



## DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

### Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2<sup>nd</sup> Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

### NOTICE OF PETITION AND PUBLIC HEARING

**DATE:** March 12, 2024  
**TO:** Applicant and Adjoining Property Owners  
**FROM:** Joan Davenport, AICP, Community Development Director  
**APPLICANT:** Hordan Planning Services on behalf of Corporation of the Catholic Bishop of Yakima (410 N. 2nd St., Yakima, WA 98901)  
**FILE NUMBER:** RWV#001-23  
**LOCATION:** 201, 212, & 215 N. 4th St.  
**ADJACENT PARCEL(S):** 191319-21548, -21489, & -21490  
**DATE OF APPLICATION:** November 14, 2023  
**DATE OF COMPLETENESS:** December 15, 2023

**PROJECT DESCRIPTION** Proposal to vacate right-of-way at N. 4th St. between E. Lincoln Ave. and E. Martin Luther King Jr. Blvd.

**DETERMINATION OF CONSISTENCY** Pursuant to YMC § 16.06.020(A), the project considerations are determined to be consistent with applicable development regulations, as follows:

1. The type of land use: Right-of-Way Vacation
2. Level of development: Approximately 40,000 square feet appraised at \$252,000.00
3. Infrastructure and public facilities: Existing utilities shall be retained in an easement
4. Characteristics of development: This petition is being processed under YMC Ch. 14.21

Pursuant to YMC § 16.06.020(B), the development regulations and comprehensive plan considerations are found to be consistent, as follows:

1. The type of land use: Right-of-Way Vacation
2. Density of development: N/A
3. Availability and adequacy of infrastructure and public utilities: Existing utilities shall be retained in an easement

**REQUEST FOR WRITTEN COMMENT AND NOTICE OF PUBLIC HEARING** Your views on this proposal are welcome. All written comments received by 5:00 p.m. on **April 5, 2024**, will be considered prior to issuing the recommendation. You can mail your comments to:

**City of Yakima, Department of Community Development  
129 N. 2nd St., Yakima, WA 98901**

This request requires that the Hearing Examiner hold an open record public hearing, which is scheduled for **April 12, 2024, at 9:00 a.m.** This hearing will be held via Zoom and in the City Hall Council Chambers, City Hall, 129 N. 2nd St, Yakima, WA. All written comments received by 5:00 p.m. on **April 5, 2024**, will be considered prior to issuing the staff recommendation to the Hearing Examiner, and will be made part of the official record – however, written comments can be received up to the hearing date. This Zoom public hearing will be live streamed at [www.yakimawa.gov](http://www.yakimawa.gov) (go to the "City Council" drop-down menu and select "Stream Meetings Live") and telecast live on Y-PAC, Spectrum Cable Channel 194.

**IF YOU WOULD LIKE TO ATTEND THIS VIRTUAL MEETING TO LISTEN AND/OR TESTIFY, PLEASE REGISTER WITH YOUR NAME AND EMAIL ADDRESS IN ADVANCE HERE:**  
[https://cityofyakima.zoom.us/webinar/register/WN\\_8o5V3PT8RsaegMfMcyg3Q](https://cityofyakima.zoom.us/webinar/register/WN_8o5V3PT8RsaegMfMcyg3Q)

After registering, you will receive emailed instructions for joining the meeting online with your device or by calling in.

**View the Hearing Online by Zoom:** To join the meeting, click the link in the confirmation email that you received after registering. All attendees will be muted upon entry. If you wish to speak during the public

hearing, use the "raise your hand" feature. When it is your turn to speak, the host will unmute you. A message will appear on your screen, and you will need to select "unmute." You should announce your name and mailing address for the record prior to making your comments. Once you are finished with your comments, the host will mute you.

**Listen to the Hearing by Phone:** You may call any of the phone numbers listed in the confirmation email that you received after registering. You will need to enter the meeting ID and password when prompted. All attendees will be muted upon entry. If you wish to speak during the public hearing, press \*9 on your phone to "raise your hand." When it is your turn to speak, you will hear an automated announcement indicating your phone has been unmuted and you can now be heard by all participating in the meeting. You should announce your name and mailing address for the record prior to making your comments. Once you are finished with your comments, the host will mute you and you will hear an automated announcement indicating your phone has been muted.

Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony. Please reference file numbers (RWV#001-23) and applicant's name (Corporation of the Catholic Bishop of Yakima) in any correspondence you submit. The City Council shall decide whether or not to vacate the right-of-way. The hearing examiner will conduct the required public hearing and make a recommendation to the City Council. Any party wishing to be informed of the time, date, and place of the City Council meeting for the proposed vacation should submit a written request to the City of Yakima Planning Division.

**NOTICE OF RECOMMENDATION** Following the public hearing, the Hearing Examiner will issue his recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice.

The file containing the complete application is available for public review at the City of Yakima Planning Division, City Hall – 2nd Floor, 129 N. 2nd St., Yakima, WA. If you have questions regarding this proposal, please contact Eric Crowell, Senior Planner, at (509) 576-6736, or email to: [eric.crowell@yakimawa.gov](mailto:eric.crowell@yakimawa.gov).

**Enclosed:** Petition, Vicinity Map, Record of Survey, and Written Narrative



## DEPARTAMENTO DE DESARROLLO COMUNITARIO

Joan Davenport, AICP, Directora

Division de Planificación

Joseph Calhoun, Gerente

129 Norte Calle 2ª, 2º Piso, Yakima, WA 98901

ask.planning@yakimawa.gov · [www.yakimawa.gov/services/planning](http://www.yakimawa.gov/services/planning)

### AVISO DE PETITION Y AUDIENCIA PÚBLICA

El Departamento de Desarrollo Comunitario de la Ciudad de Yakima ha recibido una aplicación por parte de un propietario/solicitante y este es un aviso sobre esa solicitud. Información sobre la ubicación de la propiedad en cuestión y la solicitud es la siguiente:

**FECHA OTORGADA:** 12 de marzo, 2024  
**PARA:** Solicitante y Propietarios Adyacentes  
**DE:** Joan Davenport, AICP, Directora de Desarrollo Comunitario  
**SOLICITANTE:** Hordan Planning Services por parte de Corporation of the Catholic Bishop of Yakima (410 N. 2nd St., Yakima, WA 98901)  
**NO. DE ARCHIVO:** RWV#001-23  
**UBICACIÓN:** 201, 212, y 215 N. 4th St.  
**PARCELAS ADYACENTES:** 191319-21548, -21489, & -21490  
**FECHA DE APLICACIÓN:** 14 de noviembre, 2023  
**FECHA DE APLICACIÓN COMPLETA:** 15 de diciembre, 2023

**DESCRIPCIÓN DEL PROYECTO:** Propuesta para desalojar la vía pública de N. 4th St. entre E. Lincoln Ave. y E. Martin Luther King Jr. Blvd.

**DETERMINACIÓN DE LA CONSISTENCIA:** Conforme al Código Municipal YMC §16.06.020(A), las consideraciones del proyecto se determinan consistentes con las siguientes normas aplicables:

1. El tipo de uso terrenal: Solicitud para desocupar la vía pública
2. Nivel de desarrollo: Aproximadamente 40,000 pies cuadrados evaluados en \$252,000
3. Infraestructura e instalaciones públicas: Utilidades existentes serán retenidas en una servidumbre.
4. Características del desarrollo: Esta petición está siendo procesada bajo el código YMC 14.21.

Conforme al Código Municipal YMC §16.06.020(B), los reglamentos de desarrollo y las consideraciones del plan comprensivo son coherentes, de la siguiente manera:

1. El tipo del uso terrenal: Solicitud para desocupar la vía pública
2. Densidad del desarrollo: N/A
3. Disponibilidad y adecuación de infraestructura y servicios públicos: Utilidades existentes serán retenidas en una servidumbre.

**SOLICITUD DE COMENTARIOS ESCRITOS Y AVISO DE AUDIENCIA PÚBLICA:** Sus opiniones sobre esta propuesta son bienvenidas. Todos los comentarios recibidos por escrito antes de las 5:00 p.m. el **5 de abril, 2024** serán considerados antes de emitir la recomendación sobre esta solicitud. Por favor de enviar sus comentarios sobre esta propuesta a:

Joan Davenport, AICP, Community Development Director  
City of Yakima, Department of Community Development  
129 N. 2nd St., Yakima, WA 98901

Esta propuesta requiere una audiencia pública con registro abierto con el Examinador de Audiencias. Por lo tanto, una audiencia pública se llevara a cabo el **12 de abril, 2024 comenzando a las 9:00 a.m.** Esta Audiencia será transmitida vía Zoom en el Ayuntamiento de la Ciudad de Yakima ubicado en el 129 N 2nd Street, Yakima, WA. Todos los comentarios escritos recibidos antes de las 5:00 p.m. el 5 de abril del 2024, serán considerados antes de emitir la recomendación al Examinador de Audiencia, y serán parte del archivo oficial – sin embargo, los comentarios serán recibidos hasta el día de la Audiencia. Esta audiencia pública de Zoom se transmitirá en vivo en [www.yakimawa.gov](http://www.yakimawa.gov) (vaya al menú desplegable "Ayuntamiento" y seleccione "Transmitir reuniones en vivo") y se transmitirá en vivo por Y-PAC, canal 194 de Spectrum Cable.

SI DESEA ASISTIR A ESTA REUNIÓN VIRTUAL PARA ESCUCHAR Y/O TESTIGAR, REGÍSTRESE CON SU NOMBRE Y DIRECCIÓN DE CORREO ELECTRÓNICO CON ANTICIPACIÓN AQUÍ: [https://cityofyakima.zoom.us/webinar/register/WN\\_8o5V3PT8RsaeqMfMcygcg3Q](https://cityofyakima.zoom.us/webinar/register/WN_8o5V3PT8RsaeqMfMcygcg3Q)  
Después de registrarse, recibirá instrucciones por correo electrónico para unirse a la reunión en línea con su dispositivo o llamando.

Ver la audiencia pública en línea por Zoom: Para ingresar a la reunión, haga clic en el enlace ubicado en el correo electrónico de confirmación que recibió al registrarse. Todos los participantes serán silenciados al ingresar. Si desea hablar durante la audiencia pública, use la función para "levantar la mano". Cuando sea su turno de hablar, el anfitrión desactivará el silenciador. Un mensaje aparecerá en su pantalla y seleccione la opción "unmute". Debe anunciar su nombre y dirección postal para el registro antes de hacer sus comentarios. Una vez haya terminado sus comentarios, el anfitrión lo silenciará.

**Escuche la audiencia pública por teléfono:** Puede llamar a cualquiera de los números telefónicos ubicados en el correo electrónico de confirmación que recibió al registrarse. Deberá ingresar el ID y la contraseña de la reunión cuando se lo solicite. Todos los participantes serán silenciados al ingresar. Si desea hablar durante la audiencia pública, presione \*9 en su teléfono para "levantar la mano". Cuando sea su turno de hablar, escuchará un anuncio automatizado indicando que el audio de su teléfono ha sido activado y todos los participantes pueden escucharlo. Debe anunciar su nombre y dirección postal para el registro antes de hacer sus comentarios. Una vez haya terminado sus comentarios, el anfitrión lo silenciará y escuchará un anuncio automatizado indicando que su teléfono ha sido silenciado.

Se le invita a cualquier persona que desee expresar sus opiniones sobre este caso a asistir a la audiencia pública o a presentar comentarios por escrito. Por favor de hacer referencia al número de archivo (RWV#001-23) o al nombre del solicitante (Corporation of the Catholic Bishop of Yakima) en cualquier correspondencia que envíe. El Concejo Municipal decidirá si desocupar o no la vía pública. El Examinador de Audiencias llevará a cabo la audiencia pública requerida y hará una recomendación al Concejo Municipal. Cualquier persona que desee ser informada de la hora, fecha y el lugar de la junta pública del Concejo Municipal para la petición propuesta deberá solicitarlo por escrito a la Division de Planificación de la Ciudad de Yakima.

**AVISO DE LA RECOMENDACIÓN:** Después de la audiencia pública, el Examinador de Audiencias emitirá su recomendación dentro de diez (10) días hábiles. Cuando la recomendación sea emitida, una copia será enviada a las personas que mandaron comentarios o que recibieron este aviso.

El archivo que contiene la aplicación completa está disponible para inspección pública en la Oficina de Planificación de la Ciudad de Yakima en el 129 al Norte la Calle 2da, Yakima, WA.

Si tiene cualquier pregunta sobre esta propuesta, puede contactar a la Oficina de Planificación al (509) 575-6183 o por correo electrónico al: [ask.planning@yakimawa.gov](mailto:ask.planning@yakimawa.gov)

**Adjuntos:** Petición, Mapa, Record of Survey , Narrativa

RECEIVED

23 NOV 15 A2:56

PETITION NO. 23-04  
CITY OF YAKIMA, WASHINGTON  
PETITION TO VACATE STREET OR ALLEY YAKIMA CITY CLERK

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>Kathi D. Mercy</u>	<u>215 NORTH 4<sup>th</sup> STREET</u>	
Owner	Address	
<u>[Signature]</u>	<u>August 17, 2023</u>	<u>50%</u>
Signature	Date	Ownership %

<u>+ Bishop JOSEPH Tyson</u>	<u></u>	
Owner	Address	
<u>[Signature]</u>	<u>August 17, 2023</u>	<u>90 %</u>
Signature	Date	Ownership %

<u></u>	<u></u>	
Owner	Address	
<u></u>	<u></u>	<u></u>
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)



**Project Name:** CORPORATION OF THE CATHOLIC BISHOP OF YAKIMA

**Site Address:** 201, 212, 215 N 4TH ST

**File Number(s):** RWV#001-23

**Proposal:** Proposal to vacate a portion on North 4th Street between MLK JR Blvd and Lincoln Avenue.



## VICINITY MAP



Map Disclaimer: Information shown on this map is for planning and illustration purposes only. The City of Yakima assumes no liability for any errors, omissions, or inaccuracies in the information provided or for any action taken, or action not taken by the user in reliance upon any maps or information provided herein.

Date Created: 11/29/2023



[illegible][illegible]

*JAMES C. ...*



BELL & UPTON LAND SURVEYING  
315 NORTH 3RD STREET, YAKIMA, WA. 98901 PHONE 509-457-7655  
VACATION EXHIBIT  
PREPARED FOR  
SAINT JOSEPH-MARQUETTE SCHOOL  
212 NORTH 4th STREET, YAKIMA, WA. 98901  
DATE: 9/27/23 JOB NO: 23069 SHEET 1 OF 1

NOV 14 2023

CITY OF YAKIMA  
PLANNING DIV.

Supplemental Application For:  
**RIGHT-OF-WAY VACATION**

**PART II - LOCATION****1. VICINITY - LOCATION OF RIGHT-OF-WAY TO BE VACATED:**See attached written narrative. *SEE EXHIBIT B***2. LEGAL DESCRIPTION OF THE RIGHT-OF-WAY TO BE VACATED: (Attach if lengthy)**See attached written narrative. *SEE EXHIBIT F***PART III - APPLICATION INFORMATION****1. 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.

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

See attached written narrative.

**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)**

See attached written narrative.

**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 long-range plans)**

See attached written narrative.

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

See attached written narrative.

**F. Please choose one:**☒ I have enclosed an appraisal of the property to be vacated☐ I am electing to have the City of Yakima Planning Division determine the value of the property to be vacated per YMC 14.21.070.**PART IV - REQUIRED ATTACHMENTS****1. PETITION TO VACATE STREET OR ALLEY REQUIRED (attached)****2. TITLE REPORT FOR ALL ADJACENT PROPERTIES - *SEE EXHIBIT A*****3. SURVEY OF THE AREA TO BE VACATED - *SEE EXHIBIT D*****4. APPRAISAL OF THE PROPERTY (an appraisal is required unless the applicant elects to have the City determine the value of the property to be vacated in accordance with YMC 14.21.070) - *SEE EXHIBIT G*****5. ENGINEERING PLAN (may be required to indicate how the curb, gutter and other physical features will be treated after the vacation is enacted.) - *SEE EXHIBIT H*****6. 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) - *SEE EXHIBIT I***



YAKIMA COUNTY

GEOGRAPHIC INFORMATION SERVICES

Vicinity Map

North 4th Street  
Vacation



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CITY OF YAKIMA  
PLANNING DIV.

2023 Ortho-photo mosaic  
taken April

Parcel Lot lines are for visual  
only. Do not use for legal purp.



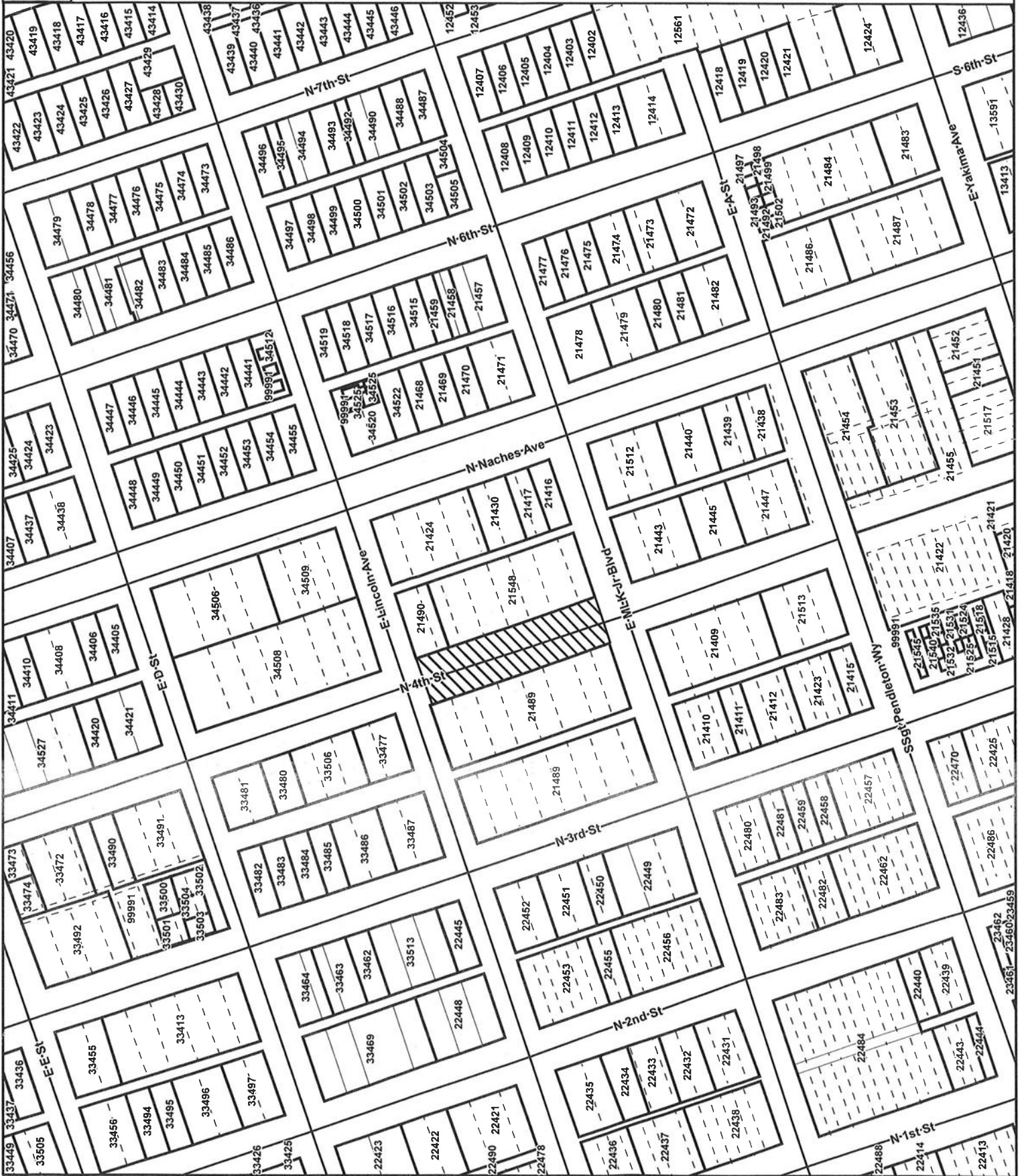
1 inch = 267 feet



Yakimap.com

Copyright (C) 2021 Yakima County  
This map was derived from several data sources. The  
County does not warrant the accuracy of the data or  
therefore, there are no warranties for this product.

Date: 9/28/2023



# WRITTEN NARRATIVE

**A written narrative describing the reasons for the proposed vacation, the physical limits of the proposed vacation and the public benefit of the proposed vacation.**

The purpose of the proposed vacation is to assemble commonly owned properties into a single contiguous parcel to provide safety and security to students and parishioners of St. Joseph-Marquette school and St. Joseph church.

In November of 2021, the Corporation of the Catholic Bishop of Yakima had the opportunity to purchase a vacant 1.03 acre parcel of property near its 2.50 acre school and church campus. The vacant 1.03 acre parcel was purchased and has since had a new gymnasium constructed on it. Unfortunately, the new gymnasium lies east of North 4<sup>th</sup> Street, while the school and church campus lies west of North 4<sup>th</sup> Street. Thus, the individual structures and land that make up the total campus are bisected by North 4<sup>th</sup> Street.

This application requests the right-of-way vacation of North 4<sup>th</sup> Street from Martin Luther King Boulevard, north, to East Lincoln Avenue. There are two property owners with direct frontage on both sides of this section of North 4<sup>th</sup> Street. One being the applicant (Corporation of the Catholic Bishop of Yakima), and the other being M & G Property Partners, which has enjoined in this application.

The safety and security of students, staff, parishioners and others on the campus are paramount to the Corporation of the Catholic Bishop of Yakima. The vacation of the North 4<sup>th</sup> Street right-of-way would permit students, staff and others, at the St. Joseph Marquette school, to walk from the existing school and church campus directly to the gymnasium without having to cross South 4<sup>th</sup> Street. The right-of-way vacation would provide the safety needed to protect those walking between the school and church campus, to the gymnasium, by completely removing pedestrian-vehicle interaction. Alleviating this pedestrian-vehicle interaction is the primary goal of this right-of-way request.

Currently, students and staff, cross North 4<sup>th</sup> Street approximately 16 times per weekday during the school year. North 4<sup>th</sup> Street has traffic traveling both north and south, as well as vehicles that park along North 4<sup>th</sup> Street, and then back into the North 4<sup>th</sup> Street right-of-way. These two factors create a dangerous situation, especially for young students. Vacating the right-of-way separates the pedestrian-vehicle interaction and removes the risk of an accident.

The vacation of the right-of-way permits the property owner with an opportunity to control access to the school and church campus by installing fencing and gates around all improvements to help ensure security. As part of the right-of-way vacation project, it is proposed that one private main entrance to the campus be established at the current intersection of North 4<sup>th</sup> Street and East Lincoln Avenue. Creating this main entrance provides an opportunity to reroute vehicle traffic, primarily associated with the school, in a new circulation pattern. The new pattern will reduce traffic congestion, currently encountered on North 3<sup>rd</sup> Street, by permitting substantial off-street vehicle stacking within the vacated North 4<sup>th</sup> Street right-of-way.

A portion of the vacated right-of-way is proposed to be reserved as an open grass area. Currently, the St. Joseph Marquette school has no substantial grass or landscaped areas on its campus. This is primarily due to its urban setting and lack of space for such improvements. It is intended that a large area near the intersection of North 4<sup>th</sup> Street and MLK Jr. Boulevard be reserved for that purpose. This will provide an area for reflection and recreational purposes.

There are many public benefits to this proposal. The project is intended to create a safe and secure setting for students, teachers, parishioners and others within the campus boundaries which is located within the downtown Yakima urban setting. Urban settings present many challenges. Some challenges are predictable, while others are not. This proposal provides the applicants an opportunity to assemble their properties into a single campus and secure the facility with perimeter fencing to help prevent unpredictable challenges.

The public benefits by eliminating the danger of pedestrian-vehicle interaction and provides safety to all pedestrians and drivers. A new on-site transportation circulation pattern has been established to correct existing off-site traffic congestion which currently occurs on North 3<sup>rd</sup> and North 4<sup>th</sup> Streets between MLK Jr. Boulevard and East Lincoln Avenue. Access to existing City of Yakima water mains, sewer mains and storm water facilities will be preserved in the form of an easement which will cover the entire right-of-way vacation area. Thus, City maintenance crews will be able to maintain and/or replace those facilities as necessary.

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

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2023 1 4 2023

## **LEGAL DESCRIPTION NORTH 4<sup>TH</sup> STREET VACATION**

THAT PORTION OF NORTH 4<sup>TH</sup> STREET LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF EAST MARTIN LUTHER KING JR. BOULEVARD AND SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF EAST LINCOLN AVENUE.

FILED

NOV 1 1962

CLERK

PLANNING