

ORDINANCE NO. 2022-_____

AN ORDINANCE amending the Future Land Use Map of the City of Yakima for parcels 181322-42486, 42487, 42488, 42489, 42492 from Low Density Residential to Community Mixed-Use

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 18, 2022, the City Council adopted Resolution No. R-2022-011 to open the Comprehensive Plan Amendment process for 2022; and

WHEREAS, on April 28, 2022, the City of Yakima Planning Division submitted applications for Comprehensive Plan Amendment and Environmental Review (CPA#001-22, SEPA#011-22) requesting to change the Future Land Use Map designation for parcels 181322-42486, 42487, 42488, 42489, 42492 from Low Density Residential to Community Mixed-Use; and

WHEREAS, Public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on June 10, 2022, and July 13, 2022; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on July 13, 2022, which was not appealed; and

WHEREAS, The City of Yakima Planning Commission (YPC) held a study session to review this Comprehensive Plan Amendment on July 27, 2022; and

WHEREAS, after proper notice, on August 10, 2022, the Yakima Planning Commission (YPC) heard the staff presentation regarding the proposed CPA, held a public hearing, considered the public testimony; and,

WHEREAS, pursuant to the approval criteria set forth in YMC § 16.10.040, the YPC unanimously recommended approval of the proposal; and

WHEREAS, the YPC recommendation and findings was signed by the Vice-Chair on August 24, 2022, 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 October 4, 2022, to receive public comments on the Planning Commission’s recommended findings on the proposed CPA; 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 October 4, 2022, hereby finds and determines that approval of the requested CPA 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 10, 2022 findings, conclusions, and recommendation of the Yakima Planning Commission for CPA#001-22. A copy of said recommendation is attached as Exhibit “A”.

Section 2. Any and all official 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 18th day of October, 2022.

ATTEST:

Janice Deccio, 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

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

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

YAKIMA PLANNING COMMISSION

**RECOMMENDATION TO THE YAKIMA CITY COUNCIL
FOR
COMPREHENSIVE PLAN AMENDMENT
CPA#001-22**

August 10, 2022

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 29, 2022 the application for Comprehensive Plan Amendment was submitted by the City of Yakima Planning Division., to amend the Comprehensive Plan Future Land Use Map Designation from Low Density Residential to Community Mixed-Use for parcels 181322-42486, 42487, 42488, 42489, 42492 (City File CPA#001-22); and

WHEREAS, Public notice was provided for the application and public hearing, in accordance with the provisions of YMC Ch. 16.10, on June 10, 2022, and July 13, 2022; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on July 13, 2022, which was not appealed (City File SEPA#011-22); and

WHEREAS, The YPC held a study session to review this Comprehensive Plan Amendment on July 27, 2022; and

WHEREAS, The Yakima Planning Commission held an open record public hearing on August 10, 2022 to hear testimony from the public, consider the Amendment, and provide a recommendation to the Yakima City Council;

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

APPLICATION # CPA#001-22
APPLICANT: City of Yakima Planning Division
APPLICANT ADDRESS: 129 N 2nd St, Yakima, WA 98901
PROJECT LOCATION: Vicinity of N 40th and Summitview Avenues
PARCEL(S): 181322-42486, 42487, 42488, 42489, 42492

FINDINGS OF FACT

1. The applicant requests to amend the Comprehensive Plan Future Land Use Map designation from Low Density Residential to Community Mixed-Use.
2. The subject parcels are approximately 2.89 acres in size, and are surrounded by commercial and residential uses.
3. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during their August 10, 2022 public hearing, with the recommendation of APPROVAL of the proposed amendment.
4. The proposed Comprehensive Plan Amendment is consistent with the applicable approval criteria in YMC § 16.10.040, as follows:
 - a. The purpose of this request is to allow greater flexibility to redevelop land and expand an existing commercial area. The intersection of 40th and Summitview is already commercial in nature. The three existing homes on 40th compound traffic at the intersection and have non-conforming driveways. Redevelopment of this corner will promote safer access to the arterial street system.
 - 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 commercial development as opposed to residential use. The total acreage of this proposal will remove 2.89 acres of Low Density Residential land. The total reduction of Low Density Residential since 2018 is 11.04 acres. Even with this reduction, the City of Yakima still has sufficient Low Density Residential land to meet growth targets.

CONCLUSIONS

1. The Amendment is minor in nature;
2. No adverse impacts have been identified;
3. No written comments or testimony was received in opposition to the request which cannot be mitigated during a future development phase;
4. This proposal underwent Environmental Review;
5. The proposed Comprehensive Plan Future Land Use Map Amendment from Low Density Residential to Community Mixed-Use and to concurrently 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 Low Density Residential to Community Mixed-Use for file CPA#001-22.

SIGNED this 24th day of August, 2022

By: Lisa K. Wallace
for Jacob Liddicoat, Chair - Vice
Yakima Planning Commission