

ORDINANCE NO. 2018-____

AN ORDINANCE rezoning parcel 181313-22010 from Large Convenience Center (LCC) to Light Industrial (M-1) and amending the Zoning Map of the City of Yakima.

WHEREAS, on December 11, 2017, Bill Hordan, on behalf of Supercold LLC, submitted an application requesting the zoning classification of parcel 181313-22010, located at 1415 River Road, to be rezoned from Large Convenience Center (LCC) to Light Industrial (M-1) on the official zoning map (hereinafter "RZ#006-17"); and

WHEREAS, pursuant to YMC 6.88, the SEPA Administrative Official issued a Determination of Nonsignificance on January 12, 2018; and

WHEREAS, the Future Land Use designation of the subject property is Industrial, which is consistent with the proposed M-1 zoning district; and

WHEREAS, in accordance with YMC 15.23, the Yakima Planning Commission held an open record public hearing on February 14, 2018 to review and consider the rezone request; and

WHEREAS, pursuant to YMC 15.23.030(D), after hearing from the applicant and opening the hearing to public testimony, the Yakima Planning Commission made a recommendation that the requested Rezone be approved, on February 14, 2018; and

WHEREAS, the Yakima Planning Commission issued its written Findings, Conclusion and Recommendation on February 28, 2018; and

WHEREAS, pursuant to YMC 15.23.030(E), on April 3, 2018 a public hearing regarding the rezone request was held before a meeting of the City Council; and

WHEREAS, the City Council evaluated the Planning Commission's Findings, Conclusions and Recommendations, as well as opened the hearing for public comments on the application; and

WHEREAS, the City Council, after deliberation and taking into account public comments and testimony, finds that the Findings, Conclusions, and Recommendations of the Yakima Planning Commission is correct and appropriate, and that the same should be adopted by the City Council as its findings herein; and

WHEREAS, the City Council finds that it is in the best interest of the City and its residents to approve the requested rezone as outlined in the Yakima Planning Commission's Findings, Conclusions and Recommendations; now, therefore

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Subject to the specific terms of this ordinance, the Yakima City Council adopts the February 28, 2018, Findings, Conclusions, and Recommendations of the Yakima Planning Commission for RZ#006-17. A copy of said recommendation is attached as Exhibit "A" and is fully incorporated herein by this reference.

Section 2. Any and all official Zoning or other similar maps shall be amended or modified to reclassify the subject real property set forth herein consistent with the above sections of this ordinance.

Section 3. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the Yakima County Auditor.

Section 4. Severability: 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. 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 3rd day of April, 2018.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____

Exhibit "A"

**CITY OF YAKIMA, WASHINGTON
PLANNING COMMISSION'S FINDINGS, CONCLUSIONS, AND
RECOMMENDATIONS**

February 28, 2018

In the Matter of a Rezone	)	
Application Submitted by:	)	
	)	RZ#006-17
Hordan Planning Services, on behalf of	)	
Super Cold Storage	)	SEPA#035-17
	)	
For a Non-project rezone	)	
Of 1415 River Road	)	
From LCC to M-1	)	

- I. **Summary of Recommendation.** The Yakima Planning Commission recommends **approval** of the proposed rezone, subject to conditions.
- II. **Basis for Recommendation.** Based on a view of the site; consideration of the staff report, exhibits, testimony and other evidence presented at an open record public hearing on February 14, 2018; and a consideration of the applicable zoning ordinance requirements, and the Comprehensive Plan; the YPC makes the following:
- III. **FACTS**
 - A. **Processing.**
 1. The applications for Rezone and Environmental Review were received on December 11, 2017.
 2. The application was determined complete for processing on December 15, 2017.
 3. The application is being processed under YMC Chapter 15.23 for Rezone Review.
 4. Pursuant to YMC Ch. 1.42 and YMC § 15.23.030, The Planning Commission has the authority to hold a public hearing and provide a recommendation to the City Council on a Rezone request.
 5. **Public Notice:** Pursuant to YMC § 15.11.090 and YMC § 16.05.010:
 - a) A Notice of Application, Environmental Review, and Public Hearing was sent to the applicant and adjoining property owners within 300-feet of the subject property on December 20, 2017.

- b) A legal notice was provided in the Yakima Herald Republic on December 20, 2017.
 - c) The subject property was posted with a land use action sign on December 18, 2017.
6. **Environmental Review:** A Notice of Application and SEPA Environmental Review was mailed to SEPA agencies, the applicant, and adjoining property owners within 300 feet of the subject property on December 20, 2017. A SEPA Determination of Nonsignificance (DNS) was issued on January 12, 2018. No appeals have been filed with the City of Yakima Planning Division.

B. Current Zoning and Land Use:

- 1. The subject property is approximately 1.96 acres in size and is zoned Large Convenience Center (LCC). The property contains two residences, a commercial office, storage sheds and an outdoor storage area.

- 2. Adjacent Properties and Land use Characteristics

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	M-1	Vacant, proposed future C.A.
East	LCC	Vacant, proposed future C.A.
South	M-1 (across River Rd)	Electrical Substation/Storage Units
West	M-1	Fueling Station for Commercial Vehicles

- 3. Other Characteristics

- a) Existing Infrastructure:

- i. Streets: The property is currently accessed by River Rd., classified as a Collector Arterial.
- ii. Water and Sewer: The property is served by City of Yakima water and sewer.

C. Statement of Cause - Rezone:

Pursuant to YMC Ch. 15.23, the applicant provided the following paraphrased statements explaining their reasons for the proposed Rezone:

1. How is the subject property suitable for uses permitted under the proposed zoning?

The subject property is well suited for all Light Industrial uses permitted under the proposed zoning M-1 zoning district. The land is flat and is currently served with all necessary infrastructure, transportation facilities and public services. The property has direct access to River Road on the south and has access to both water and sewer on the south and west sides of the property. Access to the state and federal highway system is

located at the north end of North 16th Avenue, which is approximately 2,500 feet to the northwest of the site and easily accessible.

The general area currently has industrial uses located within the neighborhood or planned for the neighborhood. In this instance, the adjoining property located to the north and east is currently under the same ownership (as the subject property). It is the intent of the property owner to construct a controlled atmosphere complex on that property as well as this parcel. The complex is currently being designed and will be submitted to the City for review and the approval at a later date. Property to the west contains a fueling station for commercial vehicles and property to the south contains an electrical substation and storage units. Property to the east and northeast (beyond the combined ownership discussed above) contains Washington Fruit and Produce Company which has been rezoning adjoining properties to M-1 and constructing similar agriculturally related buildings.

The intent behind this rezone is to construct similar type agricultural storage facilities (i.e. controlled atmosphere buildings), as those of Washington Fruit and Produce Company, if the rezone is successful. The proposed rezone is to benefit and compliment an existing storage facility which is under this same ownership located approximately one-half mile to the west (North 20th Ave & River Road). This rezone provides that business the opportunity to cluster their storage facilities in a single area, which helps them coordinate their business in an efficient manner. The project also benefits the City of Yakima by concentrating industrial uses in a single location, which use and require industrial-type infrastructure. The City has provided the necessary infrastructure to this site such as roads, water and sewer and this project will use that infrastructure for its intended use. Additionally, industrial uses like this provide well-paying jobs, which are also desirable for the community.

What is the status of existing land use?

The subject property consists of approximately 2 acres. The property currently contains two residences, a commercial office, storage sheds and an outdoor storage area. All urban services and facilities are available to the property, or can easily be extended to the property as needed.

2. How is the rezone request in compliance with and/or how does the request deviate from the Yakima Urban Area Comprehensive Plan?

*The rezone request is in compliance with the Yakima Urban Area Comprehensive Plan because it meets the intent of the text of the plan as it deals with the Industrial definition. Specifically, the Industrial land use **“designation provides for manufacturing, agricultural processing/storage, and closely related uses.”***

The proposed rezone meets the intent of the “Locational Criteria” of the comprehensive plan because the property is located in an area of active industrial uses that features adequate public utilities and land physically

suited to industrial activities that are buffered from residential or other potentially incompatible uses. Additionally, this development will take advantage of access to Highway 12/I-82 due to its close proximity to those highways.

The comprehensive plan indicates that "Principle uses and density" be industrial, agricultural, research & development, repair, construction businesses, warehouse, and distribution terminals that minimize external impacts to adjacent districts and accessory uses. In this case, the proposed use is an agricultural controlled atmosphere warehouse complex, which meets the intent of the "Principle uses and density" of the comprehensive plan.

The comprehensive plan states that implementing zoning districts for industrially designated land be M-1, M-2, or AS. The proposed zoning district by this application is M-1 which is consistent with the comprehensive plan.

Some select supporting goals and policies for this rezone from the comprehensive plan include:

Goal 2.9 – Industrial & Manufacturing areas. Maintain and promote active use of Industrial lands to promote economic growth.

Policy 2.9.1 – Develop industrial and manufacturing lands that minimize impacts on surrounding land uses, especially residential land uses...

Policy 2.9.2 – Encourage infill and promote efficient utilization of vacant land within areas that are designated for industrial uses.

Policy 2.9.7 – Protect industrial and manufacturing lands from encroachment by other land uses, which would reduce the economic viability of industrial lands.

3. Are there adequate public facilities, such as traffic capacity, sewer services, potable water, storm water drainage, schools, fire, and police services, and other public services and infrastructure existing one and around the subject property?

Yes, there are adequate public facilities to serve this proposal. The property lies north of River Road, a 3-lane hard surfaced collector/arterial. The roadway has adequate capacity for future industrial growth and has been designed with this growth in mind. Access to the site is exceptional and can gain access to other major urban arterials and the highway system with ease. The property is served with all other infrastructure including domestic water, sanitary sewer, electricity, telephone and any other needed utilities. Utilities not adjacent to the site can easily be extended to serve these properties. Additionally, the site is protected by the Yakima Police and Fire Departments.

Are the existing public facilities capable of supporting the most intensive use of the new (requested) zone? If not, what mitigating

measures are going to be implemented to address any short falls in public services that may exist?

Yes, this property can be served with the existing facilities capable of supporting the most intensive uses, as the site is served by a 27-inch waste water main and 12-inch water main. Other smaller (8 inch and 12 inch) water/sewer lines are also located in the immediate area, which ensures adequate fire protection and waste water disposal. If any service or facility deficiency exists in the delivery of services to this property, necessary mitigation will take place by the developer to ensure adequate public services and facilities are in place at his/her/their expense through future SEPA and land use concurrency requirements, upon the development of the property.

4. How is the proposed zone change compatible with the existing neighboring uses?

The proposed zone change is compatible with existing neighboring uses because surrounding properties that lie to the north, east and south are currently zoned Light Industrial and consist of vacant industrial land, fruit processing facilities/storage and other light industrial type retail storage and service establishments. Property to the west contains a commercial fueling station, which is more similar to an industrial use than a commercial use.

Based on these factors, the proposed zone change is compatible with existing neighboring uses. Because the intended use is similar to many surrounding uses, there is consistency between the existing and proposed uses. Compatibility can be maintained through project permitting and additional site specific plan review. This will ensure compatibility between existing uses and future uses which can be expected to be constructed on the surrounding properties within the adjacent zoning districts.

What mitigating measures are planned to address incompatibility, such as site screening, buffering building design, open space, traffic flow alteration, etc.?

No mitigation is proposed as part of this rezone request. However, appropriate mitigation is built into the SEPA and zoning codes through regular site plan approval once a specific project is proposed. Required mitigation to address compatibility would be implemented at that time.

5. What is the public need for the proposed change?

The public need arises from the fact that expansion within some existing zoning districts does not exist. This occurs when all or most of the available land in that district is developed or not available for sale. Thus, existing businesses and industries have nowhere to expand. This is the case in this general area to meet the public need, this property owner has gone through two comprehensive plan updates and a zoning request to

create an area large enough to expand the industrial zoning district to expand their fruit storage facilities.

In this instance, the proposed comprehensive plan change and rezone will provide an area for this business to expand within the same general locale as their other storage facility. This provides them with efficiency and ease of management, as the two facilities would only be about one-half mile apart. Most importantly, this proposed change keeps the industrial users in an industrial corridor (along River Road) where the City has provided the necessary infrastructure for this specific type of development (i.e. Major arterial roadways, easy access to state highways, adequate water and waste water lines). The public expects successful businesses to expand and remain in Yakima. This rezone meets that public need and perspective, while using the infrastructure provided for it to locate at this location and providing necessary jobs for citizens of the Yakima Valley.

D. Yakima Area Comprehensive Plan:

The 2040 Yakima Urban Area Comprehensive Plan, Future Land Use Map designates this area as Industrial.

E. Applicable Law.

Yakima Urban Area Zoning Ordinance:

1. Rezone Defined: Pursuant to YMC § 15.23.010, "From time to time, a change in circumstance or condition may warrant a change in the zoning text or map create by this title. The purpose of this chapter is to establish the procedures to amend the zoning text and/or map when the proposed change would be consistent with the goals, policies, and intent of the Yakima Urban Area Comprehensive Plan."
2. M-1 Zoning District Defined: Per YMC § 15.03.020(H) the M-1 zoning district is intended to:
 - a) Establish and preserve areas near designated truck routes, freeways, and the railroad for light industrial uses; and
 - b) Direct truck traffic onto designated truck routes and away from residential streets; and
 - c) Minimize conflicts between uses in the light industrial district and surrounding land uses.

The light industrial district provides areas for light manufacturing, processing, research, wholesale trade, storage, and distribution facilities.

Uses permitted in this district should not generate noise levels, light, odor, or fumes that would constitute a nuisance or hazard.

IV. FINDINGS

F. Rezone Approval Criteria:

In accordance with the provisions of the Yakima Municipal Code (YMC) § 15.23.030(D)(1-7), recommendations to approve or deny proposed rezones shall include the following consideration:

1. The testimony at the public hearing:

A Notice of Application was mailed to all property owners within 300 feet of the subject properties on December 20, 2017, wherein the public was invited to submit written and/or oral comments at the public hearing on this proposed rezone. No comments were submitted during comment period.

Oral testimony from Bill Hordan occurred on the day of the public hearing in favor of the application as the applicant's representative.

2. The suitability of the property in question for uses permitted under the proposed zoning:

The subject property is suitable for uses permitted in the M-1 zoning district with proposed future development being incorporated into the neighboring property to the east and north.

3. The recommendation from interested agencies and departments:

No agencies or departments have registered any opposition to this rezone.

4. The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Yakima Urban Area Comprehensive Plan and the intent of this title:

The purposed M-1 zoning district is an implementing zone of the Comprehensive Plan 2040 designation of Industrial and is compatible with the proposed request.

5. The adequacy of public facilities, such as roads, sewer, water and other required public services:

Along River Road and in the general vicinity are various utilities which are available to serve the property, including City of Yakima sewer; City of Yakima Water, Cascade natural gas; Pacific Power; Centurylink telephone; Charter cable TV; and City of Yakima garbage collection services. City of Yakima Fire and Police departments also serve this area.

This property is served by all public utilities necessary to support future development.

6. The compatibility of the proposed zone change and associated uses with neighboring land uses:

The rezone proposal to M-1 will allow the subject property to be assimilated into the existing uses in this area. Future development will allow redevelopment of the property to add additional controlled atmosphere storage warehouses.

7. The public need for the proposed change:

The public need for this proposed change will bring the property in conformance with other properties to the east and south. The future redevelopment of the property into the controlled atmosphere storage warehouses will provide options of business expansion for the property owner.

V. CONCLUSIONS

Based on the foregoing Findings, the YPC reaches the following Conclusions:

1. The YPC has jurisdiction to issue a recommendation on this proposed Rezone to the Yakima City Council.
2. Notice of the public hearing of February 14, 2018, was given in accordance with applicable requirements.
3. The SEPA Determination of Nonsignificance (DNS) was issued on January 12, 2018, and became final without any appeal.
4. As a non-project rezone, this application is consistent with the Comprehensive Plan.
5. This recommendation is consistent with YMC 15.23.030(D).

VI. RECOMMENDATION

Based upon the findings outlined above, it was moved and seconded that the City of Yakima Planning Commission recommends **APPROVAL** of this rezone request from LCC to M-1:

RECOMMENDED this 28th day of February, 2018.

By: signature on file
Patricia Byers, Chair
Yakima Planning Commission