



COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

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

Phone (509) 575-6183 • Fax (509) 575-6105

ask.planning@yakimawa.gov • <http://www.yakimawa.gov/services/planning/>

NOTICE OF PETITION AND HEARING

DATE: January 9, 2013

TO: Petitioner and Adjoining Property Owners

FROM: Steve Osguthorpe, AICP
Community Development Director / Planning Manager

SUBJECT: Notice of Petition submitted for the vacation of a portion of North 2nd Avenue. RWV #003-012

NOTICE OF PETITION

The City of Yakima Department of Community Development has received a petition from Hops Extract Corporation of America requesting the vacation of that portion of North 2nd Avenue right-of-way lying between W. Lincoln Avenue and West "D" Street. The file containing the complete application is available for public review at the City of Yakima Planning Division, 2nd floor City Hall, 129 North 2nd Street, Yakima, Washington.

NOTICE OF PUBLIC HEARING

This request requires that an open record public hearing be held by the hearing examiner. This public hearing has been scheduled on **Thursday, February 14, 2013** beginning at **9:00 a.m.**, in the Council Chambers, City Hall, 129 N 2nd Street, Yakima, WA. Any person desiring to express their views on this matter is invited to attend the public hearing or to submit their written comments to: City of Yakima, Planning Division, 129 N 2nd St., Yakima, WA 98901.

If you have any questions concerning this proposal, please call Bruce Benson, Supervising Planner at (509) 575-6042.

Other Permits Required: None

Encl.: Vicinity Map, Mailing Map



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CITY OF YAKIMA
PLANNING DIV.

PETITION NO. 12-05
CITY OF YAKIMA, WASHINGTON
PETITION TO VACATE STREET OR ALLEY

To the City Council of the City of Yakima, Washington.

Comes now the undersigned petitioners and, pursuant to RCW Chapter 35.79, now respectfully show:

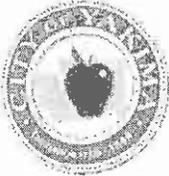
The undersigned petitioners request that the following described street, alley or portion thereof, located in the City of Yakima, be vacated pursuant to RCW 35.79 (provide legal description below, or attach to petition if lengthy).

Each of the undersigned petitioners is the owner of an interest in real estate abutting on the above-described area. The undersigned petitioners constitute owners of more than two-thirds of said abutting property.

Wherefore, petitioners pray that proceedings be heard hereon for the vacation of said area in the manner prescribed by RCW Ch. 35.79.

<u>HOPS EXTRACT CORPORATION OF AMERICA</u>	<u>305 NORTH 2ND AVE., YAKIMA, WA 98902</u>	
Owner	Address	
<u>[Signature]</u>	<u>10/30/12</u>	<u>100%</u>
Signature	Date	Ownership %
_____ Owner	_____ Address	
_____ Signature	_____ Date	_____ Ownership %
_____ Owner	_____ Address	
_____ Signature	_____ Date	_____ Ownership %

(if there are more property owners than what is room for please attach a separate list of property owners abutting the right-of-way to be vacated as well as their address, percentage of frontage on the right-of-way, and signature with date and the total ownership percentage of the property owners participating in this vacation)



Supplemental Application For:
RIGHT-OF-WAY VACATION

Fee: \$420.00 (RCW 35.79) (+50% appraised value)

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PART II - LOCATION

1. VICINITY - LOCATION OF RIGHT-OF-WAY TO BE VACATED:

NORTH 2ND AVENUE, BETWEEN WEST LINCOLN AVENUE AND WEST "D" STREET

2. LEGAL DESCRIPTION OF THE RIGHT-OF-WAY TO BE VACATED: (Attach if lengthy)

SEE ATTACHED

PART III - APPLICATION INFORMATION

3. A WRITTEN NARRATIVE: (Please submit a written response to the following questions)

A. What is the public benefit, reason for, and limitations of the proposed right-of-way vacation?

SEE ATTACHED WRITTEN NARRATIVE FOR ANSWER TO ALL QUESTIONS.

B. Does the vacation deny sole access to a public street for any property?

C. Is the proposal consistent with existing plans of the City? (Petitions should be consistent with the Six-year Transportation Improvement Plan, the Urban Area Comprehensive Plan and other official City Plans and policies)

D. Is the vacation appropriate with existing zoning and land use? (Vacation of Right-of-Ways should be appropriate with existing and anticipated development in the area, based upon zoning, current use and longrange plans)

E. Are there any public or franchised utilities in the right-of-way to be vacated and if so, will they be relocated?

PART IV - REQUIRED ATTACHMENTS

4. SITE PLAN REQUIRED: (Please use the City of Yakima Site Plan Checklist, attached)

5. PETITION TO VACATE STREET OR ALLEY REQUIRED (attached)

6. TITLE REPORT (may be waived)

7. SURVEY OF THE AREA TO BE VACATED (may be waived)

8. APPRAISAL OF THE PROPERTY (If the assessed value of the portion of right-of-way to be vacated exceeds \$20,000)

9. ENGINEERING PLAN (may be required to indicate how the curb, gutter and other physical features will be treated after the vacation is enacted.)

10. TRAFFIC ANALYSIS (A traffic analysis prepared by a Certified Engineer, which describes the impact to the City transportation network of the closure of the right-of-way, may be required depending on the right-of-way being vacated. As a result of that analysis, a Traffic Study may also be required)

Note: if you have any questions about this process, please contact us City of Yakima, Planning Division, 129 N. 2nd St., Yakima, WA or 509-575-6163

Revised 02-11

LEGAL DESCRIPTION OF RIGHT-OF-WAY TO BE VACATED

THAT PORTION OF NORTH 2ND AVENUE LYING NORTH OF THE NORTH RIGHT-OF-WAY OF WEST LINCOLN AVENUE AND SOUTH OF THE SOUTH RIGHT-OF-WAY OF WEST "D" STREET.

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PART III -- WRITTEN NARRATIVE**A. What is the public benefit, reason for, and limitations of the proposed right-of-way vacation?**

This vacation will benefit the public by allowing the adjoining property owners Hops Extract Corporation of America to connect disjointed properties to create a large contiguous property to expand and protect industrial development in this area. All adjoining properties to the west and east of North 2nd Avenue, between West Lincoln Avenue and West "D" Street of this proposed right-of-way vacation, are owned by Hops Extract Corporation of America. North 2nd Street basically runs right through the middle of the Hops Extract Corporation of America property, its temporary storage areas, loading areas, storage warehouses and hops processing plant.

This proposed right-of-way vacation is also being requested to comply with the Food and Drug Administration (FDA) guidelines for the Food Modernization Act (FMA). The FMA implements guidelines to help protect the nation's food supply from intentional acts of contamination or tampering. These guidelines are specific to companies that produce, process, store, package, distribute, or transport food and food ingredients. Guidelines applicable to General Facilities include, but are not limited to the some of the following Defense Mitigation Strategies:

1. Install a perimeter fence, wall or barrier with appropriate clear zone.
2. Minimize the number of entrances to non-public areas of the facility.
3. Establish a designated parking area for employees. Provide parking decals or other identification for employee vehicles.
4. Minimize, to the extent practical, places in public areas that an intruder could remain unseen after work hours.
5. Inspect incoming and outgoing vehicles and packages for suspicious, inappropriate or unusual items or activity.
6. Check visitors in and out at security or reception, requiring proof of identity, issuing visitor badges that are collected upon departure, and accompanying visitors.
7. Restrict visitor access to food handling and storage areas.
8. Prevent visitors from accessing food preparation, storage, loading docks, and any other non-public areas of your operation.

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As North 2nd Avenue bisects this facility, it makes implementation of the FDA Guidelines nearly impossible in its current configuration. All loading areas and temporary storage of hops occur in, or near, the existing road right-of-way. By vacating the street right-of-way as proposed, Hops Extract Corporation of America can erect a fence at the north and south end of its facility, and have locking gates to protect the property from potential acts of contamination and/or tampering. The gates could then be monitored and controlled by Hops Extract which would limit the number of entrances to the facility, permit secure employee and guest parking, prevent intruders to the facility, permit vehicle inspections, restrict access to food handling and storage areas, prevent access to food preparation, storage, loading docks and other non-public areas in compliance with Defense Mitigation Strategies of the FDA Guidelines. It is proposed that a "knox-box" be placed on each gate to permit emergency access to the facility in cases of emergencies, as required by local fire codes.

Additionally, an occasional amount of passenger vehicle traffic, unrelated to this facility, or other facilities in the area passes right through the middle of this storage and processing plant. This unrelated traffic causes congestion at the Hops Extract facility and other industrial uses in the immediate area. This "pass-through" traffic is incompatible with the industrial nature of the area and is not desirable because of the conflicts it creates by passing through an industrial area. The current situation also permits pedestrian traffic/bicycles to move through the facility. There are currently no sidewalks to accommodate this foot traffic or bike lanes for those on bicycles. This proposal will relieve congestion and help prevent accidents in the overall area between large industrial vehicles, passenger vehicles, bicyclists and pedestrians.

The intersection of West D Street and North 2nd Avenue, at this location, is a "T" intersection. Thus, North 2nd Avenue dead-ends at the north end of the Hops Extract property. The proposed vacation of North 2nd Avenue, at this location, will cause the dead-end of North 2nd Avenue to occur 1 block south of its current location. However, vehicles that need to use this route can easily travel around the proposed right-of-way vacation by way of North 1st Avenue or North 3rd Avenue. Both of these streets are controlled by signals at their intersection with West Lincoln Avenue, which should make travel in this area safer, as the intersection of North 2nd Avenue and West Lincoln Avenue is not signalized.

For the reasons stated above, a wide variety of public benefits are accomplished by this proposed right-of-way vacation.

B. Does the vacation deny sole access to a public street for any property?

This vacation will not deny sole access to any property. As all affected properties are owned by Hops Extract Corporation of America, the vacated portion of the right-of-way will be merged with the adjoining properties. Each property still has direct frontage to either West Lincoln Avenue or West D Street or both streets. Because all the properties involved in this application are owned by the same company, access easements, if necessary, can be granted to individual parcels for legal access purposes. Thus, no property is denied sole access to a public street.

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C. Is the proposal consistent with existing plans of the City? (Petitions should be consistent with the Six-year Transportation Improvement Plan, the Urban Area Comprehensive Plan and other official City Plans and policies).

The current Six-year Transportation Improvement Plan does not indicate any planned improvements slated for this portion of North 2nd Avenue. The proposal is consistent with the Urban Area Comprehensive Plan because it promotes infill and the efficient utilization of vacant land (once vacated) within an area designated for industrial uses as determined by the Future Land Use Map of the Comprehensive Plan.

D. Is the vacation appropriate with existing zoning and land use? (Vacation of rights-of-ways should be appropriate with existing and anticipated development in the area, based upon zoning, current use and long range plans).

This proposal is appropriate with existing zoning because all properties abutting the proposed right-of-way vacation are zoned Light Industrial. The proposal is also consistent with existing land uses currently located in the Light Industrial zoning district. Those surrounding land uses consist of a truck scale, warehousing, storage and processing. The Hops Extract property on the east and west sides of North 2nd Avenue are so intricately tied together that there is a steel support bridge that crosses overhead of North 2nd Avenue. The support tower is used to transfer CO₂ gas from the west side of North 2nd Avenue to the main plant on the east side of the street. In return, the main plant transfers water and steam from the east side of North 2nd Avenue to the west side of the street where it is used by the Downstream Products Plant. This is the type of development which is anticipated in the Light Industrial zoning district.

The vacation will permit the existing facility to operate as a single entity, without interruption from "outside" vehicular and pedestrian traffic which pass through the middle of the existing facility. The vacation permits the facility to operate uninterrupted by permitting industry equipment to operate freely from structure to structure without having to worry about outside influences negatively affecting this operation.

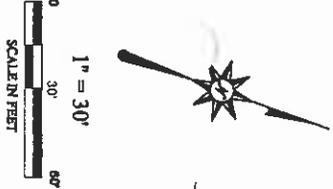
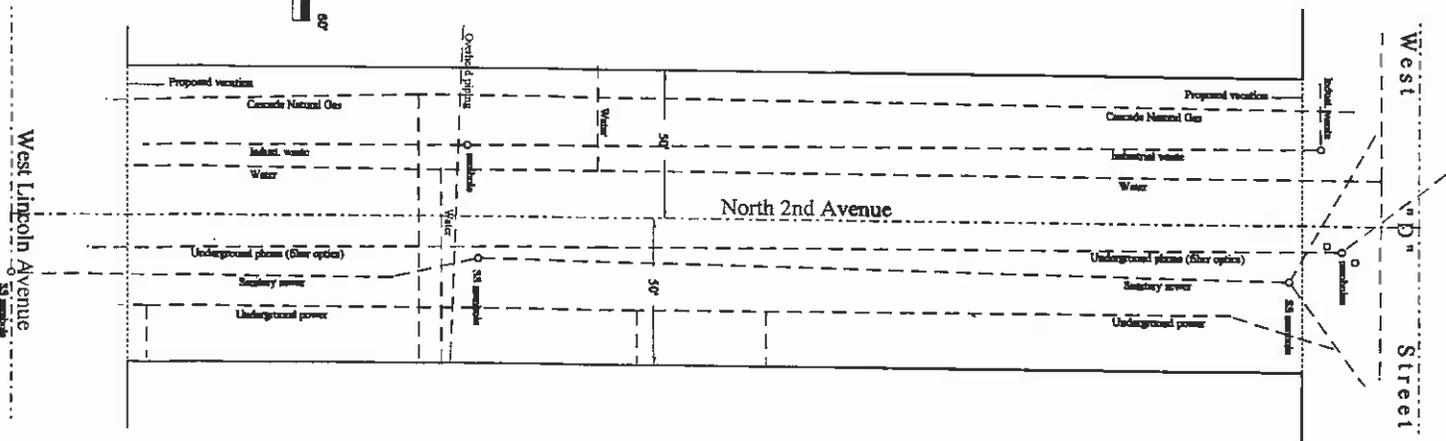
E. Are there any public or franchised utilities in the right-of-way to be vacated and if so, will they be relocated?

The public right-of-way is currently encumbered with domestic water, sanitary sewer, industrial waste water, natural gas, telephone and electrical lines. No relocation of any utility is proposed at this time. Upon vacation of the right-of-way, it is proposed that the entire right-of-way be dedicated as a public utility easement to accommodate these utilities. If location or relocation of any utility is proposed in the future, the property owner will work with the City to ensure that the utility is appropriately located and/or moved.

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Proposed 2nd Avenue Vacation

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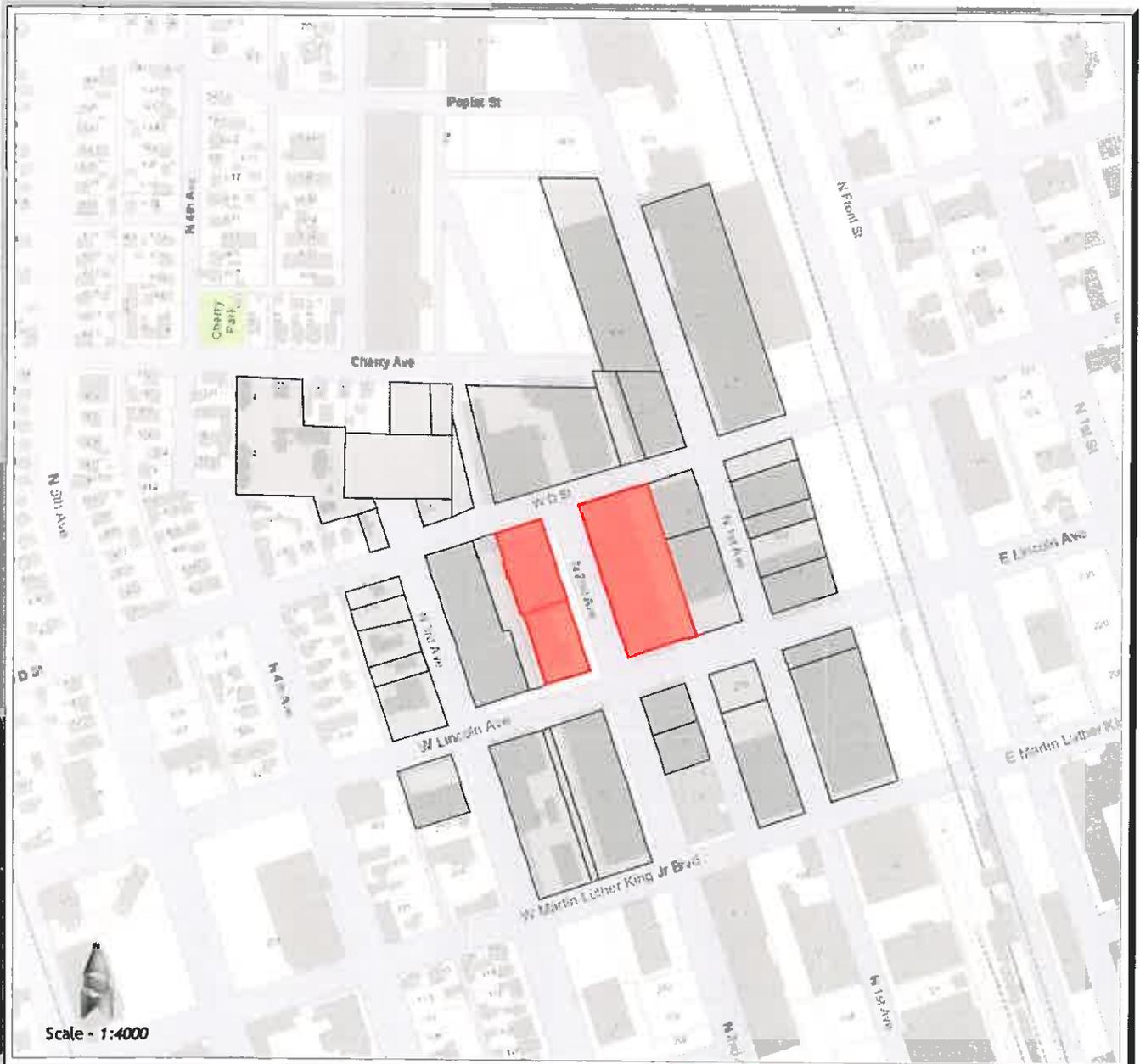
LEGAL DESCRIPTION
 THAT PORTION OF NORTH 2ND AVENUE LYING NORTH OF THE NORTH RIGHT-OF-WAY OF WEST LINCOLN AVENUE AND SOUTH OF THE SOUTH RIGHT-OF-WAY OF WEST "D" STREET

SURVEYOR'S CERTIFICATE
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF HOPSTRACK IN SEPTEMBER, 2011.

JAMES C BELL
 LS 18894



BELL & UPTON LAND SURVEYING
 315 NORTH 3RD STREET, YAKIMA, WA 98901 Phone 457-7656
TOPOGRAPHY SURVEY
 PREPARED FOR
HOPS EXTRACT CORP.
 IN THE NE ¼, NE ¼, SECTION 24-13-1E
 Seward Co. 11, 2012 1st No 12116



Scale - 1:4000

City of Yakima, Washington

File Number: **RWV#003-12**

Applicant: **Bill Hordan Planning Services**
Owner: **Hops Extract Corp of America**

Request: **Vacate a portion of public right of way in the vicinity of North 2nd Ave between W Lincoln Ave & W D Street to expand and protect industrial development in this area.**

Location: **North 2nd Ave btwn W Lincoln Ave & W D Street**

Parcel Number(s): **18132411438,18132411439,18132411448**



Subject Area Site



Property Notification Area

NOTIFICATION OF LAND USE APPLICATION