

ORDINANCE NO. 2020-_____

AN ORDINANCE amending 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 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 "B" attached hereto and incorporated herein by this reference, from Low Density Residential to Mixed Residential and to concurrently rezone from Single Family 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 initially denied the request; however, after reconsideration, the City Council moved to adopt the Yakima Planning Commission's findings and recommendations approving the CPA and Rezone request, by a vote of 4-0;

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 September 23, 2020 findings, conclusions, and recommendation of the Yakima Planning Commission for CPA#001-20 and RZ#002-20. A copy of said recommendation is attached as Exhibit "A".

Section 2. 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 3. 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 4. Ratification. Any act consistent with the authority, and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 5. 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 6. 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 1st day of December, 2020.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____

Exhibit "A"
Planning Commission 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#001-20, RZ#002-20

Issued October 7, 2020
Revised October 9, 2020

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 28, 2020 applications for Comprehensive Plan Amendment and Rezone were submitted by Hordan Planning Services, on behalf of Les Heimgartner to amend the Comprehensive Plan Future Land Use Map Designation from Low Density Residential to Mixed Residential, and concurrently Rezone from Single Family Residential (R-1) to Multifamily Residential (R-3), parcel 181206-12454 (City File CPA#001-20, RZ#002-20); 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 (City File SEPA#011-20); and

WHEREAS, The YPC held a study session to review this Comprehensive Plan Amendment and Rezone on August 6, 2020 and September 9, 2020; and

WHEREAS, The Yakima Planning Commission held an online open record public hearing over Zoom on September 23, 2020 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#001-20, RZ#002-20
APPLICANT: Hordan Planning Services, on behalf of Les Heimgartner
APPLICANT ADDRESS: 410 N 2nd St., Yakima, WA 98902
PROJECT LOCATION: 8014 Occidental Rd
PARCEL(S): 181206-12454

FINDINGS OF FACT

1. The applicant requests to amend the Comprehensive Plan Future Land Use Map designation from Low Density Residential to Mixed Residential with a concurrent Rezone from Single Family Residential (R-1) to Multifamily Residential (R-3).
2. The subject parcel is approximately 2.88 acres in size and is surrounded by mini storage, residential development, and vacant land.
3. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during their September 23, 2020 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 proposed to allow greater flexibility in the development of this vacant land. The site has topographical constraints, and this proposal will allow for the consideration of additional uses on the site, such as multifamily residential and residential mini storage.
 - b. The Mixed Residential designation implements several goals and policies of the 2040 plan.
 - c. The amendment does not correct an obvious mapping error, does not address a deficiency of the 2040 plan, and is consistent with the Growth Management Act and County-wide Planning Policies.
 - d. The impact should be minimal because the property under consideration could still be used for residential housing, as well as other uses. The site is also adjacent existing Mixed Residential property to the west. The total acreage of this proposal will remove 2.88 acres of Low Density Residential land.
5. The proposed Rezone from Single Family Residential (R-1) to Multifamily Residential (R-3) 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 R-3 zoning district. Mixed Use future development will allow for additional development considerations on a lot that has topographical constraints.
 - c. The R-3 zoning district is an implementing zone of the Mixed Residential 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. Mitigation measures will be considered during a project action on the site.
 - f. The public need for this Rezone is to create more land for multifamily development.

CONCLUSIONS

1. The Amendment and Rezone are minor in nature;

2. No adverse impacts have been identified;
3. Five (5) written comments and five (5) verbal comments were received during public testimony in opposition to the request;
4. This proposal underwent Environmental Review;
5. The proposed Comprehensive Plan Future Land Use Map Amendment from Low Density Residential to Mixed Residential with a concurrent Rezone from Single Family Residential (R-1) to Multifamily (R-3) 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 4-1.

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 Low Density Residential to Mixed Residential and Rezone from Single Family Residential (R-1) to Multifamily Residential (R-3) for files CPA#001-20 and RZ#002-20.

RECOMMENDED this 9th day of October, 2020.

By: _____

**Jacob Liddicoat, Chair
Yakima Planning Commission**

Exhibit "B"
Legal Description

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