



LAND USE APPLICATION

CITY OF YAKIMA, DEPARTMENT OF COMMUNITY DEVELOPMENT
129 NORTH SECOND STREET, 2ND FLOOR, YAKIMA, WA 98902

VOICE: (509) 575-6183 FAX: (509) 575-6105

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PLANNING DIV

INSTRUCTIONS - PLEASE READ FIRST Please type or print your answers clearly.

Answer all questions completely. If you have any questions about this form or the application process, please ask a Planner. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The Planning Division cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable. This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV - CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application.

PART I - GENERAL INFORMATION

1. Applicant's Information: Name: William Brado & Yakima Gateway Organization; Mailing Address: 201 Oak Street #6; City: Yakima; St: WA; Zip: 98901; Phone: ( )

2. Applicant's Interest in Property: Check One: [X] Owner [ ] Agent [ ] Purchaser [ ] Other

3. Property Owner's Information (If other than Applicant): Name: ; Mailing Address: ; City: ; St: ; Zip: ; Phone: ( )

4. Subject Property's Assessor's Parcel Number(s) 181313-11504 and other N 1st St. properties

5. Legal Description of Property. (if lengthy, please attach it on a separate document) Lots 12, 13 and 14, Block 3, Central Addition

6. Property Address:

7. Property's Existing Zoning: [ ] SR [ ] R-1 [ ] R-2 [ ] R-3 [ ] B-1 [ ] B-2 [ ] HB [ ] SCC [ ] LCC [ ] CBD [X] XGC [ ] AS [ ] RD [X] RM-1 [ ] M-2

8. Type Of Application: (Check All That Apply) [ ] Administrative Adjustment [ ] Environmental Checklist (SEPA Review) [ ] Easement Release [ ] Type (1) Review [ ] Right-of-Way Vacation [ ] Rezone [ ] Type (2) Review [ ] Transportation Concurrency [ ] Shoreline [ ] Type (3) Review [ ] Non-Conforming Use/Structure [ ] Critical Areas Review [ ] Preliminary Short Plat [X] Appeal to HE / City Council [ ] Variance [ ] Final Short Plat [ ] Interpretation by Hearing Examiner [ ] Temporary Use Permit [ ] Short Plat Amendment [ ] Modification [ ] Overlay District [ ] Preliminary Long Plat [ ] Home Occupation [ ] Binding Site Plan [ ] Final Long Plat [ ] Comprehensive Plan Text or Map Amendment [ ] Planned Development [ ] Plat Alteration -Long Plat [ ] Short Plat Exemption: [ ] Other:

PART II - SUPPLEMENTAL APPLICATION, PART III - REQUIRED ATTACHMENTS, & PART IV - NARRATIVE

9. SEE ATTACHED SHEETS

PART V - CERTIFICATION

10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

Property Owner's Signature: Wm Brado Date: 7/27/2015

Applicant's Signature: William Brado, individual and for Yakima Gateway Organization

FILE/APPLICATION(S)# APP #005-15 Organization

DATE FEE PAID: 7/27-15 RECEIVED BY: chaze AMOUNT PAID: \$340 RECEIPT NO: CK-15-150489

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CITY OF YAKIMA  
PLANNING DIV.

Supplemental Application for:

# APPEAL

Yakima Urban Area Zoning Ordinance Chapter 15.16

- Of Administrative Official's Decision
- Of Hearing Examiner's Decision
- Of Subdivision Administrator's Decision
- Of SEPA Determination
- Other \_\_\_\_\_

Appeal of File Number: APP#002-15

Date Action Taken: 7/13/15

1. Description of Action Being Appealed: See Attachment.

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2. Reason for Appeal: Describe the specific error(s) or issues(s) upon which the appeal is based, including an explanation of why the decision is not consistent with the Yakima Urban Area Plan, The Yakima Urban Area Zoning Ordinance, or other provisions of law. (Reference the section, paragraph, and page of the provision(s) cited.) (Attach if lengthy)

See Attachment.

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Attachment to Notice of Appeal

1. Description of Action Being Appealed:

William Brado and the Yakima Gateway Association, pursuant to YMC 15.60.040(a), appeals the Hearing Examiner Decision “In the Matter of the Appeals of Two Class (2) Use Approvals Issued to the Union Gospel Mission” submitted by William Brado and the Yakima Gateway Association relative to construction of additional parking, health care clinic facilities and residential dormitory units at the existing Union Gospel Mission site located at 1301 North 1<sup>st</sup> Street, APP#002-15 issued on July 9, 2015 and published on July 13, 2015 (herein “Decision”).

2. Reasons for Appeal: Describe the specific error(s) or issue(s) upon which the appeal is based, including an explanation of why the Decision is not consistent with the Yakima Area Urban Area Plan, Yakima Urban Area zoning Ordinance or other provisions of the law (reference to section, paragraph and page of the provision(s) cited):

(a) The Hearing Examiner erred in holding the UGM expansion applications were subject only to Class 2 review because the City zoning code has never been amended to permit Mission uses as Class 2 uses in the GC/M1 zoning districts. Any amendment of a zoning ordinance to include additional permitted uses within a zone is a legislative action vested in the City Council and not within the authority of the Hearing Examiner. RCW 42.36.010, Raynes vs. City of Leavenworth, 118 Wn.2d 237, 821 P.2d 1204 (1992).

(b) The Hearing Examiner erred in failing to apply the provisions of the 1994 Settlement Agreement Re: Union Gospel Mission Relocation (“Settlement Agreement”) and require Class 3 review of Application Nos. CL2#019-14 (“Parking Lot Application”) and CL2#004-15 (“Facility Expansion Application”).

(1) Settlement Agreement controls future development at UGM’s site. The Hearing Examiner failed to recognize the Settlement Agreement was in the nature of a binding development agreement without which the initial development of the Mission property would not have occurred and which controls future development at the UGM site.

(c) The Hearing Examiner erred in determining the City's "Supplemental Notice of Application and Appeal" for the Parking Lot Application on May 28, 2015, cured the City's failure to give notices required by YMC 15.14.040B.

(d) The Hearing Examiner erred in holding the City adequately considered the compatibility as required by YMC 15.04.020B and C, ignoring evidence of past and current Union Gospel Mission ("UGM") operations which demonstrate incompatibility in fact.

(e) The Hearing Examiner erred in determining the expanded uses pursuant to the Parking Lot and Facility Expansion Applications were compatible with existing uses. Contrary to YMC 15.04.020B and C, and contrary to the specific purpose and intent of the Urban Area Zoning Ordinance specified in YMC 15.01.030 (3) and (10).

(f) The Hearing Examiner erred in determining access to the UGM facility from Oak Street was permitted for any purpose except delivery of utility services.

3. Request for Extension of Time to File Memorandum:

Appellants request the period of time in which to file a Memorandum pursuant to YMC 15.16.040B2 be extended to 29- days after mailing the Notice of Appeal, the same extension granted in APP#004-15 in which the City of Yakima is an appellant, and which involves similar issues.

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