

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE** amending the Future Land Use Map and Zoning Map of the City of Yakima for a portion of parcel 181321-13468 as follows: Future Land Use Map from Mixed Residential to Community Mixed-Use and Zoning Map from Two-Family Residential (R-2) to Local Business (B-2)

**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**, on March 16, 2004, the City Council enacted Ch. 16.10 YMC to provide procedures and criteria for amending and updating the Yakima Urban Area Comprehensive Plan; and

**WHEREAS**, on January 19, 2021, the City Council adopted Resolution No. R-2021-009 to open the Comprehensive Plan Amendment process for 2021; and

**WHEREAS**, on April 27, 2021, Yakima Valley Farmworkers Clinic submitted applications for Comprehensive Plan Amendment, Rezone, and Environmental Review (CPA#002-21, RZ#002-21, SEPA#012-21) requesting to change the Future Land Use Map designation for a portion of parcel 181321-13468, which is legally described in Exhibit "B" attached hereto and incorporated herein by this reference, from Mixed Residential to Community Mixed Use and to concurrently rezone from Two-Family Residential (R-2) to Local Business (B-2); and

**WHEREAS**, The applications were considered complete for processing on June 4, 2021 and public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on June 25, 2021, and July 22, 2021; and

**WHEREAS**, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on July 22, 2021, which was not appealed; and

**WHEREAS**, The City of Yakima Planning Commission (YPC) held a study session to review this Comprehensive Plan Amendment and Rezone on July 14, 2021; and

**WHEREAS**, after proper notice, on August 11, 2021, 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 unanimously recommended approval of the proposal; and

**WHEREAS**, the YPC recommendation and findings was signed by the Chair on August 25, 2021, a copy of which is found in Exhibit "A" attached hereto and incorporated herein by this reference; 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 1, 2021, 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, the comments received at the public hearing held November 1, 2021, hereby finds and determines that approval of the requested CPA and Rezone is in the best interest of residents and the City of Yakima and will 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 adopts the August 11, 2021 findings, conclusions, and recommendation of the Yakima Planning Commission for CPA#002-21 and RZ#002-21. A copy of said recommendation is attached as Exhibit "A".

**Section 2.**     Any and all official Zoning, Future Land Use, or similar maps shall be amended to reclassify the subject real properties set forth herein consistent with the above sections of this Ordinance.

**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 16<sup>th</sup> day of November, 2021.

ATTEST:

\_\_\_\_\_  
Patricia Byers, Mayor

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

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**Exhibit "A"**  
**YPC 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#002-21, RZ#002-21**

**August 11, 2021**

**WHEREAS,** The City of Yakima adopted the Yakima Comprehensive Plan 2040 on 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 27, 2021 applications for Comprehensive Plan Amendment and Rezone were submitted by Yakima Valley Farmworkers Clinic., to amend the Comprehensive Plan Future Land Use Map Designation from Mixed Residential to Community Mixed-Use, and to concurrently rezone from Two-Family Residential (R-2) to Local Business District (B-2), a portion of parcel 181321-13469 (City File CPA#002-21, RZ#002-21); and

**WHEREAS,** The applications were considered complete for processing on June 4, 2021 and public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on June 25, 2021, and July 22, 2021; and

**WHEREAS,** SEPA Environmental Review was completed with a Determination of Nonsignificance issued on July 22, 2021, which was not appealed (City File SEPA#012-21); and

**WHEREAS,** The YPC held a study session to review this Comprehensive Plan Amendment and Rezone on July 14, 2021; and

**WHEREAS,** The Yakima Planning Commission held an open record public hearing on August 11, 2021 to hear testimony from the public, consider the Amendment and Rezone, and provide a recommendation to the Yakima City Council;

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**Now therefore, the Yakima City Planning Commission presents the following findings of fact, conclusions, and recommendation to the Yakima City Council:**

**APPLICATION #** CPA#002-21, RZ#002-21  
**APPLICANT:** Yakima Valley Farmworkers Clinic  
**APPLICANT ADDRESS:** 604 W. 1<sup>ST</sup> Ave. Toppenish, WA 98948  
**PROJECT LOCATION:** 5109 Summitview Ave.  
**PARCEL(S):** 181321-13469

#### **FINDINGS OF FACT**

1. The applicant requests to amend the Comprehensive Plan Future Land Use Map designation from Mixed Residential to Community Mixed-Use and to concurrently rezone from Two-Family Residential (R-2) to Local Business District (B-2).
2. The subject parcel is approximately 9.93 acres in size, but the area subject to the rezone is .46 acres in size, and is surrounded by vacant, single family, and multifamily uses.
3. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during their August 11, 2021 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 project is being processed to facilitate the creation of a single contiguous zoning boundary.
  - b. The Community Mixed-Use 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 is better suited for industrial development as opposed to commercial use. The total acreage of this proposal will remove .46 acres of Low Density Residential land. However, examining all proposals for the previous cycles since 2018, the net impact is an increase of 3.29 acres of Community Mixed-Use land and a 1.84 acre increase of Mixed Residential land.
5. The proposed Rezone from Two-family Residential (R-2) to Local Business District (B-2) 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 B-2 zoning district and will facilitate a single contiguous zoning district.
  - c. The B-2 zoning district is an implementing zone of the Community Mixed-Use 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.
  - f. The public need for this Rezone is to create more land for commercial development.

#### **CONCLUSIONS**

1. The Amendment and Rezone are minor in nature;
2. No adverse impacts have been identified;
3. No written comments or testimony was received in opposition to the request;
4. This proposal underwent Environmental Review;
5. The proposed Comprehensive Plan Future Land Use Map Amendment from Mixed Residential to Community Mixed-Use and to concurrently rezone from Two-Family



Residential (R-2) to Local Business District (B-2) 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 unanimously.

**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 Mixed Residential to Community Mixed-Use and Rezone from Two-Family Residential (R-2) to Local Business District (B-2) for files CPA#002-21 and RZ#002-21.

SIGNED this 25<sup>th</sup> day of August, 2021.

By: \_\_\_\_\_

  
Jacob Liddicoat, Chair  
Yakima Planning Commission

**Exhibit "B"**  
**Legal Description**

That portion of Lot 1 of that Short Plat recorded under Auditor's file Number 8111118, records of Yakima County, Washington, described as follows:

Commencing at the Southwest corner of said Lot 1;

Thence North  $0^{\circ}47'10''$  East along the West line of said Lot 1 a distance of 175.00 feet to the Point of Beginning;

Thence South  $89^{\circ}05'50''$  East 140.00 feet;

Thence North  $0^{\circ}47'10''$  East to the North line of said Lot 1;

Thence Westerly along said North line and its westerly extension to a point on said West line of Lot 1, said point being 144.00 feet North of the Point of Beginning;

Thence Southerly along said West line to the Point of Beginning.