

City of Union Gap

“The Old Town with New Ideas”

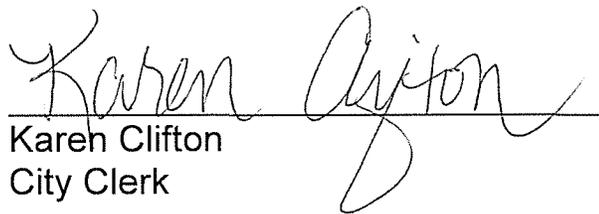
www.ci.union-gap.wa.us

CITY OF UNION GAP
SUMMARY OF ORDINANCES
PASSED FEBRUARY 23, 2015

Ordinance No. 2870: DiMario Management Partnership Rezone, from Light Industrial to Wholesale Warehouse.

Copies of the above ordinance are available for review at the City Clerk's office and a copy will be mailed upon request.

DATED this 24th day of February, 2015.



Karen Clifton
City Clerk

Publish: Wednesday, February 25, 2015

**CITY OF UNION GAP, WASHINGTON
ORDINANCE NO. _____**

WHEREAS, Chapter 35A.63 of the Revised Code of Washington authorizes the City Council of the City of Union Gap to adopt and amend official controls including zoning ordinances and zoning maps; and,

WHEREAS, the City of Union Gap City Council did pass Ordinance 2715, amending the City of Union Gap Comprehensive Plan 'Future Land Use Map' 2011. The revised map has three broad designations instead of attempting to mirror the categories of the Union Gap Zoning Map. These categories are Residential, Non-Residential and Special Study Area. The site and surrounding lands are designated as Non-Residential; and,

WHEREAS, the City of Union Gap Hearing Examiner did advertise and held a public hearing for the purpose of hearing testimony for and against the proposed application 2014.0264.RZ0001 for site specific rezone of two (2) individual parcels totaling approximately 7.55 acres from Light Industrial (L-I) to Wholesale Warehouse (WW), all persons present desiring to speak for or against or in relation to the amendment were given a full and complete opportunity to be heard, the Council has considered the Hearing Examiner's recommendation of APPROVAL, and the Council was satisfied that the matter has been sufficiently considered; and,

WHEREAS, the Council concurs with the Hearing Examiner's findings of fact and conclusions and adopts the same by reference hereto; now, therefore,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNION GAP:

Section 1. Findings. The recitals set forth above are incorporated herein as the City Council's Findings. Further, the Hearing Examiner's Findings and Conclusions are adopted as the City Council's Findings and Conclusions by this reference.

Section 2. Amendment. The following described real property is hereby reclassified from Light Industrial (L-I) to Wholesale Warehouse (WW):

Tax Parcel No. 181201-11403

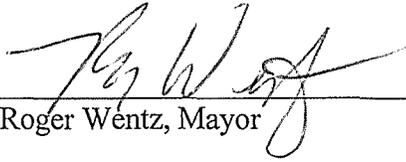
Lot 3 of Short Plat No. 7282503. Records of Yakima County, Washington (3.71 acres)

Tax Parcel No. 181201-11404

Lot 4 of Short Plat No. 7282503. Records of Yakima County, Washington (3.84 acres)

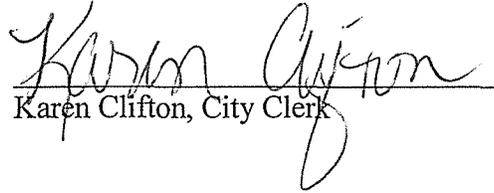
Section 3. This ordinance, implementing zoning map amendment number 2014.0264.RZ0001, shall become effective five (5) days following legal publication of this ordinance or a summary of this ordinance.

PASSED this 23rd day of February, 2015.



Roger Wentz, Mayor

ATTEST:

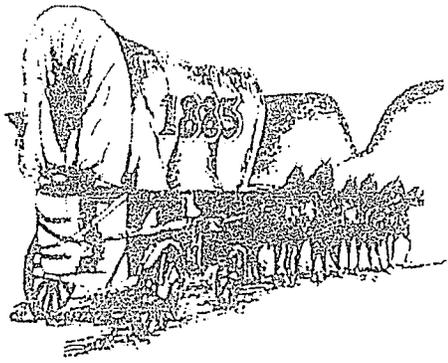


Karen Clifton, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney



City of Union Gap

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CITY OF UNION GAP

NOTICE OF HEARING EXAMINER RECOMENDATION

To: Participating Parties

From: David Spurlock, CBO Deputy Director
Public Works and Community Development

Subject: Notice of Written Recommendation: File Nos. 2014.0264.RZ001 &
2014.0252.SE0011
DiMario Management Partnership /Property Owner
Bill Almon Jr/Applicant

Date: February 5, 2015

On Wednesday, July 18, 2015 the Union Gap Hearing Examiner conducted a public hearing on the above matter. On February 2, 2015 the Hearing Examiner issued a written recommendation to approve the request subject to conditions.

The recommendation will be forwarded to City Council for final action. The Council will hold a closed record hearing on the matter

If you have any questions or need to discuss this matter in more detail please call me at 575-3638.

Gary M. Cuillier
ATTORNEY AT LAW

314 N. SECOND STREET
YAKIMA, WASHINGTON 98901

(509) 575-1800
FAX: (509) 452-4601

February 2, 2015

Union Gap Building/ Planning Department
Attn: David Spurlock
102 West Ahtanum Road
Union Gap, WA 98903

Re: Hearing Examiner's Recommendation – 2014.0264.RZ001 & 2014.0252.
SE0011 – DiMario Management Partnership to Rezone Property on the Southwest
Corner of the Intersection of Goodman Road with Valley Mall Boulevard from the Light
Industrial (L-I) to the Wholesale Warehouse (WW) Zoning District

Dear David,

Enclosed is the Hearing Examiner's Recommendation regarding the above-entitled matter. Please contact me if you have any questions. Thank you.

Yours very truly,



KEVIN R. RICHARDSON
Legal Secretary to
GARY M. CUILLIER

KRR: krr
Enclosure

**CITY OF UNION GAP
HEARING EXAMINER'S RECOMMENDATION**

January 31, 2015

In the Matter of a Request for a)	
Rezone Submitted by:)	
)	2014.0264.RZ001
DiMario Management Partnership)	2014.0252.SE0011
)	
To Rezone Property on the South-)	
West Corner of the Intersection of)	
Goodman Road with Valley Mall)	
Blvd. from the Light Industrial)	
(L-I) to the Wholesale/Warehouse)	
(W/W) Zoning District)	

A. Introduction. The preliminary findings relative to the public hearing process for this application may be summarized as follows:

(1) The Hearing Examiner conducted an open record public hearing for this application on January 28, 2015.

(2) The staff report presented by Public Works & Community Development Deputy Director David Spurlock recommended approval of this application.

(3) The owner of adjacent property on the south was assured that the proposed rezone would not have an effect on the right to use that property for a current grandfathered use. No testimony or written comments were presented in opposition to this application for a rezone.

(4) This recommendation has been submitted within 10 business days of the hearing.

B. Summary of Recommendation. The Hearing Examiner recommends that the Union Gap City Council approve this rezone request.

C. Basis for Recommendation. Based upon a view of the site with no one else present on January 28, 2015; the staff report, exhibits, testimony and other evidence presented at an open record public hearing on January 28, 2015; and a consideration of the Goals and Policies of the Union Gap Comprehensive Plan and the applicable criteria for rezones set forth in the Union Gap Development Code; the Hearing Examiner makes the following:

FINDINGS

I. Applicant/Property Owner. The applicant is Bill Almon, Jr. of Almon Commercial Real Estate, 218 East SSgt Pendleton Way, Yakima, WA 98901 on behalf of property owner DiMario Management Partnership, 52 Lincoln Shores Estates, Lincoln City, OR 97367.

II. Location. The two parcels involved in this application are located at the southwest corner of the intersection of Goodman Road with Valley Mall Boulevard. The parcel numbers are 181201-11403 and 181201-11404.

III. Application. This is a request to rezone two undeveloped parcels totaling 7.55 acres west of Costco on the opposite side of Goodman Road. The request is to rezone the property from the Light-Industrial zoning district to the Wholesale/Warehouse zoning district. This nonproject rezone is requested to allow more flexibility as to potential future uses such as the

W/W Class (1) use for an automobile dealership which has shown interest in the property.

IV. Notices. Notices of the open record public hearing of January 28, 2015, and of the SEPA Determination of Nonsignificance were provided in the following ways:

Mailing of hearing notice to property owners within 300 feet:	December 17, 2014
Posting of hearing notice on the property:	December 17, 2014
Publishing of hearing notice in the Yakima Herald-Republic:	December 20, 2014
Notice of DNS to SEPA Reviewing Agencies & Interested Parties:	January 8, 2015

V. Environmental Review. As a result of environmental review of this application, a SEPA Determination of Nonsignificance (DNS) was issued on January 8, 2015, which became final without any appeal.

VI. Zoning and Land Uses. The two parcels involved in this application are currently zoned Light Industrial (L-I). There are currently no land uses on the property. Properties adjacent to these two parcels have the following characteristics:

<u>Location</u>	<u>Zoning</u>	<u>Land Use</u>
North	Regional Commercial (C2)	Undeveloped
South	Light Industrial (L-I)	Undeveloped
East	Central Business District (CBD)	Costco
West	Light Industrial (L-I)	King Beverage/Distribution

VII. Rezone Criteria. Subsection 17.25.030(C) of the Union Gap Development Code

provides that the following eight criteria shall be documented in considering proposed rezones:

(1) **The testimony at the public hearing:** The only testimony at the public hearing consisted of Mr. Spurlock's recommendation favoring approval of this rezone request and an adjacent property owner's question about continuing the existing use of adjacent property.

(2) **The suitability of the property in question for the uses permitted under the proposed zoning:** The property in question is suitable for the uses permitted under the proposed Wholesale/Warehouse zoning for several reasons. The property fronts on Goodman Road which is a two-lane local access road connecting with Valley Mall Boulevard at the north boundary of the property. Goodman Road is the access point for the property because Valley Mall Boulevard is a restricted access roadway and direct access is not permitted. Goodman Road is planned to be extended to the south to connect with Ahtanum Road in the future. Access to and from the property by way of Goodman Road will not pass through residential areas. The City has procured a grant to provide signalization and complete improvements at the Valley Mall Boulevard/Goodman Road intersection. The site is flat. Water service, sewer service and other utilities can be used to serve the site. In addition, in order for this criterion to be satisfied for a nonproject rezone where no specific use is proposed, the property must be found to be suitable for all of the Class (1) uses that are permitted outright in the Wholesale/Warehouse zoning district. Although some of the Class (1) uses may be subject to regulations such as sitescreeing under certain circumstances or to environmental review where conditions may be imposed, some of them may be established without compliance with such regulations or be categorically exempt from such review depending upon their size and type. All of the Class (2) and Class (3) uses in the Wholesale/Warehouse zoning district will be subject to administrative or public hearing review where conditions may be imposed. Therefore, to satisfy this criterion, testimony at the hearing was presented to the effect that the subject property would be suitable for any use allowed outright as a Class (1) use in the Wholesale/Warehouse zoning district. All of the potential uses that would be allowed outright as Class (1) uses were read into the record at the hearing followed by testimony to the effect that the property would be suitable for all of those uses permitted outright under the proposed Wholesale/Warehouse zoning. There was no testimony to the contrary. Those Class (1) uses permitted outright in the Wholesale/Warehouse zoning district are as follows:

(a) Agricultural (Commercial) Class (1) Uses: Agricultural, horticulture, general farming (not feedlots and stockyards); Agricultural building; Agricultural related industries; Animal husbandry; Floricultural, aquaculture.

(b) Amusement and Recreation Class (1) Uses: Game and electronic game rooms; Gymnasiums, exercise facilities; Parks; Fire stations, police stations and ambulance service; Libraries; Museums, art galleries; Storage of gravel and equipment for street construction.

(c) Manufacturing Class (1) Uses: Aircraft parts; Apparel and accessories; Bakery products (wholesale); Beverage industry; Confectionery and related products (wholesale); Cutlery, hand tools and general hardware / product assembly; Drugs; Electrical transmission and distribution equipment; Electronic components and accessories / product assembly; Fabricated structural metal products; Food processing; Furniture and custom cabinet shop / product assembly; Glass, pottery and related products / product assembly; Grain mill products; Heating apparatus wood stoves; Machinery and equipment; Marijuana processing business; Marijuana production business; Medical, optical, dental and scientific instruments / product assembly; Meat, poultry and dairy products; Metal cans; Paperboard containers and boxes; Plastic products / product assembly / injection and extrusion molding; Printing, publishing and binding; Printing trade (service industries); Sheet metal and welding shops; Sign manufacturing; Stone products (includes finishing of monuments for retail sale); Transportation equipment, including trailers and campers; Woodworking and wood products (cabinets, shelves, etc.).

(d) Retail Trade and Service Class (1) Uses: Addressing, mail and stenographic services; Advertising agencies; Auction house; Automobile sales; Automobile, car wash / maintenance and repair shops / paint and body shops / parts and accessories (tires, batteries, etc.) / specialized repair shops (radiator, engine, etc.) / towing service; Bakery; Beauty and barber shops; Boats and marine accessories; Books, stationery, office supplies; Building and trade contractor (plumbing, heating, electrical, etc.); Butcher shop; Camera store; Candy store; Clothing and accessories; Coin and stamp shop; Commercial services; Computer and electronics stores; Delicatessen; Department, discount, variety stores; Drug stores (optical goods, orthopedic supplies); Employment agency; Fabric store; Farm and implements, tools and heavy construction equipment; Farm supplies; Financial institutions; Florist; Food

store, specialty; Fuel, oil and coal distributors; Furniture, home furnishing, appliances; General hardware, garden equipment and supplies; Gift shop; Grocery/convenience store (closed 10:00 p.m. to 6:00 a.m.) / same (open 10:00 p.m. to 6:00 a.m. - 24 hr.); Heating and plumbing equipment stores retail; Heating and plumbing equipment stores wholesale only; Heavy equipment storage, maintenance and repair; Insurance agents, brokers and service agencies; Jewelry, watches, silverware sales and repair; Laundries; Liquor stores; Lumber yards; Manufactured home and recreational vehicle sales; Motels and hotels; Motor vehicle fuel sales; Motorcycle sales and repair (maintenance, repair and parts); Music stores; Nursery; Paint, glass and wallpaper sales; Pet stores, pet supplies, dog grooming and training; Printing, photocopy service; Professional office building for architects, attorneys, government, etc.; Radio/TV studio; Real estate office; Recycling center; Rental / Automobile / Small tools and equipment / Truck and/or trailer, fleet leasing services / Heavy equipment; Repairs (small appliances, TV, electronics, business machines, watches, etc.); Locksmith and gunsmith; Re-upholstery and furniture; Small engine and garden equipment; Restaurants, cafes and drive-in eating facilities; Second hand store; Shoe repair and shoe shine shop; Technical equipment sales; Toy and hobby store; Truck service sales and shops; Video sales/rental.

(e) Transportation Class (1) Uses: Electric vehicle battery charging station; Bus terminals, storage and maintenance facilities; Transportation brokerage offices without or with truck parking; Contract truck hauling, rental of trucks with drivers; Air, rail, truck terminals (for short term start, office, etc.).

(f) Utility Class (1) Uses: Utility services (substations, etc.).

(g) Wholesale Trade – Storage Class (1) Uses: Warehouses; Wholesale trade; Storage facilities, bulk (commercial); Storage facilities, bulk (residential ministorage).

(3) **The recommendation from interested agencies and departments**: The only recommendation from interested agencies and from interested departments is the recommendation of Mr. Spurlock to approve the requested rezone. The Washington State Department of Ecology did provide a comment dated January 7, 2015, inquiring as to the existence of wetlands on the south portion of the property and filling on the property. The City has determined from GIS records and aerial photography records that there apparently was a staging area on the northern portion of the property during construction of Valley Mall

Boulevard, but it does not appear that there was any disturbance of the southern portion of the property. The property is routinely disced and mowed to maintain weeds. Russian olive trees historically grew on the southern portion of the property. Even though City of Union Gap and Yakima County Critical Areas Maps do not refer to wetlands on the property, further investigation will be conducted prior to any grading or construction. The question as to wetlands, however, does not affect the suitability of the property for the uses allowed in the Wholesale/Warehouse zoning district.

(4) The extent to which the proposed amendment is in compliance with and/or deviates from the goals and policies as adopted in the Union Gap Comprehensive Plan and the intent of this title: The subject property and surrounding properties are within the Non-Residential Comprehensive Plan designation. The requested rezone is in compliance with Union Gap Comprehensive Plan Goal LU 3 which is to promote orderly and cost-effective growth and new development; Policy LU 3.2 which provides that the City's future land use map shall designate the areas most suitable for non-residential development or mixed-use development and that parcels in these areas may at the request of the property owners be rezoned to support commercial or industrial uses; Goal LU 6 which is to support a strong and diverse commercial and industrial base; and Policy LU 6.4 which is to direct industrial land uses toward sites which have adequate arterial and/or rail transportation service capacity, close proximity to existing and planned utility systems in order to optimize the cost of providing essential public services, sufficient size to meet parking, landscape and buffer requirements, and adequate expansion space to meet future needs. The requested rezone is also in compliance with zoning ordinance provisions in Title 17 of the Union Gap Municipal Code which indicate in Subsection 17.03.030(I) that the intent of the Wholesale/Warehouse zone is to provide for a combination of manufacturing, warehouse and industrially-oriented commercial uses served by a full range of urban services and having access by way of a paved street with street improvements.

(5) Consistency of the proposed zoning with the future land use map of the Union Gap Comprehensive Plan: The requested Wholesale/Warehouse zoning would be consistent with the "Non-Residential" Comprehensive Plan future land use map designation for the subject property and the surrounding properties.

(6) The adequacy of public facilities, such as roads, sewer, water and other required public services and whether appropriate measures have been made to

maintain the required level of service adopted by the Union Gap Comprehensive Plan: Since this is a request for a nonproject rezone, appropriate measures will be required to maintain the required level of service and the adequacy of public facilities such as streets, sewer, water and other required public services when applications are submitted for specific development permits.

(7) **The compatibility of the proposed zone change and associated uses with neighboring land uses:** The Wholesale/Warehouse uses would be compatible with neighboring land uses because neighboring land uses include the large Costco building and parking area on the east, a large King Beverage/Distribution facility on the west, undeveloped property across a wide street on the north, and undeveloped property on the south.

(8) **The public need for the proposed change:** Significant changes have occurred in the Upper Yakima Valley, and specifically in Union Gap, as well as in market conditions generally, that warranted reexamination and revision of the Comprehensive Plan to be more general and flexible. The proposed rezone would be a continuation of the changing land use patterns for lands west of the railroad tracks along Valley Mall Boulevard, Longfibre Road and Ahtanum Road. As the available commercial and industrial lands east of the railroad tracks have been developed, developers have focused on properties in the western part of the City. The public need for the requested zoning change includes a public need for flexibility to develop a variety of industrial and commercial uses on development sites in areas where such uses will be compatible with similar nearby land uses. There are a limited number of development sites within the City that can fulfill the public need for Wholesale/Warehouse uses at a location where they will be compatible with neighboring land uses.

CONCLUSIONS

Based upon the foregoing findings, the Hearing Examiner reaches the following conclusions:

(1) The Hearing Examiner has jurisdiction to recommend approval of a rezone by the Union Gap City Council.

(2) A SEPA Determination of Nonsignificance was issued for this rezone request on January 8, 2015, which became final without any appeal being filed.

(3) Notices were given for the open record public hearing in accordance with applicable ordinance requirements.

(4) The requested rezone is consistent with the use, density, utility and development standards of the City's Comprehensive Plan and Zoning Ordinance.

(5) The requested rezone satisfies all of the requisite criteria set forth in Subsection 17.25.030(C) of the Union Gap Development Code.

RECOMMENDATION

Based on the testimony and exhibits submitted at the public hearing on January 28, 2015, the Hearing Examiner recommends that the Union Gap City Council rezone parcel numbers 181201-11403 and 181201-11404 from the Light Industrial (L-I) zoning district to the Wholesale/Warehouse (W/W) zoning district in accordance with the application and other documents in the record that were submitted for file numbers 2014.0264.RZ001 and 2014.0252.SE0011.

DATED this 31st day of January, 2015.



Gary M. Cuillier, Hearing Examiner