

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

**AN ORDINANCE** amending the Future Land Use Map and Zoning Map of the City of Yakima for Parcel 181329-42428 as follows: Future Land Use Map from Low Density Residential to Commercial Mixed Use and Zoning Map from Single-Family Residential (R-1) to Large Convenience Center (LCC)

**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 30, 2021, Digital Design and Development, on behalf of Casey and Shawna Gamache, submitted applications for Comprehensive Plan Amendment, Rezone, and Environmental Review (CPA#007-21, RZ#007-21, SEPA#017-21) requesting to change the Future Land Use Map designation for parcel 181329-42428, which is legally described in Exhibit "B" attached hereto and incorporated herein by this reference, from Low Density Residential to Commercial Mixed Use and to concurrently rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC); 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 25, 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 recommended approval of the proposal 3-1; and

**WHEREAS**, the YPC recommendation and findings was signed by the Chair on September 8, 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 25, 2021 findings, conclusions, and recommendation of the Yakima Planning Commission for CPA#007-21 and RZ#007-21. 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#007-21, RZ#007-21**

**August 25, 2021**

**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 30, 2021 applications for Comprehensive Plan Amendment and Rezone were submitted by Digital Design and Development, on behalf of Casey and Shawna Gamache, to amend the Comprehensive Plan Future Land Use Map Designation from Low Density Residential to Commercial Mixed Use, and concurrently Rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC), parcel 181329-42428 (City File CPA#007-21, RZ#007-21); and

**WHEREAS**, The applications were considered complete for processing on June 10, 2021, and public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on June 25, 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#017-21); and

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

**WHEREAS**, The Yakima Planning Commission held an open record public hearing August 25, 2021 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#007-21, RZ#007-21  
**APPLICANT:** Digital Design and Development, on behalf of Casey and Shawna Gamache  
**APPLICANT ADDRESS:** 1909 W Lincoln Ave, Ste #1; Yakima, WA; 98902  
**PROJECT LOCATION:** 1103 S 72<sup>nd</sup> Ave  
**PARCEL(S):** 181329-42428

**FINDINGS OF FACT**

1. The applicant requests to amend the Comprehensive Plan Future Land Use Map designation from Low Density Residential to Commercial Mixed Use with a concurrent Rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC).
2. The subject parcel is approximately 0.35 acres in size and is surrounded by residential uses to the south and east, and commercial/service land uses to the north and west.
3. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during their August 25, 2021 public hearing, with the recommendation of DENIAL 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 corner lot. There are limited options for development under the current Low-Density Residential category. The proposed Commercial Mixed-Use designation and subsequent land use process will promote future development on an otherwise challenging parcel.
  - b. The Commercial 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 as this is a small corner lot. Future land use process will allow additional public input.
5. The proposed Rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC) is consistent with the applicable approval criteria in YMC § 15.23.030, as follows:
  - a. There was no testimony presented at the public hearing, other than from the applicant's representative. Several comment letters were received during the comment period which raised concerns about potential commercial development and the impact on the adjacent neighborhood.
  - b. The property is suitable for uses within the LCC zoning district.
  - c. The LCC zoning district is an implementing zone of the Commercial 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. 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 commercial development and to provide more options on a corner lot that has been vacant for many years.

### **CONCLUSIONS**

1. The Amendment and Rezone are minor in nature;
2. No adverse impacts have been identified which cannot be mitigated during a future project-specific review;
3. No verbal comments were received during public testimony. Written comments received during the comment period were considered and discussed during the public hearing.
4. This proposal underwent Environmental Review;
5. The proposed Comprehensive Plan Future Land Use Map Amendment from Low Density Residential to Commercial Mixed Use with a concurrent Rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC) 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 deny the Planning Division's recommendation of denial, draft findings of fact in support of the proposal, and forward a recommendation of approval to the Yakima City Council. The motion carried 3-1. Liddicoat abstained.

### **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 Commercial Mixed Use and Rezone from Single-Family Residential (R-1) to Large Convenience Center (LCC) for files CPA#007-21 and RZ#007-21.

SIGNED this 8<sup>th</sup> day of September, 2021.

By: 

**Jacob Liddicoat, Chair  
Yakima Planning Commission**

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

West Valley Acres Lot 1, Except N & W County Road R/W