

ORDINANCE NO. 2020-_____

AN ORDINANCE authorizing and directing the City Manager to sign an amended Development Agreement (City of Yakima Ordinance No. 2001-65 – Simpson Rezone & Development Agreement regarding 3111 Tieton Drive) with Bruce Simpson, regarding property located at 3111 Tieton Drive.

WHEREAS, the City of Yakima (here after “City”) is a first class charter city incorporated under the laws of the State of Washington and has the authority to enact laws and enter into agreements to promote the health, safety, and welfare of its citizens and thereby to control the use and development of property within its corporate limits; and

WHEREAS, the City has the authority to enter into development agreements with those who own or control property within its jurisdiction pursuant to RCW 36.70B.170-36.70B.210 and YMC 14.10.010; and

WHEREAS, Bruce Simpson initially entered into a Development Agreement, under City of Yakima Ordinance No. 2001-65, with the City on December 13, 2001 with regards to the development and use of the property located at 3111 Tieton Drive; and

WHEREAS, the applicant has requested that the Development Agreement be amended to allow the Memorial Foundation similar opportunities to use the property; and

WHEREAS, the alterations to the existing Agreement is intended to satisfy the obligations as set forth in the Final Rezone Decision (RZ#5-01) for the execution of a Development Agreement between the Applicant and the City; and

WHEREAS, the Development Agreement may be amended for purposes of assigning the agreement to another party or intensifying uses allowed in the Hearing Examiner’s decision only with City Council approval after a public hearing, which was held on August 18, 2020; and

WHEREAS, the City Council has determined that the amendment to the existing Development Agreement is appropriate, and agrees to amend the original Development Agreement for the property at 3111 Tieton Drive; and

WHEREAS, the amended Development Agreement will, amongst other things, implement the existing conditions established by the Hearing Examiner in the original decision, while allowing the existing property owner flexibility in the use of their property, and otherwise achieve the goals and purposes for which the Development Agreement Statute was enacted; and

WHEREAS, amending the Development Agreement is consistent with the City of Yakima Comprehensive Plan; and

WHEREAS, the City Council of the City of Yakima finds that it is in the best interest of the City and its residents to amend the Development Agreement; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

Section 1. Hearing Examiner's Original Recommendations Including Conditions Affirmed. Subject to the specific terms of this ordinance, the Yakima City Council confirms the original recommendations, findings and conclusions of the Hearing Examiner's Recommendation, Examiner No. IU01-2-12, dated August 23, 2001, and incorporates that decision by reference as part of this Ordinance.

Section 2. Subject Property. Regarding the Subject Property, Yakima County Assessor's Parcel No. 181324-33003, 3111 Tieton Drive, Yakima, the legal description of which is found in accompanying documents, the City reaffirms its findings from Ordinance 2001-65, but that circumstances have changed since the original Development Agreement which now make the requested amendment to that Development Agreement appropriate.

Section 3. Consistency. The requested amendment to the Development Agreement is consistent with the Comprehensive Plan and applicable development regulations, and furthers the public health, safety and general welfare.

Section 4. Amended Development Agreement Adopted. The Yakima City Council, after a duly noticed public hearing, has determined that modification of this Agreement furthers the public health, safety and general welfare, and that the provisions of this Agreement are consistent with the Comprehensive Plan and applicable development regulations. The Amended Development Agreement is hereby adopted by the Yakima City Council.

The City Manager of the City of Yakima is hereby authorized and directed to execute the attached First Amendment to Development Agreement after both the Simpsons and the Memorial Foundation execute said document.

Section 5. 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. The effective date of the Amendment to the Development Agreement shall be September 25, 2020.

PASSED BY THE CITY COUNCIL, signed and approved this 18th day of August, 2020.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk
Publication Date: _____
Effective Date: _____