

ORDINANCE NO. 2023-

AN ORDINANCE amending the Future Land Use Map and Zoning Map of the City of Yakima for parcel 181315-14472 as follows: Future Land Use Map from Mixed Residential to Commercial Mixed-Use and Zoning Map from Multi-Family Residential (R-3) to General Commercial (GC).

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 17, 2023, the City Council adopted Resolution No. R-2023-012 to open the Comprehensive Plan Amendment process for 2023; and

WHEREAS, on February 27, 2023, Allen Opfer, on behalf of Lloyd Butler DO and David Oplinger / Hear Me Now LLC submitted applications for Comprehensive Plan Amendment, Rezone, and Environmental Review (CPA#001-23, RZ#001-23, SEPA#001-23) requesting to change the Future Land Use Map designation for parcel 181315-14472, which is legally described in Exhibit "B" attached hereto and incorporated herein by this reference, from Mixed Residential to Commercial Mixed-Use and to concurrently rezone from Multi-Family Residential (R-3) to General Commercial (GC); and

WHEREAS, the applications were considered complete for processing on May 26, 2023 and public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on June 13, 2023, and July 28, 2023; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on July 22, 2023, 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 June 28, 2023; and

WHEREAS, after proper notice, on August 23, 2023, 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 24, 2023, 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 3, 2023, 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 October 3, 2023, 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 24, 2023 findings, conclusions, and recommendation of the Yakima Planning Commission for CPA#001-23 and RZ#001-23. 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 17th day of October, 2023.

ATTEST:

Janice Deccio , Mayor

Rosalinda Ibarra, City Clerk

Publication Date: October 20, 2023

Effective Date: November 19, 2023



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 AND REZONE
CPA#001-23, RZ#001-23**

August 23, 2023

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 February 27, 2023 applications for Comprehensive Plan Amendment and Rezone were submitted by Allen Opfer, on behalf of Lloyd Butler DO and David Oplinger / Hear Me Now LLC, to amend the Comprehensive Plan Future Land Use Map Designation from Mixed Residential to Commercial Mixed-Use, and concurrently Rezone from Multifamily Residential (R-3) to General Commercial (GC), parcel 181315-14472 (City File CPA#001-23, RZ#001-23); and

WHEREAS, The applications were considered complete for processing on May 26, 2023, and public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on June 13, 2023; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on July 28, 2023, which was not appealed (City File SEPA#001-23); and

WHEREAS, The YPC held a study session to review this Comprehensive Plan Amendment and Rezone June 28, 2023; and

WHEREAS, The Yakima Planning Commission held an open record public hearing August 23, 2023 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#001-23, RZ#001-23
APPLICANT: Allen Opfer, on behalf of Lloyd Butler DO and David Oplinger / Hear Me Now LLC
APPLICANT ADDRESS: 1320 N 16th Ave, Suite C; Yakima, WA; 98902
PROJECT LOCATION: 1111 N 35th Ave
PARCEL(S): 181315-14472

FINDINGS OF FACT

1. The applicant requests to amend the Comprehensive Plan Future Land Use Map designation from Mixed Residential to Commercial Mixed-Use with a concurrent Rezone from Multifamily Residential (R-3) to General Commercial (GC).
2. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during their August 23, 2023 public hearing, with the recommendation of APPROVAL of the proposed amendment and rezone.
3. 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 additional uses on the subject property. N 35th Avenue is built-out with office type uses, a Class (3) use in the R-3 zoning district. Changing this parcel to Commercial Mixed-Use will allow for the concurrent Rezone to GC.
 - b. 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.
 - c. The proposed amendment from Mixed Residential to Commercial Mixed-Use is consistent with the applicable criteria found in YMC § 16.10.040
4. The proposed Rezone from Multifamily Residential (R-3) to General Commercial (GC) 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 GC zoning district.
 - c. The GC 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.
 - f. The public need for this Rezone is to enable additional land uses on a property already developed for commercial tenants.

CONCLUSIONS

1. The Amendment and Rezone are minor in nature;
2. No adverse impacts have been identified;
3. No written or verbal comments were received during public testimony.
4. This proposal underwent Environmental Review;
5. The proposed Comprehensive Plan Future Land Use Map Amendment from Mixed Residential to Commercial Mixed-Use with a concurrent Rezone from Multifamily Residential (R-3) to General Commercial (GC) 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 Commercial Mixed-Use with a concurrent Rezone from Multifamily Residential (R-3) to General Commercial (GC) for files CPA#001-23 and RZ#001-23.

SIGNED this 24th day of August, 2023.

By:



Jacob Liddicoat, Chair
Yakima Planning Commission

Exhibit "B"
Legal Description

Section 15 Township 13 Range 18 NE Quarter: SP 7207996 Lot 2