

BOARD OF YAKIMA COUNTY COMMISSIONERS ORDINANCE NO. 4 - 2017

IN THE MATTER OF AMENDING THE YAKIMA COUNTY COMPREHENSIVE PLAN - *PLAN 2015* AND THE YAKIMA COUNTY CODE (YCC) TITLE 19 OFFICIAL ZONING MAP PERTAINING TO THE 2017 GROWTH MANAGEMENT ACT (GMA) PERIODIC UPDATE; REPEALING ORDINANCE NO. 9-2006, ORDINANCE NO. 8-1999, AND ORDINANCE NO. 5-2011 AND YCC TITLE 15A.00.010 PLAN ADOPTION PERTAINING TO THE INTEGRATION OF THE YAKIMA URBAN AREA COMPREHENSIVE PLAN 2025, THE TERRACE HEIGHTS NEIGHBORHOOD PLAN, AND THE WEST VALLEY NEIGHBORHOOD PLAN INTO *HORIZON 2040*; AND REPEALING RESOLUTION 302-1977, ORDINANCE NO. 1-1994, AND ORDINANCE NO. 2-1994 AND YCC TITLE 17, CHAPTER 17.04, CHAPTER 17.30, AND CHAPTER 17.35 PERTAINING TO THE UPDATE OF THE URBAN AREA GROWTH POLICY.

WHEREAS, the Washington State Growth Management Act of 1990, as amended, (Chapter 36.70A RCW or “GMA”) requires Yakima County to adopt a comprehensive plan which includes a land use element (including a future land use map), rural element, housing element, capital facilities plan element, utilities element, transportation element, economic development element, and park and open space element; and,

WHEREAS, the GMA also requires Yakima County to adopt development regulations implementing its comprehensive plans; and

WHEREAS, RCW 36.70A.130 requires that Yakima County be a “fully planning” county; shall review and, if needed, revise its comprehensive plan and development regulations to reflect local needs, new data, and current laws on or before June 30, 2017, and every eight years thereafter; and

WHEREAS, the deliberate GMA update process includes four basic steps: (1) establishment of a public participation program that identifies procedures and schedules for the review, evaluation, and possible revision process; (2) review of relevant plans and regulations; (3) analysis of need for revisions; and (4) adoption of an appropriate ordinance and/or amendments; and

WHEREAS, in compliance with the GMA, Chapter 36.70A RCW, the Board of Yakima County Commissioners (the Board) adopted the comprehensive plan - *Plan 2015*, on May 20, 1997 (updated December 2007 under Ordinance 15-2007), and adopted development regulations on February 8, 2000, (updated on May 5, 2015 under Ordinance 7-2013); and

WHEREAS, in April 1997 the City of Yakima (City) and Yakima County (County) adopted the Yakima Urban Area Comprehensive Plan (YUACP) as the comprehensive plan for the Yakima UGA; and

WHEREAS, the Board adopted the Terrace Heights Neighborhood Plan by Ordinance No. 8-1999 on July 27, 1999, the YUACP 2025 by Ordinance No. 9-2006 on December 19, 2006, and the West Valley Neighborhood Plan by Ordinance No. 5-2011 on February 15, 2011, and codified under YCC Title 15A.00.010 Plan Adoption; and

WHEREAS, the GMA, RCW 36.70A.130(2)(a), requires Yakima County to establish procedures and schedules whereby comprehensive plan amendments are considered by the Board; and

WHEREAS, as part of its comprehensive plan and development regulations update process, the County has established public participation procedures, YCC 16B.10, which sets forth minimum requirements for ensuring adequate public notification and opportunities for comment and participation in the amendment process; and

WHEREAS, the Board adopted Resolution 60-2015 on February 17, 2015 for the development of a Public Participation Plan and work program outlining the process and timelines for updating the Yakima County Comprehensive Plan – ***Plan 2015*** by the June 30, 2017 deadline; and.

2017 YAKIMA COUNTY COMPREHENSIVE PLAN UPDATE - *Horizon 2040*

WHEREAS, a Vision 2040 report created through a “check in” process was approved by the Planning Commission during the April 08, 2015 meeting and provided updated visioning goals and policies for ***Plan 2015*** elements;

WHEREAS, Yakima County Planning Staff initiated a comprehensive plan amendment (ZON2017-002) as required by RCW 36.70A.130 to update ***Plan 2015*** as scheduled; and

WHEREAS, action was taken to update ***Plan 2015*** by combining Volumes 1 and 2 with text and map amendments and to rename the County’s comprehensive plan as ***Horizon 2040***; and

WHEREAS, a Natural Hazards element (hazard mitigation) was added to ***Horizon 2040*** (formerly ***Plan 2015***) establishing goals and policies resulting in development that minimizes loss of life and property from natural disasters; and

WHEREAS, the proposed appropriate goals, policies, and maps of the YUACP 2025, the Terrace Heights Neighborhood Plan, and the West Valley Neighborhood Plan were integrated into ***Horizon 2040*** (formerly ***Plan 2015***); and

WHEREAS, YCC Title 15A.00.010 Plan Adoption will be proposed to be repealed; and

WHEREAS, the proposed text and map amendments to ***Horizon 2040*** (formerly ***Plan 2015***), were presented to the Planning Commission for their review on June 24, 2015 January 19, 2016, February 10, 2016, April 13, 2016, September 14, 2016, and February 22, 2017; and

WHEREAS, the Board adopted Resolution 399-2013 authorizing the formation of the Yakima County Water Resource System that addresses rural domestic water availability requirements as mandated by the GMA and State's Supreme Court's Hirst Decision; and

WHEREAS, the proposed text amendments to the Land Use, Natural Settings, and Utilities elements relating to legal and physical groundwater availability was presented to the Planning Commission for their review on March 8, 2017; and

2017 YCC TITLE 19 OFFICIAL ZONING MAP - CITY OF GRANDVIEW COMP PLAN AMENDMENT

WHEREAS, the City of Grandview and Yakima County Planning staff initiated a comp plan amendment (ZON2017-001) to ***Horizon 2040*** (formerly ***Plan 2015***) and concurrent rezone as part of the 2017 GMA Periodic Update; and

WHEREAS, the proposed comp plan amendment and concurrent rezone were presented to the Planning Commission for their review on March 22, 2017; and

WHEREAS, on or around April 10, 2017 notices of application and environmental review were mailed to adjacent property owners within 300 feet of the proposed amendment properties and those agencies with environmental expertise; and

OTHER *Horizon 2040* AND YCC TITLE 19 OFFICIAL ZONING MAP

WHEREAS, on April 13, 2017 Yakima County provided a 60-Day notice to the Department of Commerce, as required by RCW 36.70A.106 on the proposed text and map amendments to ***Horizon 2040*** (formerly ***Plan 2015***) and Grandview comp plan amendment; and

WHEREAS, the Planning Commission, having carefully considered the staff recommendation, the applicant's justification, and the written and oral testimony in its deliberations has issued its findings and conclusions to the Board for consideration in the documents "Yakima County Planning Commission Findings of Fact and Recommendations, May 10, 2017"; and,

WHEREAS, the Board conducted a properly advertised public hearing on June 6, 2017 to take public testimony on the proposed text and map amendments to ***Horizon 2040*** (formerly ***Plan 2015***), Grandview comp plan amendment, and Planning Commission recommendations; and

WHEREAS, the Board of Yakima County Commissioners held their deliberations on June 13, 2017 and did adopt motions approving, denying or modifying the proposed amendments to ***Horizon 2040*** (formerly ***Plan 2015***) and Grandview comp plan amendment; and

WHEREAS, the update of the Yakima County's comprehensive plan must be processed with the State Environmental Policy Act (SEPA); and

WHEREAS, on May 30, 2017 Yakima County staff prepared a *Notice of Adoption of Existing Environmental Documents and Mitigated Determination of Non-Significance for 2017 Comprehensive Plan and Zoning Amendments* (SEP17-011) which analyzed the environmental and growth management impacts of all proposed actions and included individual reports on each of the remaining proposed amendments; and

WHEREAS, on June 23, 2017 Yakima County issued a final Adoption of *Existing Environmental Documents and Mitigated Determination of Non-Significance for 2017 Comprehensive Plan and Zoning Amendments* (SEP17-011) which analyzed the environmental and growth management impacts of all proposed actions and included individual reports on each of the remaining proposed amendments and considered all submitted comments from agencies and parties of record; and

2017 YCC TITLE 17 URBAN AREA GROWTH POLICY

WHEREAS, the Yakima Urban Area Growth Policy was adopted by Resolution 302-1977 in 1977, the Interim Growth Areas for the cities of Granger, Mabton, Sunnyside, and Grandview was adopted by Ordinance No. 1-1994 on January 11, 1994, and the Interim Growth Areas for the cities of Tieton, Moxee, Selah, Naches, Yakima, and Union Gap was adopted by Ordinance No. 2-1994 on February 15, 1994; and

WHEREAS, the adoption and implementation of *Plan 2015* on May 20, 1997 established urban growth areas and updated urban area growth policies for the Yakima cities; and

WHEREAS, Ordinance No. 8-2015 subsequently amended the comprehensive plan text amendment (TXT2015-004) to accommodate new urban land use designations and land use policy text edits in the land use element; and

WHEREAS, YCC Title 17, Chapter 17.04 - the Yakima Urban Area Growth Policy, Chapter YCC 17.30 - the Interim Growth Areas for the cities of Granger, Mabton, Sunnyside, and Grandview, and Chapter 17.35 Interim Growth Areas for the cities of Tieton, Moxee, Selah, Naches, Yakima, and Union Gap will be repealed in accordance RCW 36.70A.130 to be consistent with the comprehensive plan and development guidelines of the 2017 GMA periodic update; and

OTHER

WHEREAS, in 2012 the Washington State Office of Financial Management (OFM) released the 20-year low, medium and high population projections for the state and each of the thirty-nine counties; and

WHEREAS, both the Growth Management Act and the Yakima Countywide Planning Policies require Yakima County to select between the low, medium and high OFM population projections and project the 20-year population for each of the fourteen cities and towns in the County; and

WHEREAS, on July 14, 2015 Yakima County issued its 20-year population projections for each of the fourteen cities and towns of the County based on OFM's medium county population projections; and

WHEREAS, OFM's medium county population projections out to the year 2040 were used by Yakima County as the official planning horizon date for 2017 GMA update of the Yakima County Comprehensive Plan - *Horizon 2040* (formerly *Plan 2015*); and

WHEREAS, both the Growth Management Act and *Horizon 2040* (formerly *Plan 2015*) require Yakima County to conduct a land capacity analysis to analyze the growth needs for all fourteen cities and towns in Yakima County as part of the required UGA update; and

WHEREAS, both the Growth Management Act and *Horizon 2040* (formerly *Plan 2015*) require all fourteen cities and towns in Yakima County to submit up to date and approved capital facilities plans showing how all proposed UGAs are to be served with capital facilities; and

WHEREAS, Yakima County concluded Phase 1 of its UGA review for four of the fourteen cities and towns (Grandview, Harrah, Mabton, and Naches) in 2015 with the adoption of Ordinance 8-2015; and

WHEREAS, Yakima County concluded Phase 2 of its UGA review for twelve cities and towns (Granger, Harrah (updated), Moxee, Naches (updated), Selah, Sunnyside, Tieton, Toppenish, Wapato, Union Gap, Yakima, and Zillah) in 2016 with the adoption of Ordinance 14-2016; and

WHEREAS, as part of the eight-year update requirement under RCW 36.70A.130, completed June 27, 2017, Yakima County has reviewed plans and regulations, analyzed whether there is a need for revisions, and updated those elements of the comprehensive plan and development regulations to reflect local needs, new data, and current laws; and

WHEREAS, the Board of Yakima County Commissioners considered proposed amendments to the comprehensive plan and YCC Title 19 Official Zoning Map, concurrently in order to ascertain their cumulative effects, as set forth in SEPA documents referenced above; and

WHEREAS, the Board has determined that all Plan and development regulation amendments are internally consistent; and

NOW, THEREFORE, the Board does hereby ordain as follows:

Section 1. Reasons for Action.

The 2017 amendments before the Board of Yakima County Commissioners are as follows:

- A. ZON2017-002/SEP17-011: Yakima County Comprehensive Plan – *Horizon 2040* 2017 GMA periodic update (see Exhibit A) – The proposed text and map amendments as required by the GMA update and deadline of June 30, 2017 to complete the review and amendment process.

- B. YCC Title 15A.00.010: (see Exhibit C) – The integration of the proposed appropriate goals, policies, and maps from the YUACP 2025, the Terrace Heights Neighborhood Plan, and the West Valley Neighborhood plan into ***Horizon 2040*** (formerly ***Plan 2015***) and repeal YCC 15A.00.010.
- C. ZON2017-001/SEP2017-011: City Grandview: (see Exhibit D) – The comp plan amendment considered as part of the 2017 GMA update. The subject properties are located to the east of the city limits bordering the Sunnyside Valley Irrigation District canal, south of Interstate 82, west of Willoughby Rd, and north of Bonnieview Rd. The subject properties are identified as Assessor Parcels 230913-33418, 230913-33417, 230913-33029, 230913-33018, and 230913-33016. Land Use: Urban Industrial (UI) to Urban Residential (UR). Zoning: Light Industrial (M-1) to Residential (R-1) – approximately 13.34 acres.
- D. YCC Title 17 Urban Area Growth Policy: (see Exhibit E) – Repeal of the outdated YCC Title 17 that has been subsequently amended, updated, and implemented by ***Horizon 2040*** (formerly ***Plan 2015***) and Ordinance No. 8-2015.

Staff reports for the each of docketed amendment requests were provided to the Planning Commission that identified specific issues and recommended approval, modification or denial of the proposed amendments. Following public testimony and deliberations the Planning Commission has determined which of the proposed amendments are needed to correct errors, address deficiencies or more closely correspond to the goals, policies and intent of ***Horizon 2040*** (formerly ***Plan 2015***) and presented their findings and recommendations to the Board for their consideration. The Board then reviewed said amendment requests, held public hearing and made a decision to approve, modify or deny the proposed amendments.

Section 2. Findings. The Board finds that all RCW 36.70A (the Growth Management Act or GMA) prerequisites for the adoption of the County's comprehensive plan through the eight year GMA update process have been met and that the plan adopted herein (Exhibit A) achieves the goals and satisfies the requirements of the GMA, as follows (new text is shown in blue underline, deleted text is shown in red ~~strikethrough~~, existing text moved to and from is green double ~~strikethrough~~ underline and green underline and since Volume 1 and Volume 2 of ***Plan 2015*** were combined into the updated plan, in certain elements Volume 2 existing text was shown in purple):

- A. Compliance with 2017 Plan Update Process. The amendments to Yakima County Comprehensive Plan – ***Horizon 2040*** (formerly ***Plan 2015***), and development regulations, adopted by this ordinance are in substantial compliance with RCW 36.70A (the Growth Management Act, or GMA). ***Horizon 2040*** is internally consistent and policies within and among elements are complementary, not contradictory. The Comprehensive Plan contains goals, objectives, and policies, implementation measures, policy plan mapping criteria and procedures which provide for its review and adjustment if internal conflicts are discovered.

The Board further finds that Yakima County's phased approach to meeting its GMA comprehensive plan update review and analysis is in compliance with RCW 36.70A, including the following initial steps taken in the last two years of the GMA Update process, including (1) establishment of a public participation program that identifies procedures and schedules for review, evaluation, and possible revision process; (2) issuance of the 20-year population

projections for the fourteen cities and towns; (3) evaluation of all fourteen cities and towns UGA boundaries; (4) the review and revision of *Plan 2015*; (5) the addition of a Natural Hazards element; (6) the addition of goals and policies related to both legal and physical water availability, as required by GMA and the Hirst Decision; (7) integration of appropriate goals, policies, and maps from the Yakima Urban Area Comprehensive Plan 2025, Terrace Heights Neighborhood Plan, and West Valley Neighborhood Plan; (8) the repeal of the Yakima Urban Area Comprehensive Plan 2025, Terrace Heights Neighborhood Plan, and West Valley Neighborhood Plan; (9) the renaming of *Plan 2015* to *Horizon 2040*; (10) the City of Grandview comp plan amendment and change to YCC Title 19 Official Zoning Map; and (11) the adoption of an appropriate ordinance and/or amendments.

- B. State Environmental Policy Act (SEPA). Yakima County has complied with the environmental review process required by SEPA for the plan and development regulation update. *Plan 2015* was originally designed to integrate SEPA and GMA consistent with the provisions of WAC 197-11- 210 through 197-11-235. The June 23, 2017 issuance of the *Final Notice of Adoption of Existing Environmental Documents and Mitigated Determination of Non-Significance for 2017 Comprehensive Plan and YCC Title 19 Official Zoning Map Amendments* (SEP17-011), provides the environmental evaluation and documentation required under SEPA for the plan and development regulation update.
- C. Analysis of Cumulative Effects. The cumulative effects of the amendments to *Horizon 2040* (formerly *Plan 2015*), implementation regulations, and the Grandview comp plan amendment have been considered as part of the SEPA review process of the comprehensive plan and are included in the SEPA documents referenced above.
- D. The Board of Yakima County Commissioners adopts the *Horizon 2040* (ZON2017-002) and Grandview comp plan amendment (ZON2017-001) as detailed in the findings of fact and recommendations of the Planning Commission dated May 10, 2017, with modifications as shown in the exhibits as follows:
 - i. *Horizon 2040* (ZON2017-002) - the Board of Yakima County Commissioners adopted the Planning Commission Findings and Recommendations for the County's Comprehensive Plan *Horizon 2040* with modifications. The Board modified comprehensive plan is attached as Exhibit A, the Planning Commission Findings and Recommendations are attached as Exhibit B.
 - ii. *YCC Title 15A.00.010 Plan Adoption* – the Board of Yakima County Commissioners repeal Title 15A.00.010 without any modifications as shown in Exhibit C.
 - iii. *Grandview Comp Plan Amendment* (ZON2017-001) – the Board of Yakima County Commissioners adopted the Planning Commission findings and recommendations for the City of Grandview without any modifications as shown in Exhibit D.
- E. The Board of Yakima County Commissioners repeal YCC Title 17 as shown in the following exhibit.
 - i. *Title 17 Urban Area Growth Policy* – the Board of Yakima County Commissioners repeal Title 17 without any modifications as shown in Exhibit E.

Section 3. Preparation of Final Comprehensive Plan Document. County staff are hereby directed to complete final preparation of *Horizon 2040*, correct any typographical or formatting edits, and include appropriate graphics and illustrations.

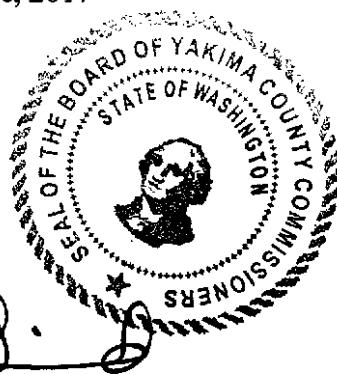
Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the resolution, or the validity of its application to any other persons or circumstances.

Section 5. Effective Date. Pursuant to the Growth Management Act (RCW 36.70A), Yakima County must publish a Notice of Adoption within 10 days after the Board's approval of this ordinance, thus starting the required 60 appeal period. Therefore, this ordinance becomes effective on the 61st day after posting of the Notice of Adoption, unless successfully appealed.

DONE this 27th day of June, 2017



Attest: Tiera Girard
Clerk of the Board



J. Rand Elliott, Chairman



Ron Anderson, Commissioner



Michael D. Leita, Commissioner

*Constituting the Board of County Commissioners
for Yakima County, Washington*