CITY OF MOXEE, WASHINGTON
ORDINANCE NO. 841

AN ORDINANCE OF THE CITY OF MOXEE, WASHINGTON, ADOPTING A COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP AND REZONE OF FIVE PARCELS OF PROPERTY

WHEREAS, in compliance with the Washington State Growth Management Act (GMA), which requires counties and cities to prepare long-range comprehensive plans pursuant to Ch. 36.70A RCW and related laws and regulations; and

WHEREAS, RCW 36.70A.130 requires that the City of Moxee, as a "fully planning" city, shall update its comprehensive plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

WHEREAS, RCW 36.70A.130 provides for continuing review and evaluation of comprehensive plans and development regulations at least every five years and for the revision or amendments to such plans not more an once a year but at least once every five years, with certain exceptions; and

WHEREAS, RCW 36.70A.470 requires that counties and cities planning under RCW 36.70A.040 include in there development regulations a procedure for any interested person, including applications, citizens, hearing examiners, and staff of other agencies, to suggest comprehensive plan or development regulation amendments; and

WHEREAS, RCW Ch.36.70A further requires that the suggested amendments be docketed and considered not more-often than once a year, consistent with the provisions of RCW 36.70A.130; and

WHEREAS, on February 29, 2024, the City of Moxee published in the Yakima Herald-Republic a legal notice and display ads to inform the public of the opportunity to submit formal applications for comprehensive future plan map, text, and development regulation amendments by March 31, 2024, **the deadline**; and

WHEREAS, prior to the deadline, two applications were submitted for proposed site-specific future land map amendments to the Moxee City Comprehensive Plan with concurrent rezone requests: Olympic Fruit Company, LLC - CPA2024-01/RZ2024-01 (Lot D, of Short Plat recorded in Book A, Page 2, records of Yakima County, Washington) and Richard L. Kane Revocable Trust – CPA2024-02/RZ2024-02 (Lots 1, 2, 3 & 4 of Short Plat recorded in Book 82, Page 177, records of Yakima County, Washington); and

WHEREAS, both applications requested a future land use map change from Residential to Industrial and a reclassification of the zoning from R-1 (Single Family Residential) to I (Industrial); and

WHEREAS, the applications were deemed complete for processing and proper legal notice was issued for public comment on the proposed applications; and

WHEREAS, pursuant to MMC 16.55, the SEPA Administrative Official issued a Determination of Nonsignificance, on August 28, 2024, for these Future Land Use Map Amendments and Rezone requests in accordance with WAC 197-11-355, as required under the State Environmental Policy Act; and

WHEREAS, pursuant to Chapter 7 of the Moxee Comprehensive Plan – Administration (Section 7 II – Amendments), on October 10, 2024, a public hearing regarding the requested comprehensive plan amendment and rezone requests, described above was held before a meeting of the City Council and continued until December 12, 2024, to deliberate and take action; and

WHEREAS, the City Council finds that the findings of the Staff Reports dated October 4, 2024, are correct and appropriate, and that the same should be adopted by the City Council as its findings herein; and

WHEREAS, on December 12, 2024, the City Council approved the two applications and adopted amendments to its Comprehensive Plan and Official Zoning Map of the above-described applications; and

WHEREAS, it is in the best interest of the City to enact the following and to approve the requested comprehensive plan amendments and concurrent rezones described above; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOXEE, WASHINGTON, AS FOLLOWS:

Section 1. Subject to the specific terms of the ordinance, the Moxee City Council adopts the December 12, 2024, findings, conclusions and recommendations for CPA2024-01/RZ2024-01 and CPA2024-02/RZ2024-02.

Section 2. Any and all official Zoning, Future Land Use, or other similar maps shall be amended or modified to reclassify the subject real property set forth herein consistent with the above sections of this ordinance.

Section 3. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance within 10 days to the Washington Department of Commerce for their records.

Section 4. Severability: If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. The ordinance shall be in full force and effect 5 days after its passage, approval, and publication as provided by law.

PASSED BY THE CITY COUNCIL OF MOXEE, WASHINGTON AND APPROVED BY THE MAYOR at its regular council meeting on December 12, 2024.

LeRoy Hansen
MAYOR

ATTEST:

Amy Conger
CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY