

ORDINANCE NO. 2020-_____

AN ORDINANCE denying both the Future Land Use Map and Zoning Map of the City of Yakima for parcel 181206-12454 as follows: Future Land Use Map from Low Density Residential to Mixed Residential, and Zoning Map from Light single Family Residential (R-1) to Multifamily Residential (R-3)

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, applicants can choose to concurrently have a rezone request evaluated and determined as part of the yearly comprehensive plan amendment process; and

WHEREAS, Chapter 16.10 of the Yakima Municipal Code provides procedures and criteria for amending and updating the Yakima Urban Area Comprehensive Plan; and

WHEREAS, on February 4, 2020, the City Council adopted Resolution No. R-2020-015 to open the Comprehensive Plan Amendment process for 2020; and

WHEREAS, on April 28, 2020, Hordan Planning Services, on behalf of Les Heimgartner, submitted applications for Comprehensive Plan Amendment, Rezone, and Environmental Review (CPA#001-20, RZ#002-20, SEPA#011-20) requesting to change the Future Land Use Map designation for parcel 181206-12454, which is legally described in Exhibit "A" attached hereto and incorporated herein by this reference, from Low Density Residential to Mixed Residential and to concurrently rezone from Low Density Residential (R-1) to Multifamily Residential (R-3); and

WHEREAS, The applications were considered complete for processing on April 28, 2020 and public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on July 21, 2020; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on August 24, 2020, which was not appealed; and

WHEREAS, the City of Yakima Planning Commission (YPC) held study sessions to review this Comprehensive Plan Amendment and Rezone on August 6, 2020 and September 9, 2020; and

WHEREAS, after proper notice, on September 23, 2020, 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 recommended approval of the proposal with a 4-1 vote; and

WHEREAS, the YPC recommendation and findings was signed by the Chair on October 9, 2020; and

WHEREAS, pursuant to YMC § 16.10.090, and after the required notice was provided, the Yakima City Council held a public hearing on November 2, 2020, 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 November 2, 2020, where three comments were provided during the public testimony, two opposed, and one in favor, and considering the testimony provided at the public hearing in addition to the record provided, the Council hereby finds and determines that denial of the requested CPA and Rezone is in the best interest of residents and the City of Yakima and that the proposal will not 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 denies the September 23, 2020 findings, conclusions, and recommendation of the Yakima Planning Commission for CPA#001-20 and RZ#002-20.

Section 2. City Council Findings. The Yakima City Council found that the concerns of the neighbors, expressed in written comments in the record and testimony at the public hearings, as well as the letter from Jim Perkins, attorney at law found in the written record, are adequately persuasive.

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 November, 2020.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____

Exhibit "A"
Legal Description

Parcel 181206-12454: Parcel A shown on that certain record of survey recorded under AF# 8001031, records of Yakima County, Washington