Yakima County Planning Commission
Findings of Fact and Recommendation
November 7, 2018

IN THE MATTER OF CONSIDERING EMERGENCY AMENDMENTS TO THE YAKIMA COUNTY COMPREHENSIVE PLAN (HORIZON 2040) FUTURE LAND USE MAP AND TO THE COUNTY’S OFFICIAL ZONING MAP ESTABLISHED BY YCC TITLE 19

WHEREAS, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the Yakima County Comprehensive Plan (Horizon 2040) on June 27, 2017, and adopted implementing development regulations (Yakima County Code Title 19) on May 5, 2015; and

WHEREAS, RCW 36.70A.130 requires that Yakima County, as a “fully planning” county, shall update its comprehensive plan and development regulations as necessary, to reflect local needs, new data, and current laws; and

WHEREAS, under RCW 36.70A.130, the plan and development regulations are subject to continuing review and evaluation, but the plan may be amended no more than one time per year; and

WHEREAS, YCC 16B.10.040(5) establishes that applications for amendments to Urban Growth Area (UGA) boundaries will only be considered at five-year intervals and the most recent UGA boundary amendments were adopted by the Board in June 2017; and

WHEREAS, Section II.E.1.a. of the Master Interlocal Agreement for Growth Management Act Implementation in Yakima County, last revised on December 29, 2015 by the Board and the County’s 14 Cities, provides for Cities to request amendments to UGA boundaries outside of the 5-year schedule by requesting the emergency amendment process allowed under RCW 36.70A.130(2)(b); and

WHEREAS, the Mabton City Council adopted Resolution 2018-10 on April 24, 2018 authorizing its Mayor and staff to secure an amendment to its UGA boundary and expressing support for the project that would be enabled by such amendment; and

WHEREAS, Bill Hordan, of Hordan Planning Services, submitted a letter to Yakima County dated August 7, 2018 describing the details of Mabton’s proposal to amend its UGA and the reasons for it; and

WHEREAS, the Board, after considering Mabton’s proposal, adopted Resolution 288-2018 on August 21, 2018 finding that an emergency exists and directing the
Planning Services Division to initiate consideration of Mabton’s request as soon as
possible in accordance with RCW 36.70A.130(2)(b); and

WHEREAS, as part of its comprehensive plan and development regulations
amendment process, the County has established a public participation program at
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, in accordance with said public participation program, a combined
Notice of Completeness, Application, Environmental Review, and Public Hearing on
November 7, 2018 was mailed on October 24, 2018 to property owners within 300 feet
of the proposed amendment property and to agencies with environmental expertise,
and was published in the Yakima Herald-Republic on October 24, 2018;

NOW, THEREFORE, the Yakima County Planning Commission hereby makes and
enters the following:

I. REASONS FOR ACTION

1. RCW 36.70.580, YCC 16B.10, and YCC 19.36.040 require the Planning Commission to
hold an open record public hearing on proposed amendments to the
comprehensive plan and amendments to the zoning map that are contingent upon
legislative approval of a comprehensive plan amendment before providing a
recommendation to the Board of County Commissioners.

2. The Planning Commission reviewed Mabton’s proposed emergency UGA map
amendment to Horizon 2040 and associated rezone at its regular meeting on
October 10, 2018.

3. The Planning Commission conducted a public hearing on November 7, 2018, to
hear testimony and review written comments on the UGA map amendment and
associated rezone.

4. The Planning Commission held its deliberations immediately following the public
hearing on November 7, 2018.

5. The Planning Commission carefully considered the recommendation in the Staff
Report dated Nov. 7, 2018 and all oral testimony and written comments received at
and prior to its public hearing concerning the proposed map amendment to
Horizon 2040 and the YCC Title 19 zoning map amendment.

II. FINDINGS OF FACT

Mabton proposes that Yakima County:

1) Add parcel no. 220801-12002 (consisting of 9.97 acres as depicted in
Attachment 1) to its Urban Growth Area,
2) Change the parcel’s comprehensive plan designation from Agricultural Resource (AR) to Urban Commercial (UC), and
3) Rezone the parcel from Agriculture (AG) to General Commercial (GC).

YCC 19.36.040 provides that amendments to the zoning map that are contingent upon legislative approval of a comprehensive plan amendment shall be considered as major rezones; and YCC 16B.10.090 requires that major rezones shall be reviewed against the approval criteria as for plan amendments in Section 16B.10.095, as listed below:

(1) The following criteria shall be considered in any review and approval of amendments to Yakima County Comprehensive Plan Policy Plan Maps:

(a) The proposed amendment is consistent with the Growth Management Act and requirements, the Yakima County Comprehensive Plan, the Yakima Urban Area Comprehensive Plan and applicable sub-area plans, applicable city comprehensive plans, applicable capital facilities plans and official population growth forecasts and allocations;

Findings: The proposal is consistent with all plans regarding the inclusion into the Urban Growth Area. With City water and sewer lines currently existing in the adjacent SR 241, prior to the BOCC’s review Mabton must submit evidence of sufficient system capacity for its water and sewer systems to serve the site.

(b) The site is more consistent with the criteria for the proposed map designation than it is with the criteria for the existing map designation;

Findings: The site is more consistent with the criteria for the proposed map designation than the existing designation since the property is not being used as an agricultural use at this time and has environmental constraints. The property is currently developed in a retail nursery/garden center. The location to the city limits, including utilities, also make the site ideal for an urban designation. Staff’s Agricultural De-Designation Analysis indicates the site is eligible for removal from the AR plan designation.

This site was also previously in the UGA. In 1997 it was included in the UGA with an Urban land use designation (at that time, all land in the UGA had an Urban designation regardless of zoning). In 2000, when zoning was applied, the property was zoned Single-Family Residential. In 2006-2007, when the UGAs were updated, the property was removed from the UGA and the pre-1997 zoning (Agricultural) was applied. Aerial photos from 1992 show that the structures associated with the wholesale nursery were located on the property prior to the inclusion in the UGA with residential zoning.
(c) The map amendment or site is suitable for the proposed designation
and there is a lack of appropriately designated alternative sites within
the vicinity;

Findings: The proposal is for a mixed-use development to service
Mabton, which includes: a medical facility, a housing component (low
income/senior) and recreational opportunities. To accomplish this, the
property needed to be approximately 10-acres in size with public
utilities available. Although other parcels would meet the size
requirement that were already in the city, they would not meet the
requirements of public utilities and road infrastructure to the site.

(d) For a map amendment, substantial evidence or a special study has
been furnished that compels a finding that the proposed designation
is more consistent with comprehensive plan policies than the current
designation;

Findings: No specific study was provided regarding the need for the
inclusion of this land into the UGA; however, the applicants have
provided information that there is no other land available in the UGA
that would suit the needs of their project that would provide enough
land and the necessary public facilities. Additionally, as described
above, this property was previously in the UGA; zoned for residential
use.

(e) To change a resource designation, the policy plan map amendment
must be found to do one of the following:

(i) Respond to a substantial change in conditions beyond the
property owner’s control applicable to the area within which
the subject property lies; or

(ii) Better implement applicable comprehensive plan policies than
the current map designation; or

(iii) Correct an obvious mapping error; or

(iv) Address an identified deficiency in the plan. In the case of
Resource Lands, the applicable de-designation criteria in the
mapping criteria portion of the land use subchapter of Yakima
County Comprehensive Plan, Volume 1, Chapter I, shall be
followed. If the result of the analysis shows that the applicable
de-designation criteria has been met, then it will be considered
conclusive evidence that one of the four criteria in paragraph
(e) has been met. The de-designation criteria are not intended
for and shall not be applicable when resource lands are
proposed for re-designation to another Economic Resource
land use designation;

Findings: The agricultural de-designation analysis (provided in
Attachment 8 of the staff report) indicates sufficient impacts to
agriculture as to allow removal from the AR plan designation.
Therefore, the proposal meets criterion (iv).
(f) A full range of necessary public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools;

Findings: Public utilities such as water and sewer are adjacent to the property. Hwy 241 (Boundary Road) is adjacent to the eastern property line and State Highway 22 is to the south of the property. The City of Mabton also has paved city roadways that lead to the subject property.

(g) The proposed policy plan map amendment will not prematurely cause the need for nor increase the pressure for additional policy plan map amendments in the surrounding area.

Findings: The Yakima County Planning Commission does not foresee that this UGA update will increase pressure for additional UGA boundary changes. It will more likely spur infill development in the smaller, vacant parcels within the City of Mabton.

Overall Findings: The proposal is mostly consistent with the above criteria.

(2) The following criteria shall be considered in any review and approval of changes to Urban Growth Area (UGA) boundaries:

(a) Land Supply:

(i) The amount of buildable land suitable for residential and local commercial development within the incorporated and the unincorporated portions of the Urban Growth Areas will accommodate the adopted population allocation and density targets;

(ii) The amount of buildable land suitable for purposes other than residential and local commercial development within the incorporated and the unincorporated portions of the Urban Growth Areas will accommodate the adopted forecasted urban development density targets within the succeeding twenty-year period;

(iii) The Planning Division will use the definition of buildable land in YCC 168.02.045, the criteria established in RCW 36.70A.110 and .130 and applicable criteria in the Comprehensive Plan and development regulations;

(iv) The Urban Growth Area boundary incorporates the amount of land determined to be appropriate by the County to support the population density targets;

(b) Utilities and services:

(i) The provision of urban services for the Urban Growth Area is prescribed, and funding responsibilities delineated, in conformity with the comprehensive plan, including applicable
capital facilities, utilities, and transportation elements, of the municipality;

(ii) Designated Ag. resource lands, except for mineral resource lands that will be reclaimed for urban uses, may not be included within the UGA unless it is shown that there are no practicable alternatives and the lands meet the de-designation criteria set forth in the comprehensive plan.

Findings: The analysis in the Yakima County staff report supports the conclusion that this proposal is consistent with the above criteria. The proposal has also been reviewed under the agricultural resource de-designation process, outlined in Horizon 2040 Chapter 5.10.3. That analysis is found in Attachment 8 of the staff report.

(3) Land added to or removed from Urban Growth Areas shall be given appropriate policy plan map designation and zoning by Yakima County, consistent with adopted comprehensive plan(s).

Findings: The proposed UC plan designation and GC zoning for the site are appropriate and consistent with Yakima County land use designations and County zoning.

(4) Cumulative impacts of all plan amendments, including those approved since the original adoption of the plan, shall be considered in the evaluation of proposed plan amendments.

Findings: The impacts of the proposed use will be reviewed as part of the SEPA process.

(5) Plan policy and other text amendments including capital facilities plans must be consistent with the GMA, SMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.

Findings: Not applicable. The changes to Mabton's UGA are map amendments rather than policy or text amendments.

(6) Prior to forwarding a proposed development regulation text amendment to the Planning Commission for its docketing consideration, the Administrative Official must make a determination that the proposed amendment is consistent with the GMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.

Findings: Not applicable. The changes to Mabton's UGA are map amendments rather than policy or text amendments.
The SEPA threshold determination has not yet been issued for this proposal. The initial
SEPA comment period ended at 4:00 pm, November 7, 2018, one comment was
received from SVID, and the Planning Commission reviewed and considered this
comment during its deliberations.

III. RECOMMENDATION

The Planning Commission, in view of the above Reasons for Action and Finding of Fact,
hereby recommends as follows:

Subject to Mabton submitting evidence showing sufficient system capacity of its
water and sewer systems to serve the site, that the Board of Yakima County
Commissioners approve Mabton’s proposal (LRN2018-00009), consisting of:

1. Adding parcel no. 220801-12002 (consisting of 9.97 acres, as depicted in
   Attachment 1) and the adjacent SR 22 right-of-way to Mabton’s UGA;
2. Changing the comprehensive plan designation of said area from AR to UC;
   and
3. Rezoning said area from AG to GC.

Voting: 5 in favor; 0 against; 0 abstaining.
Motion made by: Doug Mayo
Seconded by: Doug Miller
IV. MOTION

By motion and vote described in Section III Recommendation above, the Planning Commission affirms the motion made at the November 7, 2018 Planning Commission deliberations, as follows:

Ashley Garza, Chair

Doug Mayo, Co-Vice Chair

Doug Miller, Co-Vice Chair

Michael Shuttleworth, Co-Vice Chair

Jerry Craig

Jerry Mellen

Joe Walsh

Attest:

Thomas D. Carroll, Secretary

Dated: November 7, 2018