

## ORDINANCE NO. 2020-030

**AN ORDINANCE** of the City of Yakima, Washington, adopting a six-month moratorium on the establishment of or conversion from any use, or part of a use of R-3 development to a Class 2 or Class 3 use in the R-3 zone, with attendant moratorium on the filing and acceptance of development applications for, and the location of, and issuance of permits and approvals for, any Class 2 or Class 3 use in the R-3 zoning district; directing review and consideration of Class 2 and Class 3 allowed uses in the R-3 zoning district; providing that the moratorium shall be in effect for six months, through May 18, 2021; and declaring an emergency providing for immediate effective date.

**WHEREAS**, RCW 36.70A.390 and RCW 35.63.200 authorize the City Council to adopt an ordinance imposing a moratorium and provide a process for public hearing which must be held within sixty (60) days of the date of adoption of the moratorium; and

**WHEREAS**, the City Council finds and determines that the City of Yakima needs time to consider and review zoning regulations, definitions, the housing needs of the City, uses and regulations addressing the allowed uses within the R-3 zoning district, specifically review and consideration of the current list of Class 2 and Class 3 uses found in Table 4-1 of Yakima Municipal Code section 15.04.030, and associated ordinances, within the City of Yakima; and

**WHEREAS**, there are currently a number of Class 2 and Class 3 uses allowed in the R-3 multi-family residential zone that are not residential uses, which should be reviewed in light of the City's housing shortage, the need for such uses within the R-3 zone, and to what extent those uses are allowed in other zoning districts; and

**WHEREAS**, the City Council has therefore decided to impose a moratorium for the term of six months, commencing on the effective date of this ordinance and extending through May 18, 2021, in order to study the issues as determined by the City Council and to adopt appropriate regulations and definitions; and

**WHEREAS**, the City Council finds and determines that imposition of a moratorium is necessary to (a) provide the City with an opportunity to study the issues regarding siting, zoning and regulation of Class 2 and Class 3 uses and facilities within the R-3 zoning district in the City of Yakima; (b) to study the issues regarding housing needs and associated needs of the residents of the City of Yakima; (c) to protect the health, safety and welfare of the residents of Yakima, by reviewing Yakima's housing needs and associated needs of Yakima residents in light of data associated with Yakima's housing stock and needs now and in the future; and (d) avoid applicants possibly establishing vested rights contrary to and inconsistent with any revisions the City may make to its regulations and codes as a result of the City's study of this matter; and

**WHEREAS**, the City Council finds, determines and concludes that an emergency exists, to wit: (a) the City of Yakima has received proposals for land uses that may include placing residential mini-storage units on R-3 zoned property which diminishes the amount of land available for multi-family housing in Yakima; (b) neither City staff nor the Planning Commission have had sufficient opportunity, in light of the increase in data with regards

to housing in Yakima to review the effects of using R-3 zoned land for Class 2 or Class 3 purposes with regard to concerns for affordable housing, housing stock, preservation and/or promotion of site compatibility for multi-family housing, the availability to site Class 2 and Class 3 uses in other zoning codes; and (c) the immediate imposition of this moratorium will preserve the status quo to enable the City to further study the effects of such uses and to consider and devise appropriate zoning and regulatory controls to address the effects of such uses; and

**WHEREAS**, the City Council authorizes and directs the Planning Commission to review existing City codes and zoning regulations regarding Class 2 and Class 3 uses in the R-3 zoning district, further study the effects resulting from location of those Class 2 and Class 3 uses currently allowed pursuant to Table 4-1 under YMC 15.04.030 within the City of Yakima, prepare comprehensive proposed amendments to the City codes and zoning regulations to address the effects of such uses, to confer with community members as appropriate, and to present recommended legislation addressing such issues to the City Council for consideration and action; and

**WHEREAS**, the City Council finds and determines that a public hearing on this moratorium should be held on December 8, 2020, whereupon the City Council may adopt findings of fact in support of the adoption of this moratorium, or modify the terms thereof; and

**WHEREAS**, notwithstanding the term of six months set forth above for the moratorium adopted herein, this moratorium may at any time hereafter be (a) modified by the City Council in accordance with applicable law; (b) extended for additional term(s) of six months upon action following public hearing and adoption of findings in support thereof; (c) terminated by the City Council upon adoption of appropriate zoning and regulatory codes; or (d) terminated by the City Council for any reason deemed necessary or appropriate; now, therefore:

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

Section 1. Moratorium Established. From and after the effective date of this ordinance, the City shall not allow the filing of or accept any application for a building permit, tenant improvement, development permit, request for conversion, permit, subdivision, short subdivision, site plan review, or any other development, for any Class 2 or Class 3 use in the R-3 zone (including any additions, expansions, or modifications thereto) as outlined in Table 4-1 in YMC 15.04.030 within the City of Yakima.

Section 2. Exemption – Vested Rights. Applications which are legally vested as of the effective date of this ordinance shall continue to be processed as provided in the Yakima Municipal Code and according to the land use regulations in effect on the date of vesting.

Section 3. Public Hearing. Pursuant to RCW 36.70A.390 and RCW 35.63.200, a public hearing will be held on Tuesday, December 8, 2020, for the purpose of taking testimony and, if this ordinance is passed, adopting written findings and conclusions justifying the moratorium established by this ordinance.

Section 4. Effective Period of Moratorium. The moratorium adopted by this ordinance shall become effective immediately upon passage and approval of this ordinance, and shall remain in effect for six months, through May 18, 2021, subject to adoption of findings and conclusions as provided in Section 3 above. This moratorium shall also terminate upon the adoption of permanent regulations regarding the subject matter of this moratorium. Notwithstanding the above, this moratorium may be extended as provided in RCW 36.70A.390 and RCW 35.63.200.

Section 5. Directive to Planning Commission. The City Council hereby authorizes and directs the Planning Commission to review existing City codes and zoning regulations; to further study the effects resulting from Class 2 and Class 3 uses in the R-3 zone as outlined in Table 4-1 in YMC 15.04.030, as well as evaluate the housing; to prepare comprehensive proposed amendments to the City codes and zoning regulations to address the effects of such uses; to confer with community members and the City Planning Commission as appropriate; and to present recommended legislation addressing such issues to the City Council for consideration and action. Said recommendation should be presented to the City Council no later than April 7, 2021. If no recommendation can be made by that time, a status report shall be provided to Council on April 7, 2021, outlining the reasons that a recommendation cannot be made, additional studies that need to be evaluated or conducted, and the additional work that is necessary to formulate a recommendation.

Section 6. Declaration of Emergency. Pursuant to Article VI Section 2 of the Charter of the City of Yakima, the City Council finds, determines and declares that this ordinance is an emergency ordinance to provide for the immediate preservation of the public peace, property, health or safety. The unanimous vote of the City Council shall be necessary for the passage of this emergency ordinance.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce as required by law or otherwise posted, published or recorded as permitted by law.

Section 9. Effective Date. This ordinance shall be in full force and effect immediately upon its passage and approval as provided by law and the City Charter.

**PASSED BY UNANIMOUS VOTE OF THE CITY COUNCIL**, signed and approved this 17th day of November, 2020.

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Patricia Byers, Mayor

ATTEST:

By \_\_\_\_\_  
Sonya Claar Tee, City Clerk

Effective Date: November 17, 2020

Publication Date: November 20, 2020

Ordinance Approved by Unanimous Vote  
of Council Members: November 17, 2020