

City of Yakima Planning Commission

March 24, 2021

Multi-Family Residential (R-3) Uses

1. Background

The Planning Commission held a study session on January 13, 2021 to review the R-3 Moratorium. The following topics were discussed (January 13, 2021 packet enclosed):

- Background on moratorium
- Role of the Planning Commission
- Purpose of the R-3 Zone
- Review of the R-3 Map
- Analysis of permitted land uses in the R-3 Zone (YMC Table 4-1)
- Review of Type 2 and 3 Planning applications submitted in the R-3 zone in the last 5 years.

2. Minutes from 1/13/21 YPC

Calhoun provided information on the six month R-3 moratorium that was enacted on November 17, 2020 and expires on May 18, 2021. To help determine what happens with Class 2 and 3 uses in the R-3 zone. He explained what the moratorium is and what the Planning Commission's role is. He presented a map showing all the R-3 parcels in the City of Yakima. Calhoun also explained the Permitted Land Use table for R-3 zone along with the corresponding Class 2 and Class 3 reviews. Commissioner Place asked Council liaison Funk for input on what the city council concerns are. Councilmember Funk explained that certain projects that do not promote multi-family housing in the R-3 zone lead to the moratorium which would allow for more time for additional review. She elaborated that the council's position is that the policy should facilitate more multi-family housing opposed to other uses. Commissioner Rose provided input on past projects proposed in the R-3 zone such as site improvements, soil stabilization, road expansion, etc. He suggested reviewing the Class 2 and 3 classifications in the R-3 zone to verify compatibility and requesting clarification for rezones at initial review of application. Councilwoman Funk brought forth what she believes the core of the problem is. She suggested requiring a Class 2 or 3 review before moving on to a rezone. Commissioner Place asked Joseph Calhoun about the legality of this requirement, Calhoun said additional research would be required to determine this. Councilwoman Funk elaborated on Commissioner Rose's statement that having non-specific project rezones is a problem. She stated that if a code change was required to resolve the problem, the city council would be open to the idea and there would be no opposition. Chairman Liddicoat suggested reviewing some of the Class 2 or 3 uses to help the R-3 zone flourish.

Calhoun took some time to explain the Table 4-1 Proposed Land Use for the R-3 zone and then provided time for questions. Commissioner Rose asked for clarification on

definitions of certain uses. Commissioner Place expressed concerns of requirements of green spaces and parks for R-3 zoning. Calhoun provided an explanation of requirements and site standards. Commissioner Place expressed the desire for parks and green spaces for high density residential development. Commission members asked for clarification on the definition of parks and community garden and how it would be managed. Calhoun provided clarification and answered additional questions about different uses and definitions listed on the table. Calhoun provided the definition on residential mini-storage facilities along with recent applications for this use. He provided additional information about zoning reviews and rezones.

Senior Assistant City Attorney, Sara Watkins explained that the moratorium requires for the Planning Commission to review the Class 2 and 3 uses and provide a recommendation to city council. She suggested hosting a public hearing requesting public input on potential changes to the Class 2 and 3 reviews. After the hearing, take into account any comments and make a recommendation to council. Watkins also suggested having a separate discussion and recommendation regarding project vs. non-project rezones separate from the moratorium. Councilmember Funk elaborated on non-project rezones and limiting Class 2 or 3 non-project rezones by requiring a Class 2 or 3 review prior to reaching a rezone. She stated the city council would support a code change if required.

Commissioner Place and Rose spoke in favor of a hearing to request community input. Logistics of a future hearing were discussed among commission members. Calhoun suggested scheduling this public hearing in February.

3. Staff Recommendation

Staff recommends hearing testimony from the public regarding Class 2 and 3 uses in the R-3 zoning district and forwarding a recommendation to the City Council.

Regarding the rezone issue, staff recommends scheduling future YPC study sessions to further examine the following:

1. Overview of Rezone process and procedures
 - a. Review of YMC Ch. 15.23
2. Analysis of recent Rezone applications (project and non-project)
3. Examination of how other cities process rezone applications
4. Discussion on potential amendments to YMC Ch. 15.23

From: [Les Heimgartner](#)
To: [Ask Planning](#)
Subject: Questions for the Planning Commission
Date: Wednesday, March 24, 2021 10:43:25 AM

!) What is the cause of the moratorium?

2) This meeting should be on increasing property development choices to increase property values to increase property tax revenue that benefits everyone in the City of Yakima. Don't you think increasing choices for property development is a better reason for this meeting rather than pursuing policies that reduce those options.

3) All R3 land owners do not have the necessary deep pockets that a non taxable entity like Catholic Charities possess. Everything I do and have invested in my property hinges on future return on investment. Not all properties are equal as far as infrastructure. Multi-family housing residents require additional services other than a roof over their head.
Do you not agree that the existing code has satisfactorily served the needs of this community to date?

4) There are several uses in the existing R3 code that are even more passive than residential and multi-family housing as far as impacting a neighborhood and provides reduced stress and burdens such as traffic, utilities and noise that multi-family residents can use and benefit from. Why would these uses be removed from access to those residents?

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City of Yakima Planning Commission

January 13, 2021

Multi-Family Residential (R-3) Uses

1. Background

On November 17, 2020 Council adopted 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. Further, the Planning Commission was directed to review and consider Class 2 and Class 3 allowed uses in the R-3 zone. The moratorium expires on May 18, 2021.

2. What is a moratorium?

A moratorium is a method that can be invoked by the City Council to pause certain new development or land uses in order for the City to consider new development and zoning regulations. Moratoriums are authorized by statute. During the moratorium period the Planning Division will not accept new applications for any Class 2 or Class 3 uses in the R-3 zone. So, for example, a developer could not apply for a development permit or building permits to develop or construct a clinic in the R-3 zone during the moratorium.

3. What is the Planning Commission's Role?

The Planning Commission's role is to study the currently-allowed Class 2 and Class 3 uses, evaluate whether those uses are compatible with the R-3 zone, take into account the needs of the City and its residents, and make a recommendation to either change what is allowed to be developed in the R-3 zone or keep the development options the same. To formulate the recommendation, the Planning Commission should discuss and evaluate the purpose of the R-3 zone and how the Class 2 and 3 uses fit that purpose. Further, there should be a discussion on the needs of the residents and the City. As many study sessions as necessary should be held, and the Planning Commission will hold an open record public hearing to take testimony from the public on the issue. Ultimately a recommendation will be adopted by the Planning Commission which takes all of this into consideration and that recommendation will be forwarded to the City Council for review. The City Council has the final authority to determine if any changes are going to be made.

4. R-3 Zone Purpose

15.03.020 District and map overlay intent statements.

The district intent statements define the specific purpose of each district.... They shall reflect the policies of the Yakima urban area comprehensive plan; serve as a guide for determining the appropriate location of uses; help determine appropriate conditions for development; and help the administrative official interpret standards and provisions.

D. Multifamily Residential District (R-3). The multifamily residential district is intended to:

1. Establish and preserve high-density residential districts by excluding activities not compatible with residential uses;
 2. Locate high-density residential development more than twelve dwelling units per net residential acre in areas receiving the full range of urban services;
 3. Locate high-density residential development near neighborhood shopping facilities; and
 4. Locate high-density residential development so that traffic generated by the development does not pass through lower-density residential areas.
- The district contains a variety of attached or clustered multifamily dwellings.

5. R-3 Map

The following map displays all R-3 zoned property in City Limits.

6. Permitted Land Uses

15.04.030, Table 4-1 – Permitted Land Uses:

In the table, I have highlighted in green, yellow and blue the allowed uses in the R-3 zone and type of review required for the application. **Green is a Class 1 use, which means the use is outright allowed in the district as long as the district standards are met.** Class 1 uses are specifically defined as:

Those uses ... that are considered compatible and are permitted on any site in the district. The administrative official shall review Class 1 uses for compliance with the provisions and standards of this title.

Class 1 uses are permitted, provided the district standards are met. You are not reviewing the Class 1 uses as part of the direction from Council and the moratorium. They are just provided for reference so that you can see what types of uses are deemed automatically allowed and compatible with the R-3 zone.

You have been tasked to review and study the Class 2 and Class 3 uses allowed in the R-3 zone. Uses in **Yellow are a Class 2 use, which requires heightened review for compatibility with the zone, but still are generally an allowed use in the district.** Class 2 uses are specifically defined as follows:

Those uses ... [that] are generally permitted throughout the district. However, site plan review by the administrative official is required in order to ensure compatibility with the intent and character of the district and the objectives of the Yakima urban area comprehensive plan.

Class 2 uses are generally permitted, and sometimes Class 2 uses are not compatible at a particular location. Enhanced review by the administrative official is necessary in order to promote compatibility with the intent and character of the district and the policies and development criteria of the comprehensive plan. YMC 15.04.020(B).

Uses in Blue are a Class 3 use, which are generally not permitted but may be allowed with conditions after a hearing examiner review. Class 3 uses are specifically defined as follows:

Those uses ... [that] are generally incompatible with adjacent and abutting property because of their size, emissions, traffic generation, neighborhood character or for other reasons. However, they may be compatible with other uses in the district if they are properly sited and designed. Class 3 may be permitted by the hearing examiner when he determines, after holding a public hearing, that the use complies with provisions and standards; and that difficulties related to the compatibility, the provision of public services, and the Yakima urban area comprehensive plan polices have been adequately resolved.

Class 3 uses are generally not permitted in a particular district, but may be allowed by the hearing examiner after review and a public hearing. The hearing examiner may approve, deny, or impose conditions on the proposed land use and site improvements to promote compatibility with the intent and character of the district and the policies and development criteria of the comprehensive plan. YMC 15.04.020(C).

Any use that is not highlighted is not allowed in the zone.

Compatibility is defined as: “the characteristics of different uses or developments that permit them to be located near each other in harmony with or without special mitigation measures.” YMC 15.02.020 (definition section for all definitions to be used in Title 15).

Table 4-1. Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
AGRICULTURAL (COMMERCIAL)															
Agriculture, Horticulture, General Farming (not feedlots or stockyards) (*)	1									1				1	1
Agricultural Building (*)	1									1				1	1
Agricultural Chemical Sales/Storage										1				1	1
Agricultural Market (*)	1						1	1	1		1	1	1	1	
Agricultural Stand (*)	1													1	1
Agricultural Related Industries (*)	2									1				1	1
Animal Husbandry (See YMC 15.09.070) (*)	1	2												1	1
Concentrated Feeding Operation (*)	3														
Floriculture, Aquaculture	1													1	1
Fruit Bin Sales/Storage	3									2				1	1
Marijuana Production (**)														1	1
Winery and Brewery—Basic (*)											3		3	1	2
Resort/Destination w/on-site agricultural production (*)	2	3		3							3	3	3	3	
Resort/Destination (*)	2	3		3							1	1	1	3	
Retail (*)								1	1		1	1	1	1	2
AMUSEMENT AND RECREATION															
Aquatic Center									3		3	3	1	2	
Amusement Park (Permanent) (*)									3		3	3	1	3	
Bowling Alleys						2		2	2		1	1	2	3	
Campground (*)	3										2				
Children’s Outdoor Recreation Center* (More than 500 ft. from abutting residential and not containing a go-cart track)											2		2		
Children’s Outdoor Recreation Center* (Less than 500 ft. from abutting residential and/or containing a go-cart track)											3		2		
Drive-In Theatres	3										2		2	2	
Exercise Facilities				2	1	1		1	1	2	1	1	1	2	

Table 4-1. Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Horse Racing Tracks, Speedways													3	3	
Game Rooms, Card Rooms, Electronic Game Rooms (*)								3	2	1	2	2	2		
Golf Courses, Clubhouses, Golf Driving Ranges	3	3	3	3									2		
Miniature Golf Courses						3		3	1		1	1	1		
Movie Theatres, Auditoriums, Exhibition Halls								3	1		1	1	1		
Parks (*)	2	2	2	2	2	2	2	2	2		2	2	1	2	2
Roller Skating or Ice Skating Rink									2		2	1	1	2	
Sports Facility (indoor)								2	2		1	2	1	2	
Social Card Rooms (See YMC 15.09.090) (*)								3	3		3	3			
State Fair Park	(See YMC 15.04.200)														
COMMUNITY SERVICES															
Cemetery/Crematorium with Funeral Home	3	3	3	3	3									3	
Funeral Home not associated with Cemetery/Crematorium	3				2	2		2	1		1	1	2	2	
Churches, Synagogues, and Temples (*)	2	2	2	2	2	2		2	2		1	1	2	2	
Community Center (*) Meeting Halls, Fraternal Organizations	2	2	2	2	2	2	2	2	2		1	1	2		
Community Gardens (*) (if accessory to an approved principal use) (See YMC 15.04.060(G))	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Community Gardens (*) (with planting area of one-quarter acre or less)	1	1	1	1	1	1		1	1	1	1	1		1	
Community Gardens (*) (with planting area of more than one-quarter and up to one-half acre)	2	2	2	2	2	2		2	2	2	1	2		2	
Community Gardens (*) (with planting area of more than one-half acre up to one acre)	2	2	2	2	2	2		2	2	2	2	2		2	
Day Care Facilities (not home occupation): Family In-Home (*)	1	2	2	2	2	2	2	2	1		1	1			
Day Care Center (*)	2	2	2	2	1	1	2	1	1		1	1	2	1	
Public Facility (*)	3	3	3	3	2	2		2	2	1	1	1	1	1	1
Hospital (*) Outside Institutional Overlay	3	3	3	3	3						3	3		3	
Correctional Facilities	3										3	3	3	3	3
Libraries	3	3	3	2	1	2	1	1	1		1	1	1		
Museums, Art Galleries		3	3	2	1	2	1	1	1	1	1	1	1		
Schools															
Elementary and Middle	3	3	3	3	3	3					1	3			

Table 4-1. Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Senior High School	3	3	3	3	3	3					3	3			
Business Schools (*)	3	3	3	3	3	3		2	2	1	1	1	2	2	
Community College/University—Inside Institutional Overlay	(See YMC Chapter 15.31)														
Community College/University—Outside Institutional Overlay	3	3	3	3	3	2	2	2	2	3	2	3	2	2	
Vocational Schools (*)	3	3	3	3	3	2		2	2	1	1	1	2	3	
Wastewater Sprayfield (*)	3													3	3
Zoo (*)	3							3	3		3		3		
HEALTH AND SOCIAL SERVICE FACILITY															
Group Homes (six or fewer), Adult Family Home (*)	1	1	1	1	1	1					1	1			
Treatment Centers for Drug and Alcohol Rehabilitation					3	3		3	3		3	3	3	3	
Congregate Living Facility up to 10 (*)	3	3	3	3	2	2					1	2	1		
Congregate Living Facility 11+	3	3	3	3	3	3					2		2		
Halfway House (*)				2							3	3			
Group Homes (more than six), Convalescent and Nursing Homes (*)			3	2	2	2					3	3			
Mission (*) (with Type (3) review, and development agreement—see definition)											2	2		2	
MANUFACTURING															
Agricultural Product Support											2	2	2	1	1
Aircraft Parts									1				2	1	1
Apparel and Accessories											3	2	2	1	1
Bakery Products (wholesale)							2		2		2	2	2	1	1
Beverage Industry (*)											2	2	2	1	1
Canning, Preserving and Packaging Fruits, Vegetables, and Other Foods													2	1	1
Cement and Concrete Plants														3	1
Chemicals (Industrial, Agricultural, Wood, etc.)														3	1
Concrete, Gypsum and Plaster Products										2				1	1
Confectionery and Related Products (wholesale)						2		2	2		1	1	2	1	1
Cutlery, Hand Tools and General Hardware										1			3	1	1
Drugs										1	2		2	1	1
Electrical Transmission and Distribution Equipment										1		2	3	1	1

Table 4-1. Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Electronic Components and Accessories and Product Assembly										1	2	2	3	1	1
Engineering, Medical, Optical, Dental, Scientific Instruments and Product Assembly										1		2	2	1	1
Fabricated Structural Metal Products										2	3	3		1	1
Food Processing												2	3	1	1
Furniture										2		3	2	1	1
Glass, Pottery, and Related Products and Assembly											2	2	2	1	1
Grain Mill Products											3			1	1
Heating Apparatus Wood Stoves														1	1
Leather Products												3	1	1	1
Leather Tanning and Finishing														1	1
Machinery and Equipment										1	2			1	1
Marijuana Processing (**)														1	1
Marijuana Research (**)														1	1
Meat, Poultry and Dairy Products														1	1
Paints, Varnishes, Lacquers, Enamels and Allied Products														3	1
Paperboard Containers and Boxes										1	3			1	1
Plastic Products and Assembly										1	2			1	1
Prefabricated Structural Wood Products and Containers										1				1	1
Printing, Publishing and Binding										1	3		2	1	1
Printing Trade (service industries)						2		2	2		1	1	2	1	
Recycling Processing Center (*)												3		1	
Rendering Plants, Slaughter Houses															3
Rubber Products										1				2	1
Sign Manufacturing and Product Assembly (*)									2	1	1			1	1
Sawmills and Planing Mills														2	1
Sheet Metal and Welding Shops											2			1	1
Stone Products (includes finishing of monuments for retail sale)						2				1	2	2	3	1	1
Transportation Equipment, Including Trailers and Campers													2	1	1
Woodworking: Cabinets, Shelves, etc.									3	1	2		2	1	1

Table 4-1. Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
MINING/REFINING/OFF-SITE HAZARDOUS WASTE TREATMENT															
Asphalt Paving and Roofing Materials, Rock Crushing	3													3	1
Mining Including Sand and Gravel Pits (*)	3													3	3
Stockpiling of Earthen Materials (*)	2	2	2	2	1	1	1	1	1	1	1	1		1	1
Off-Site Hazardous Waste Treatment and Storage Facilities (*)														3	3
RESIDENTIAL															
Accessory Uses (*)	See YMC 15.04.060														
Detached Single-Family Dwelling (*)	1	1	1	1	3	3	1	3	3		3		3		
Accessory Dwelling Unit (*) (See YMC 15.09.045)	2	2	1	1	1	1	1	1	1		1		1	1	
Existing or New Detached Single-Family Dwelling on Existing Lots of 8,000 Square Feet or Less											1		1	1	
Detached Single-Family Dwelling (zero lot line) (*) (See YMC 15.09.040)	2	2	2	2	3	3	1	3	3		3		3		
Attached Single-Family Dwelling, Common Wall (*)	2	2	1	1	3	3	1	2	2		2		2		
Two-Family Dwelling (Duplex) (*)	3	2	1	1	2	2	1	2	2		1		2		
Two-Family Dwelling (Duplex) (*) on Corner Lots in a New Subdivision	1	1													
Converted Dwelling (*)	3	2	1	1	1	1	1	2	2		1	1			
Multifamily Development (*): 0—7 DU/NRA		2	1	1	2	2		2	2		2	2	2		
8—12 DU/NRA			2	1	2	2		2	2		2	2	2		
13+ DU/NRA			2	1	2	2		2	2		2	2	2		
Mixed-Use Building					1	1		1	1		1	1	1		
Planned Development (*)	See YMC 15.28														
Mobile Home Parks (*)	2			2							2				
Mobile Home (*) or Manufactured Homes (*)	See YMC 15.04.160														
Retirement Homes (*)	2		3	1	3						1	1			
Temporary Hardship Units (See YMC 15.04.140)	2	2	2	2	2	2		2	2		2	2		2	
RETAIL TRADE, AND SERVICE															
Adult Business Uses	See YMC 15.09.200														
Animal Clinic/Hospital/Veterinarian (*)	3				2	2		2	1	2	1	1		1	
Auction House for Goods (*)	3					2		2	2		1	1	2	1	1
Auction House for Livestock (*)	3													2	2
Automotive															

Table 4-1. Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Automotive Dealer New and Used Sales						2		2	2		1	3	1	1	
Weekend Automobile and Recreational Vehicle (RV) Sales									1		1		1		
Automotive: Car Wash/Detailing						2		1	1	1	1		1	2	
Parking Lots and Garages					2	1		1	1	1	1	1	1	1	
Maintenance and Repair Shops						2		1	1	2	1	2		1	2
Paint and Body Repair Shops						2		2	1		1			1	2
Parts and Accessories (tires, batteries, etc.)						2		1	1	1	1	2	1	2	
Towing Services										1	3			1	1
Wrecking and Dismantling Yard (*) and Hulk Haulers (*)														3	1
Bail Bonds											1	1	1		
Beauty and Barber Shops					2	1	2	1	1	1	1	1	1	2	
Short Term Rental (*)	2	2	2	2	2			2	2		2	1			
Boats and Marine Accessories						2		2	1		1		1	1	
Butcher Shop						1		1	1		1	2	2	1	
Commercial Services (*)					2	1	2	1	1		1	1	1	2	
Communication Towers (*)	(See YMC Chapter 15.29)														
Convenience Store—Closed 10:00 p.m. to 6:00 a.m.						1	2	1	1	1	1	1	1	2	
Convenience Store—Open 10:00 p.m. to 6:00 a.m.						2		2	2	1	1	2	1	2	
Pet Day Care/Animal Training (*)	2					1		1	1	2	1		1	2	
Farm and Implements, Tools and Heavy Construction Equipment										1	2		3	1	1
Farm Supplies								2	2	1	1		2	1	
Financial Institutions					1	1		1	1	1	1	1	1		
Fuel Oil and Coal Distributors										1	2			1	1
Furniture, Home Furnishings, Appliances						1		1	1	1	1	1	1		
General Hardware, Garden Equipment, and Supplies						2	1	1	1	1	1	1	1	1	
General Retail Sales 12,000 sq. ft. or less (not otherwise regulated) (*)					2	1		1	1	1	1	1	1	3	
General Retail Sales greater than 12,000 sq. ft. (not otherwise regulated) (*)						2		1	1	1	1	1	1	3	
Heating and Plumbing and Electrical Equipment Stores						2		2	1	1	1	1	1		
Heavy Equipment Storage, Maintenance and Repair										1				1	1

Table 4-1. Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Kennels (*)	2													2	2
Laundries, Laundromats and Dry Cleaning Plants						2	2	1	1	1	1	2		1	
Liquor Stores						2		2	1		1	1	1		
Locksmiths and Gunsmiths						1	2	1	1	1	1	2		1	
Lumber Yards								2	1		1			1	1
Marijuana Retail (**)						1		1	1		1	1	1		
Massage Therapy/Spa (*)					1	1	1	1	1	1	1	1	1		
Mobile Vendor	See YMC Ch. 5.57														
Motels and Hotels								2	1	1	1	1	1		
Extended Stay Hotel/Motel*								2	1	2	2	3	3		
Night Clubs/Dance Establishments								2	1		1	1	1	1	
Nursery (*)	2					1		1	1	1	1		1	1	
Offices and Clinics				3	1	1		1	1	1	1	1	1	2	
Office Contractor Building and Trade (Plumbing, Heating, Electrical, and Painting)				3	1	1		1	1	1	1	1	1	1	
Outdoor Advertising (Billboards)	See YMC 15.08.130														
Pawn Broker						2		1	1		1	2	1		
Radio/TV Studio	3				2	2		1	1		1	1		2	
Recycling Drop-Off Center (*)						1		2	2		1	1	1	1	
Rental: Auto, Truck, Trailer, Fleet Leasing Services with Storage					3	2			1	2	1	2	2	1	2
Rental: Heavy Equipment (except automotive) with Storage														1	1
Rental: Heavy Equipment (except automotive) without Storage											1	2	3	2	
Repairs: Small Appliances, TVs, Business Machines, Watches, etc.						1	2	1	1	1	1	2	1	1	
Repairs: Reupholstery and Furniture						1		1	1	1	1	1	1	1	
Repairs: Small Engine and Garden Equipment						2	2	2	1	1	1	2		1	
Restaurant (*)					2	1		1	1	1	1	1	1	1	
Seamstress, Tailor						1	1	1	1	1	1	1	1		
Service Station (*) Closed Between 10:00 p.m. and 6:00 a.m. (*)						2		1	1	1	1	1	1	1	
Service Station (*) Open Between 10:00 p.m. and 6:00 a.m. (*)						3		2	2	1	1	2	1	2	

Table 4-1. Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Shooting Ranges (indoor)								3	3		3	3		1	
Signs, Printed, Painted or Carved						2			2	1	1	2		1	1
Taverns (*) and Bars						1	2	1	1	1	1	1	1	1	
Technical Equipment Sales (*)					2	1	2	1	1	1	1	1	1	1	
Truck Service Stations and Shops											3		2	1	1
Truck (Large), Manufactured Home and Travel Trailer Sales											1		3	1	
Waste Material Processing and Junk Handling (*)														3	1
TRANSPORTATION															
Bus Terminals										1	1	1	1	1	1
Bus Storage and Maintenance Facilities														1	1
Transportation Brokerage (*) Offices, with Truck Parking									2		2			1	1
Contract Truck Hauling, Rental of Trucks with Drivers											1			1	1
Air, Rail, Truck Terminals (for short-term storage, office, etc.)										1		2		1	1
Railroad Switch Yards, Maintenance and Repair Facilities, etc.														1	1
Taxicab Terminals, Maintenance and Dispatching Centers, etc.									3		3			1	
Airport Landing Field										1					
Airport Operations (*)										1					
UTILITIES															
Power Generating Facilities													3	2	1
Utility Services (substations, etc.)	3	3	3	3	3	3		3	3		3			1	1
WHOLESALE TRADE—STORAGE															
Warehouses (*)									3	1	2	2		1	1
Wholesale Trade (*)									2	1	1	2	1	1	1
Storage Facilities, Bulk (*)										1	2			1	1
Storage Facilities, Commercial (*)									3	1	2		3	1	1
Residential Mini-Storage (*)				3		3				1	2		3	1	1
* Refers to a definition in YMC Chapter 15.02 .															
** See YMC 15.09.220 for general development requirements for marijuana uses.															
χ = Not Permitted															
1 = Class (1) Permitted Use															
2 = Class (2) Requires an Administrative Review by the Administrative Official															

Table 4-1. Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
3 = Class (3) Requires a Public Hearing by the Hearing Examiner															

7. Recent Class 2 and 3 applications

Planning Applications regarding the R-3 zone – Submitted Last 5 years:

Class 2 Review	9
Class 3 Review	8
Rezone to R-3	7

Planning Applications - Submitted Last 5 Years								
Permit Type	Project Name	Site Address	Project Description	Land Use	Date Submitted	Permit Number	Parcel Zone	Permit Status
PLN-CL2	CLK PROPERTIES LLC	205 E N ST	Proposal to replace an existing single-family residence with a four-plex structure in an existing trailer court in the R-3 zoning district.	Multi-Family in existing Trailer Court	08/15/2016	CL2#014-16	R-3	EXPIRED
PLN-CL2	RACQUET LANE TOWNHOMES LLC	2600 RACQUET LN	Proposal to construct approximately 73 townhouses on a 5.2 acre parcel with 184 parking spaces in the R-3 zoning district.	Townhouses - Common Wall	05/24/2017	CL2#012-17	R-3	CONDITIONS OUTSTANDING
PLN-CL2	KATHY GONZALEZ	1613 MCKINLEY AVE	Proposal to expand an existing in-home family daycare into a daycare center in the R-3 zoning district, and adjustment to the number of parking spaces allowed to back onto a road from the zoning ordinance standard of a maximum of 3 spaces to a proposed standard of 5 spaces for this business.	Daycare	10/09/2017	CL2#023-17	R-3	APPROVED (PLN)
PLN-CL2	ANGELA CASTRO / LAKE ASPEN APARTMENTS 1 LLC	1800 RIVER ROAD #78	Proposed home occupation to establish a home contractor business in the R-3 zoning district.	Home Contractor (Note this is now a Class 1 Use)	07/27/2018	CL2#017-18	R-3	APPROVED (PLN)
PLN-CL2	JUAN PIÑON	805 N 16TH AVE	Proposal to convert an existing single-family home in the R-3 zoning district into a duplex.	Converted Dwelling	02/01/2019	CL2#006-19	R-3	APPROVED (PLN)
PLN-CL2	CARLOS SOTELO	309 1/2 S 8TH AVE	Proposed home occupation in the R-3 zoning district for a home contractor.	Home Contractor (Note this is now a Class 1 Use)	04/08/2019	CL2#013-19	R-3	APPROVED (PLN)
PLN-CL2	MERRI ACRES MOBILE HOME PARK	1418 HATHAWAY ST	Proposal to convert 5 existing RV spaces in the Merri Acres Mobile Home Park in the R-3 zoning district into single-wide manufactured home spaces, create a double-wide manufactured home space, improve access into this portion of the park, and adjust the front yard setback from Hathaway St from the required 20 ft to a proposal of 14 ft on the west side of the driveway approach and 15 ft on the east side of the driveway approach.	Mobile Home Park Expansion	04/24/2019	CL2#017-19	R-3	APPROVED (PLN)
PLN-CL2	CARRIAGE HILL ESTATES LLC	802 N 40TH AVE	Proposal to expand a manufactured home park in the R-3 zoning district by 6 spaces suitable for single or double-wide manufactured homes.	Mobile Home Park Expansion	11/13/2019	CL2#036-19	R-3	CONDITIONS OUTSTANDING
PLN-CL2	POWERHOUSE RD MOBILE COURT LLC	4601 POWERHOUSE RD	Proposal to expand the existing Powerhouse Road Mobile Court in the R-3 zoning district by 25 additional units and 63 additional parking spaces.	Mobile Home Park Expansion	11/27/2019	CL2#037-19	R-3	CONDITIONS OUTSTANDING
PLN-CL3	HEAR ME NOW LLC	1111 N 35TH AVE	Proposal to construct a 9,233 sq ft professional office building with 49 parking spaces in the R-3 zoning district.	Office/Clinic	05/18/2017	CL3#007-17	R-3	APPROVED (PLN)
PLN-CL3	GAIL BUCHANAN	408 S 88TH AVE	Proposal to change the zoning of a 1.78 acre parcel from Single-Family Residential (R-1) to Multifamily Residential (R-3), and proposal to construct a 31,810 sq ft indoor residential storage facility.	Residential Mini Storage	09/28/2017	CL3#009-17	R-3	APPROVED (PLN)
PLN-CL3	DIEP MILLER	513 W WASHINGTON AVE	Proposal to change the zoning of one 1.15 acre parcel from Two-Family Residential (R-2) to Multifamily Residential (R-3), and proposal to convert two of the three adult family homes on site to medical clinics.	Office/Clinic	10/20/2017	CL3#010-17	R-3	APPROVED (PLN)
PLN-CL3	ADIL KHAN	411 N 18TH AVE	Proposal to construct a 1,536 sq ft residential mini-storage facility with 24 units in the R-3 zoning district, and proposal to adjust the lot coverage standard from 80% per the zoning ordinance to a new standard of 91% for this property.	Residential Mini Storage	06/25/2018	CL3#002-18	R-3	APPROVED (PLN)
PLN-CL3	TRIUMPH TREATMENT SERVICES	600 SUPERIOR LN	Proposal to rezone one parcel (approx. 0.21 acres) from Two-Family Residential (R-2) to Multi-Family Residential (R-3) to be used as a childcare play area and open space for the Triumph Treatment Center campus lying directly west in the R-3 zoning district. The proposal also includes construction of a 13,000 sq ft campus building with 15 new parking spaces for childcare, counselor offices, a multi-purpose dining room, and a commercial kitchen, and a request to exceed the maximum 24-ft roof height condition in the 1998 Hearing Examiner decision for this campus development to a maximum of 35 ft.	Office/Clinic	03/15/2019	CL3#002-19	R-3	APPROVED (PLN)
PLN-CL3	KAZA LLC	1104 - 1106 N 35TH AVE	Proposal to construct a multi-tenant office building, to be built up to 8,000 sq ft, with 42 parking spaces in the R-3 zoning district, and adjust the rear yard setback from a required 15 ft to a proposed 10 ft.	Office/Clinic	04/26/2019	CL3#004-19	R-3	APPROVED (PLN)

PLN-CL3	BRUCE MOORER	1105 N 35TH AVE	Proposal to construct an 8,500 sq ft building for offices/clinics in the R-3 zoning district. The proposal also includes adjustment of the following standards: adjust the rear-yard setback standard from a requirement of 15 ft to a proposal of 10 ft, and waive the requirement that groups of 3 or more parking spaces be served by a driveway so that no vehicular backing/maneuvering movement will occur within a public right-of-way other than an alley.	Office/Clinic	06/13/2019	CL3#007-19	R-3	APPROVED (PLN)
PLN-CL3	KAZA LLC	1104 N 35TH AVE	Proposal to install two signs that will exceed the maximum sign area allowed from the zoning ordinance standards of 0 sq ft for wall signs in residential zones to a proposed standard of approximately 138.75 sq ft for two wall signs for a previously approved multi-tenant office building in the R-3 zoning district.	Sign Adjustment for Permitted Office/Clinic	02/05/2020	CL3#001-20	R-3	APPROVED (PLN)
PLN-RZ	COTTONWOOD PARTNERS LLC	2309 S 64TH AVE	Change the Future Land Use map designation for two parcels from Low-density Residential and Medium-density Residential to High-density Residential and change the zoning from Single-family Residential (R-1) and Two-family Residential (R-2) to Multi-family Residential (R-3).	Non Project	04/30/2015	RZ#007-15	R-3	APPROVED (PLN)
PLN-RZ	GAIL BUCHANAN	408 S 88TH AVE	Proposal to change the zoning of a 1.78 acre parcel from Single-Family Residential (R-1) to Multifamily Residential (R-3), and proposal to construct a 31,810 sq ft indoor residential storage facility.	Residential Mini Storage - See CL3#009-17	09/28/2017	RZ#003-17	R-3	APPROVED (PLN)
PLN-RZ	DIEP MILLER	513 W WASHINGTON AVE	Proposal to change the zoning of one 1.15 acre parcel from Two-Family Residential (R-2) to Multifamily Residential (R-3), and proposal to convert two of the three adult family homes on site to medical clinics.	Office/Clinic - See CL3#010-17	10/20/2017	RZ#004-17	R-3	APPROVED (PLN)
PLN-RZ	WEST VALLEY NURSING HOMES INC	S 85TH AVE & OCCIDENTAL RD	Retain the Future Land Use map designation for five parcels of Mixed Residential and zoning designation of Multi-family Residential (R-3) previously approved through CPA#006-12, RZ#006-12, and a property use and development agreement executed by City Council which limited development of the property to multi-family senior living and senior care residential facilities. The property owner wishes to explore additional housing opportunities, including but not limited to, senior living/senior care land use and therefore proposes to vacate the property use and development agreement to allow for other multi-family uses.	Non Project	04/30/2018	RZ#006-18	R-3	APPROVED (PLN)
PLN-RZ	SQUIRE-INGHAM CO	5231 W POWERHOUSE RD	Non-project rezone consisting of three parcels totaling approximately 43 acres from Two-Family Residential (R-2) to Multi-Family Residential (R-3).	Non Project	10/19/2018	RZ#010-18	R-3	APPROVED (PLN)
PLN-RZ	TRIUMPH TREATMENT SERVICES	600 SUPERIOR LN	Proposal to rezone one parcel (approx. 0.21 acres) from Two-Family Residential (R-2) to Multi-Family Residential (R-3) to be used as a childcare play area and open space for the Triumph Treatment Center campus lying directly west in the R-3 zoning district. The proposal also includes construction of a 13,000 sq ft campus building with 15 new parking spaces for childcare, counselor offices, a multi-purpose dining room, and a commercial kitchen, and a request to exceed the maximum 24-ft roof height condition in the 1998 Hearing Examiner decision for this campus development to a maximum of 35 ft.	Office/Clinic - See CL3#002-19	03/15/2019	RZ#001-19	R-3	APPROVED (PLN)
PLN-RZ	LES HEIMGARTNER	8014 OCCIDENTAL RD	Change the Future Land Use map designation for one parcel from Low Density Residential to Mixed Residential, and concurrent rezone from Single-Family Residential (R-1) to Multifamily Residential (R-3).	Non Project	04/28/2020	RZ#002-20	R-1	APPROVED (PLN)



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

NOTICE OF PUBLIC HEARING

DATE: March 2, 2021
TO: SEPA Reviewing Agencies, Applicant, and Interested Parties
FROM: Joan Davenport, AICP, Community Development Director
SUBJECT: Yakima Planning Commission – R-3 Moratorium

PROJECT DESCRIPTION Planning Commission Consideration of Class (2) and (3) uses in the Multifamily Residential (R-3) zoning district, in accordance with ORD 2020-030 which established a moratorium on Class (2) and (3) uses in the R-3 zone.

NOTICE OF PUBLIC HEARING The public hearing before the Planning Commission has been scheduled for **Wednesday, March 24, 2021**, beginning at **3:00 p.m.** Due to the COVID-19 pandemic, the hearing will not be held in the City Hall Council Chambers, but will be held virtually via Zoom. Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony.

IF YOU WOULD LIKE TO ATTEND THIS VIRTUAL MEETING TO LISTEN AND/OR TESTIFY, PLEASE REGISTER WITH YOUR NAME AND EMAIL ADDRESS IN ADVANCE HERE:

[://cityofyakima.zoom.us/webinar/register/WN_mSNLHqwqSk-tmlhxOU1okA](https://cityofyakima.zoom.us/webinar/register/WN_mSNLHqwqSk-tmlhxOU1okA)

After registering, you will receive emailed instructions for joining the meeting online with your device or by calling in.

View the Hearing Online by Zoom: To join the meeting, click the link in the confirmation email that you received after registering. All attendees will be muted upon entry. If you wish to speak during the public hearing, use the “raise your hand” feature. When it is your turn to speak, the host will unmute you. A message will appear on your screen, and you will need to select “unmute.” You should announce your name and mailing address for the record prior to making your comments. Once you are finished with your comments, the host will mute you.

Listen to the Hearing by Phone: You may call any of the phone numbers listed in the confirmation email that you received after registering. You will need to enter the meeting ID and password when prompted. All attendees will be muted upon entry. If you wish to speak during the public hearing, press *9 on your phone to “raise your hand.” When it is your turn to speak, you will hear an automated announcement indicating your phone has been unmuted and you can now be heard by all participating in the meeting. You should announce your name and mailing address for the record prior to making your comments. Once you are finished with your comments, the host will mute you and you will hear an automated announcement indicating your phone has been muted.

NOTICE OF RECOMMENDATION Following the public hearing, the Planning Commission will issue its recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice.

The file containing the complete application is available for public review at the City of Yakima Planning Division, City Hall – 2nd Floor, 129 N. 2nd St., Yakima, WA. If you have questions regarding this proposal, please call Joseph Calhoun, Planning Manager, at (509) 575-6042, or email to: [.calhoun@yakimawa.gov](mailto:calhoun@yakimawa.gov).



DEPARTAMENTO DE DESARROLLO COMUNITARIO

Joan Davenport, AICP, Directora

Division de Planificación

Joseph Calhoun, Gerente

129 Norte Calle 2ª, 2º Piso, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

AVISO DE AUDIENCIA PÚBLICA

FECHA: 2 de marzo, 2021
PARA: Agencias de Revisión Ambiental, Solicitante y Personas Interesadas
DE: Joan Davenport, AICP, Directora de Desarrollo Comunitario
ASUNTO: Comisión de Planificación de Yakima – Moratoria de Desarrollo Multi-Familiar R-3

DESCRIPCIÓN DEL PROYECTO: Consideración de la Comisión de Planificación de los usos de revisión Clase 2 y Clase 3 en la zona Residencial Multifamiliar (R-3), de acuerdo con la ordenanza ORD#2020-030 que estableció una moratoria sobre los usos de Clase 2 y 3 en las zona residencial R-3.

AVISO DE AUDIENCIA PÚBLICA: Una audiencia pública ante la Comisión de Planificación ha sido programada para el **miércoles 24 de marzo, 2021 comenzando a las 3:00 p.m.** Debido a la pandemia de COVID-19, la audiencia no se llevará a cabo en la Sala del Concejo Municipal, sino que será programada virtualmente usando la plataforma Zoom. Se le invita a cualquier persona que desee expresar sus opiniones sobre este caso a asistir a la audiencia pública o a presentar comentarios por escrito.

SI DESEA ASISTIR A ESTA REUNIÓN VIRTUAL PARA ESCUCHAR Y/O TESTIFICAR, REGÍSTRESE POR ADELANTADO CON SU NOMBRE Y CORREO ELECTRÓNICO AQUÍ:

[://cityofyakima.zoom.us/webinar/register/WN_mSNLHqwgSk-tmlhxOU1okA](https://cityofyakima.zoom.us/webinar/register/WN_mSNLHqwgSk-tmlhxOU1okA)

Después de registrarse, recibirá instrucciones por correo electrónico para ingresar en línea con su dispositivo o llamando por teléfono.

Ver la audiencia pública en línea por Zoom: Para ingresar a la reunión, haga clic en el enlace ubicado en el correo electrónico de confirmación que recibió al registrarse. Todos los participantes serán silenciados al ingresar. Si desea hablar durante la audiencia pública, use la función para “levantar la mano”. Cuando sea su turno de hablar, el anfitrión desactivará el silenciador. Un mensaje aparecerá en su pantalla y seleccione la opción “unmute”. Debe anunciar su nombre y dirección postal para el registro antes de hacer sus comentarios. Una vez haya terminado sus comentarios, el anfitrión lo silenciará.

Escuche la audiencia pública por teléfono: Puede llamar a cualquiera de los números telefónicos ubicados en el correo electrónico de confirmación que recibió al registrarse. Deberá ingresar el ID y la contraseña de la reunión cuando se lo solicite. Todos los participantes serán silenciados al ingresar. Si desea hablar durante la audiencia pública, presione *9 en su teléfono para “levantar la mano”. Cuando sea su turno de hablar, escuchará un anuncio automatizado indicando que el audio de su teléfono ha sido activado y todos los participantes pueden escucharlo. Debe anunciar su nombre y dirección postal para el registro antes de hacer sus comentarios. Una vez haya terminado sus comentarios, el anfitrión lo silenciará y escuchará un anuncio automatizado indicando que su teléfono ha sido silenciado.

AVISO DE LA RECOMENDACIÓN: Después de la audiencia pública, la Comisión de Planificación de Yakima emitirá su recomendación dentro de diez (10) días hábiles. Cuando la recomendación final sea emitida, una copia será enviada a las personas que mandaron comentarios o que recibieron este aviso.

El archivo que contiene la aplicación completa está disponible para inspección pública en la Oficina de Planificación de la Ciudad de Yakima en el 129 al Norte la Calle 2da, Yakima, WA.

Si tiene cualquier pregunta sobre esta propuesta, puede contactar a la Oficina de Planificación al (509) 575-6183 o por correo electrónico al: [.planning@yakimawa.gov](mailto:planning@yakimawa.gov)

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.



Patricia Byers, Mayor

ATTEST:

By *Sonya Claar Tee*
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



**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No. 9.
For Meeting of: November 17, 2020

ITEM TITLE: Ordinance adopting the City Council's decision on the Comprehensive Plan Amendment (CPA#001-20) and concurrent Rezone (RZ#002-20) request by Les Heimgartner for property at 8014 Occidental Rd

SUBMITTED BY: Joan Davenport, AICP, Community Development Director
Joseph Calhoun, Planning Manager
Trevor Martin, Associate Planner (509) 575-6162

SUMMARY EXPLANATION:

The Yakima City Council held an open record public hearing on November 2, 2020, to consider the Yakima Planning Commission's (YPC) recommendation on this request. Following the public hearing, the City Council made a motion to deny the request, which passed 5-1. The attached Ordinance sets forth the City Council's decision.

ITEM BUDGETED: NA

STRATEGIC PRIORITY: Neighborhood and Community Building

APPROVED FOR SUBMITTAL BY THE CITY MANAGER

RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Ordinance	11/5/2020	Ordinance

ORDINANCE NO. 2020-

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.

Patricia Byers, Mayor

ATTEST:

By _____
Sonya Claar Tee, City Clerk

Effective Date:

Publication Date:

Ordinance Approved by Unanimous Vote
of Council Members: