Comprehensive Plan 2040.

MOTION

Based on the testimony and evidence presented during the public hearing, it was moved and seconded that the City of Yakima Planning Commission draft findings of fact and forward a recommendation of approval to the Yakima City Council. The motion carried unanimously.

RECOMMENDATION TO CITY COUNCIL

The Planning Commission of the City of Yakima, having received and considered all evidence and testimony presented at the public hearing, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Yakima APPROVE the proposed Comprehensive Plan Amendment from Industrial to Commercial Mixed Use and Rezone from Light Industrial (M-1) to General Commercial (GC) for files CPA#004-19 and RZ#004-19.

RECOMMENDED this 24th day of July, 2019.

By: _____

Patricia Byers
Patricia Byers, Chair
Yakima Planning Commission

Exhibit "B"
Legal Description

Parcel 181314-14433: S14 T13 R18 Qtr NE: ROHRICH'S PLAT (L-14): That portion of the E Half of Lot 8 EXCEPT the E street ROW, AND the N 100 ft of Lot 9 of Lewis-Terry Garden Tracts (F-15): EXCEPT the W 90 ft, AND EXCEPT the E street ROW.

Parcel 181314-41406: LEWIS TERRY GARDEN TRS: W1/2 OF S 100 FT OF N 200 FT LOT 9 EX W 01 FT

Parcel 181314-41407: LEWIS TERRY GARDEN TRS: W 90 FT OF N 100 FT OF W1/2 LOT 9 EX W 1 FT

Parcel 181314-41408: LEWIS TERRY GARDEN TRS: W 1/2 LOT 9 EX N 200 FT &; EX W 209 FT OF E 229 FT OF N 111.4 FT OF S 131.4 FT &; EX N 56.4 FT OF S 131.4 FT OF W 87.2 FT &; EX N 55 FT OF S 75 FT OF W 87.2 FT OF W1/2

Parcel 181314-41519: LEWIS TERRY GARDENS TR: The E 89 ft of the W 1/2 of Tract 9, EXCEPT the N 200 ft, AND EXCEPT the S 95 ft, AND EXCEPT the E 20 ft

Parcel 181314-41520: LEWIS-TERRY GARDEN TRS: The S 95 ft of the E 89 ft of the W 1/2 of Tract 9 EXCEPT the S 20 ft AND EXCEPT the E 20 ft

Parcel 181314-41521: LEWIS-TERRY GARDEN TRS: W 1/2 of Tract 9, EXCEPT the N 200 ft, AND EXCEPT the S 20 ft, AND EXCEPT the E 89 ft