

CITY OF YAKIMA

**DEPARTMENT OF COMMUNITY DEVELOPMENT
MISSION AND COMMUNITY RESOURCE SERVICE CENTER URBAN AREA
ZONING ORDINANCE TEXT AMENDMENTS**

March 25, 2015

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| Open Record Public Hearing |) | Staff Report |
| Concerning Urban Area Zoning |) | Staff Contact: Jeff Peters, |
| Ordinance (UAZO) Text |) | Supervising Planner |
| Amendments |) | 575-6163 |

SUMMARY OF RECOMMENDATION:

City Staff recommends the following:

- 1) The Yakima Planning Commission (YPC) consider incorporating the City of Yakima Hearing Examiner's (Examiner) 1992 and 1995 Use Interpretations into the City of Yakima's Urban Area Zoning Ordinance (UAZO), establishing a Mission definition, and land use category within Table 4-1, Table of Permitted Land Uses, as a Class (2) Review in the Central Business District (CBD), General Commercial (GC), and Light Industrial (M-1) zoning districts.
- 2) Consideration of a request by Yakima Neighborhood Health Services to establish a new land use definition titled "Community Resource Service Center" into Table 4-1, Table of Permitted Land Uses as a Class (2) Review in the Central Business District (CBD), General Commercial (GC), Light Industrial (M-1), Small Convenience Center (SCC), and Large Convenience Center (LCC) zoning districts.

BACKGROUND:

A. Abbreviated History of Mission Use

On February 13, 1992, at the request of the City of Yakima (City), a Use Interpretation was initiated by the Examiner. The purpose of the interpretation, as defined by the Examiner's decision INT#1-92, was to review the nature of the activities conducted by the Union Gospel Mission (UGM), and determine whether those activities fit within an existing land use classifications of the City's Zoning Ordinance. Also, in the event that there was no acceptable category of land use, a new land use and level of review would be established and defined.

The Examiner defined the activities provided by the UGM as a range of services including: spiritual and material support, meals both on and offsite, clothing and other staples, dental clinics, foot clinic, shower and similar facilities, residential facilities, youth center, food and lodging facilities for homeless men and families, drug and alcohol rehabilitation, dormitory and family shelter, dining and kitchen facilities, auditorium, gymnasium, and maintenance repair shops. The uses primarily reviewed by the Examiner included: Community Center, Halfway House, Detention Centers, Hospitals, Group Home, High Density Multi-Family Dwelling Units, and Boarding Houses. The zoning districts considered included the Central Business District (CBD), Central Business District Support (CBDS), and Light Industrial Zoning District (M-1).

On February 27, 1992, the Examiner issued his Use Interpretation stating that “The combination of uses typified by the UGM shall be characterized as a “Mission,” subject to Class (2) Review in the Central Business District (CBD) and Central Business District Support (CBDS) zones.” The Examiner went on to define the Mission use as “...a facility typically owned or operated by a public agency or non-profit corporation, providing a variety of services for the disadvantaged, typically including but not limited to temporary housing for the homeless, dining facilities, health and counseling activities, whether or not of a spiritual nature, with such services being generally provided to the community at large.”

On July 10, 1992, the City of Yakima processed and issued a Class (2) Review CL(2) #10-92 to locate the UGM at 1300 North First Street, subject to three conditions of approval.

On July 24, 1992, the Yakima Gateway Organization appealed the Administrative Official’s decision for CL(2) #10-92 to the Examiner.

On October 20, 1992, the Examiner rendered his decision on the application submitted by the Yakima Gateway Organization upholding the Administrative Official’s decision to approve the CL(2) #10-92 application, to allow the UGM to locate at 1300 N. Street.

On June 9, 1995, at the request of the UGM, the Examiner issued a second use interpretation, amending the previous 1992 interpretation, reaffirming the uses considered to be part of the Mission definition to: “churches, community centers, day care centers, half-way houses, hospitals, correctional facilities, libraries, and schools”, and allowing the Mission use to be considered in the M-1 zoning district.

B. History of Community Resource Service Center Use

At the Planning Commission’s January 14, 2015, meeting YNHS provided testimony regarding their opinion about incorporating the Mission use into the City of Yakima’s UAZO. Following that meeting YNHS attended several other meetings with City staff to discuss the land use process for their application for a Use Interpretation that was slated to be heard by the City Examiner. During those meetings, YNHS clearly communicated that they felt that their proposed use was different than that of a Mission as defined by the Examiner’s 1992 and 1995 interpretation decisions in both overall size, and scale of services. Based upon the applicant’s insistence that their use was not like that of the Mission, City staff indicated that the correct process for incorporating new uses into the City’s UAZO was through the legislative Planning Commission process. In accordance with this proposed information, on March 4, 2015, the applicant submitted an application for consideration of a new land use titled “Community Resource Service Center” which is defined as “a mixed use facility providing programs, resources, assistance and temporary shelter to homeless and pre-homeless populations of the immediate community.” In addition, the applicant also requested that the Community Resource Service Center be permitted as a Class 2 Use in the CBD, GC, M-1, SCC, and LCC zoning districts provided there is a need established with respect to the immediate neighborhood and service area.

ENVIRONMENTAL REVIEW (SEPA)

On March 9, 2015, the City of Yakima issued a Notice of Application, Environmental Review and Determination of Non-Significance (DNS) for this application.

Following the required 20-day public comment period which is set to expire on March 30, 2015, the City of Yakima Planning Division is presently inclined to retain its DNS on these proposed text amendments.

PUBLIC NOTICE

Date Accomplished

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| Notice of Application and Environmental Review | March 9, 2015 |
| Legal Ad Publication | March 6, 2015 |
| Notice of Public Hearing | March 6, 2015 |

PLANNING COMMISSION PROCESS FOR REVIEW OF PROPOSED AMENDMENTS:

1. The Planning Commission shall consider two separate requests for the establishment and incorporation of new zoning definitions and uses within the City of Yakima UAZO: 1) a Mission use as established by the Examiner in 1992 and 1995, and 2) a Community Resource Service Center as defined by YNHS. The Planning Commission should consider both Zoning Text Amendment requests as separate applications requiring individual consideration, discussion, findings of fact, and recommendation to the Yakima City Council.
2. As these applications include the creation and incorporation of new land use categories, any discussion related to pending zoning applications, site specific, or project related topics should be avoided and discouraged.
3. Prior to making a recommendation regarding the Mission use, the Planning Commission should have reviewed the Examiner's 1992, and 1995 Use Interpretation Decisions (INT#1-92 & INT#2-95), the UAZO zoning district intent statements for the CBD, GC, and M-1 zones, Table 4-1 Permitted Land Uses, the definition of Mission, and the definitions of Class (1), (2), & (3) Review as provided below, and found in Yakima Municipal Code (YMC) §§ 15.02, 15.03, and 15.04.
4. Prior to making a recommendation regarding the Community Resource Service Center Use, the Planning Commission should have reviewed the applicant's proposed definition of a "Community Resource Service Center". The proposed services provided by the definition; locational specific standards proposed by the applicant; the zoning district intent statements for the CBD, GC, M-1, SCC, and LCC zones; Table 4-1 Permitted Land Uses; definition of Class (1-3) Review; and other supporting documentation submitted.
5. For each of the two proposed new land uses the Planning Commission should review the appropriate zoning district intent statement and provided findings that the proposed use either meets or does not meet the zoning district intent statements, and underlying development standards provided in YMC Title 15 UAZO.
6. Only uses that are consistent with the zoning district intent statements and underlying development standards without any mitigation or requirement for public process, should follow the Class (1) Review process.
7. New uses that generally meet the zoning district intent statements and underlying development standards, but may require site plan review to mitigate for undesirable

impacts to ensure compatibility with the intent and character of the district and objectives of the Comprehensive Plan should follow the Class (2) Review process.

8. New uses that are generally incompatible with adjacent and abutting property because of their size, emissions, traffic generation, neighborhood character; or for uses that require increased public process through a public hearing to appropriately mitigate for the use's impacts in terms of development standard compliance, neighborhood compatibility, public services, and comprehensive plan compliance should follow the Class (3) Review process.
9. In reviewing both applications the Planning Commission should take careful consideration to not permit any use in any zoning district unless evidence is presented which demonstrates that it will comply with the district intent statement and that evidence is presented which demonstrates that it will comply with the development standards established for the particular district.

DEFINITIONS AND ZONING DISTRICT INTENT STATEMENTS

For the Planning Commission's convenience the City Planning Division has provided the below zoning district intent statements and related definitions for ease of use during their deliberations.

1. Zoning District Intent Statements:

Small Convenience Center District (SCC). The purpose and intent of the small convenience center district is to:

1. Provide areas for commercial activities outside the downtown commercial district that meet community retail shopping and service needs; and
2. Accommodate small commercial centers, generally two to five acres in size, where most of the commercial uses have located in a coordinated manner around a common parking lot and one major commercial approach driveway.

Small convenience centers serve the day-to-day convenience shopping and service needs of the surrounding neighborhood and should be designed to minimize undesirable impacts of the center on the neighborhood it serves. Uses in this district should be retail or personal service establishments dealing directly with the consumer, the primary occupants usually being such uses as a supermarket, fast food restaurants and drug store.

Large Convenience Center (LCC). The purpose and intent of the large convenience center district is to:

1. Provide areas for commercial activities outside the downtown commercial district that meet the retail shopping and service needs of the community; and
2. Accommodate commercial centers, generally five to ten acres in size, where most of the commercial uses are coordinated in a manner around a common parking lot and usually with two major commercial approach driveways.

Large convenience centers serve the shopping and service needs of multiple surrounding neighborhoods and should be designed to minimize the impacts. Uses in this district should be larger retail or personal services, the primary occupants usually being such uses as multiple-tenant shopping, restaurants, office complexes, and multi mixed-uses.

General Commercial District (GC). The purpose of the general commercial district is to accommodate wholesale and retail activities with some high-density residential development. This district is primarily located near and along the major arterials as designated in the Yakima urban area comprehensive plan. Like the CBD district, a variety of land uses are permitted. However, the intensity of development is intended to be less than in the CBD district.

Central Business District (CBD). The purpose of the central business district is to preserve the business district of the city of Yakima as the region's center of commerce, finance, government, industry, recreation, and culture. This district is characterized by very intensive development and a variety of land uses including retail sales and service establishments, high-density residential development, financial institutions, professional buildings, and government offices.

Light Industrial District (M-1). The intent of the light industrial district is to:

1. Establish and preserve areas near designated truck routes, freeways, and the railroad for light industrial uses;

2. Direct truck traffic onto designated truck routes and away from residential streets;
and
3. 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.

2. Definition of Levels of Review:

“Class (1) uses” are those uses set forth and defined in the text and tables of YMC Chapter [.04](#) and are considered compatible and are permitted on any site in the district. The administrative official shall review Class (1) uses for compliance with the provisions and standards of this title.

“Class (2) uses” are those uses set forth and defined in the text and tables of YMC Chapter [15.04](#) and are generally permitted throughout the district. However, site plan review by the administrative official is required in order to ensure compatibility with the intent and character of the district and the objectives of the Yakima urban area comprehensive plan.

“Class (3) uses” are those uses set forth and defined in the text and tables of YMC Chapter [15.04](#) and are generally incompatible with adjacent and abutting property because of their size, emissions, traffic generation, neighborhood character or for other reasons. However, they may be compatible with other uses in the district if they are properly sited and designed. Class (3) may be permitted by the hearing examiner when he determines, after holding a public hearing, that the use complies with provisions and standards; and that difficulties related to the compatibility, the provisions of public services, and the Yakima urban area comprehensive plan policies have been adequately resolved.

3. Existing UAZO Definitions for Consideration:

“Clinic” means a structure for the medical examination and treatment of human patients, but without provision for keeping such patients overnight on the premises.

“Community center” means a facility owned and operated by a public agency or nonprofit corporation, provided the principal use of the facility is for public assistance, community improvement, or public assembly.

“Compatibility” means the characteristics of different uses or developments that permit them to be located near each other in harmony with or without special mitigation measures.

“Dwelling” means a structure or portion thereof designed exclusively for residential purposes.

“Dwelling, multiple-family” means a structure or structures, or portion thereof, designed for occupancy by three or more families living independently of each other and containing three or more attached dwelling units on a lot.

“Dwelling unit” means one or more rooms in a dwelling for the occupancy of one family and providing complete and independent living facilities, including permanent provisions for living, sleeping, cooking, eating and sanitation. “Dwelling unit” does not include recreational vehicles or mobile homes.

“Group home” means a place for handicapped, physically or developmentally disabled adults, or dependent or predelinquent children, providing special care in a homelike environment. This definition includes homes of this nature for six or fewer persons, excluding house parents, which are protected by state or federal law as residential uses.

Halfway House. A “halfway house” shall include residentially oriented facilities that provide:

1. State-licensed group care homes for juvenile delinquents;
2. Houses providing residence in lieu of instructional sentencing;
3. Houses providing residence to individuals needing correctional institutionalization; or
4. Detoxification centers licensed by the state where alcohol and drug abusers can be placed in lieu of incarceration for detoxification and treatment from effects of alcohol and drugs. (See “Clean and sober facility.”)

“Hospital” means an institution providing clinical, temporary, and emergency services of a medical or surgical nature to human patients which is licensed by state law to provide facilities and services for surgery, obstetrics, and general medical practice as distinguished from clinical treatment of mental and nervous disorders.

“Mixed-use building” means a building in a commercial district or planned development used partly for residential use and partly for a community facility or commercial use.

“Mixed-use development” means use of the land or structure for two or more different uses.

“Multiple-occupancy building” means a single structure housing more than one retail business, office, or commercial venture.

“Personal service” means a business providing specialized services such as interior home or business design and shopping services, except as otherwise regulated.”

“Public facility” means a facility owned and operated by a governmental agency or owned and operated by a private entity for the purpose of providing essential public services to the public including, but not limited to: water, irrigation, wastewater, garbage, sanitary, transit, police, fire, ambulance, parks and recreation facilities, and street maintenance. The facility should be located to efficiently serve the people benefiting from the service.

“Retail services” means uses providing services, as opposed to products, to the general public. Examples are eating and drinking establishments, motels, real estate and financial offices, and uses providing health education and social services.

“Use” means the activity or purpose for which land or structures or a combination of land and structures is designed, arranged, occupied, or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself, including any grading, leveling, paving or excavation. “Use” also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.

“Use, principal” means the primary or predominant use to which a structure, part of a structure, or lot is or may be devoted.”

CONCLUSIONS

1. The text amendments impact the entire extent of the City.
2. No significant adverse environmental impacts have been identified by the approval of the amendment request.
3. The requested text amendments to the City of Yakima’s Urban Area Zoning Ordinance are supported by the City of Yakima’s Urban Area Comprehensive Plan 2025.
4. The amendments to the Yakima Municipal Code, Title 15 Urban Area Zoning Ordinance, includes, but is not limited to, two new definitions in YMC § 15.02, and amendments to YMC § 15.04 Table 4-1 Permitted Uses.

RECOMMENDATION

The Department of Community Development recommends **approval** of the incorporation of the Mission use definition, permitted zoning district, and levels of review as specified by the Examiner in his 1992 and 1995 Use Interpretation decisions.

In regard to the incorporation of the use of a Community Resource Service Center as defined by YNHS, staff recommends that the Planning Commission carefully study the issue and provide the Yakima City Council a recommendation after the matter has been sufficiently considered.