

BOARD OF YAKIMA COUNTY COMMISSIONERS
ORDINANCE NO. 9-2006

**IN THE MATTER OF AN ORDINANCE ADOPTING BY REFERENCE AMENDMENTS TO
THE YAKIMA URBAN AREA COMPREHENSIVE PLAN AND ESTABLISHING AN
EFFECTIVE DATE FOR SAID AMENDMENTS**

WHEREAS, Yakima County is required to plan under the Washington State Growth Management Act (GMA) RCW 36.70A.040; and

WHEREAS, every seven years, RCW 36.70A.130(1) requires the County to take legislative action to review and, if needed, revise its comprehensive plan(s) and development regulations; and

WHEREAS, on March 18, 2003 the City of Yakima adopted Chapter 16B.10 of the Yakima Municipal Code (Ordinance 2003-19) which became effective on April 20, 2003, establishing a public participations program in accordance with RCW 36.70A.1230(2) that identified procedures and schedules for reviewing and revising the Yakima Urban Area Comprehensive Plan and city development regulations; and

WHEREAS, the City of Yakima has followed its adopted public participation program, including multiple opportunities for public participation in the 2006 Comprehensive Plan Update, said opportunities being set forth, attached hereto and incorporated herein by this reference as Exhibit "A"; and

WHEREAS, the City of Yakima has sought community-wide participation in the Comprehensive Plan update by providing specific notice of opportunities for comment to the Yakama Indian Nation, WSDOT, WSDOT Aviation, the Yakima Valley Business Times, the Yakima Herald Republic, the EPA, NOAA Fisheries, the Yakima School District, Washington State Department of Agriculture, Department of Health, US Fish and Wildlife, local neighborhood associations, and posting on the Yakima website, to name but non-inclusive notice recipients; and

WHEREAS, goals and policies within the comprehensive plan have been established to facilitate and guide the development of new regulations, based on "Best Available Science" (as defined within the GMA), to protect and enhance both critical areas and shorelines, as required; and

WHEREAS, a significant update to the mandatory transportation element of the comprehensive plan has been drafted, as required by RCW 36.70A.070(6)(B) known as the Yakima Urban Area Transportation Plan 2025 and subsequently summarized in Chapter VI of the Yakima Urban Area Comprehensive Plan; and

WHEREAS, the Yakima Urban Area Transportation Plan 2025 includes significant detail related to the Concurrency requirements of GMA as well as the requirements of consistency with land use assumptions for estimating future traffic impacts and a financing plan. The findings and policies have been summarized into Chapter VI of the Yakima Urban Area Comprehensive Plan; and

WHEREAS, notice of all amendments to the Yakima Urban Area Comprehensive Plan and development regulations adopted to fulfill the requirements of RCW 36.70A.130 was sent to the Washington State Department of Community, Trade and Economic Development (CTED) and received by CTED on September 14, 2006 that date being at least 60 days before the amendments were adopted by the Board of Yakima County Commissioners, in accordance with RCW 36.70A.106; and

WHEREAS, an integrated GMA / Washington State Environmental Review (SEPA) process was conducted for public comment on the Yakima Urban Area Comprehensive Plan Update, including the Transportation Plan Update, as provided in WAC 197-11-235. The final EIS regarding the review was issued on November 15, 2006; and

WHEREAS, under the schedule established in RCW 36.70A.130(4), the deadline to comply with the update required by RCW 36.70A.130(1) is December 1, 2006; and

WHEREAS, an analysis of the Yakima Urban Area Comprehensive Plan was conducted to determine those areas in need of revision, and as a result of that analysis, a list of required revisions necessary to comply with RCW 36.70A was compiled and submitted for review by the Yakima Urban Area Regional Planning Commission at a public hearings conducted on June 26, 2006 and July 10, 2006; and

WHEREAS, the Yakima Urban Area Regional Planning Commission reviewed the analysis and proposed revisions and then held a public hearing on September 25, 2006 to receive public comments on the analysis and proposed revisions. Based on its review of the requirements of RCW 36.70A, the analysis and proposed revisions necessary to comply with RCW 36.70A, the Yakima Urban Area Regional Planning Commission modified the proposed revisions to better comply with RCW 36.70A and forwarded their recommendations to the Yakima City Council and Board of Yakima County Commissioners on October 3, 2006; and

WHEREAS, the Yakima City Council and Board of Yakima County Commissioners conducted a joint public hearing on November 14, 2006 and said hearing continued on December 4, 2006, to receive public comments on the Regional Planning Commission's recommended findings on the review and proposed revisions to the Yakima Urban Area Comprehensive Plan; and

WHEREAS, based upon its review of the requirements of RCW 36.70A, the analysis and proposed revisions, the recommended findings on the review and proposed revisions forwarded by the Regional Planning Commission and public comments received, the Board of Yakima County Commissioners modified the proposed revisions to more fully comply with the requirements of RCW 36.70A.

NOW, THEREFORE, the Board of Yakima County Commissioners makes the following **findings** in support of its actions:

1. The Board finds that an integrated SEPA/GMA Final Environmental Impact Statement for the Plan revisions was issued and made final on December 6, 2006.
2. The Board finds that the Yakima Urban Area Comprehensive Plan 2025 was reviewed and approved for adoption.
3. The Board finds that the Yakima Urban Area Transportation Plan 2025 was reviewed and approved for adoption.
4. The Board finds that the Regional Planning Commission's recommendations for amendments to the September, 2006 draft Yakima Urban Area Comprehensive Plan 2025 were presented to the Board who considered the compatibility, consistency, clarity and updating of the 1997 plan, as well as certain specific corrections in several of the recommendations to more accurately state the determinations of the Regional Planning Commission that were not properly set forth in the

November 2006 draft version of the Plan. The Board considered additional testimony provided during the public hearing held before them on November 14th and December 4th, 2006.

5. The Board finds that the Regional Planning Commission's recommendation to add Table III-11a was reviewed and after a discussion of the potential benefits, it was thought the table might result in problems during future land use application decisions. The Board voted to remove the table from the Yakima Urban Area Comprehensive Plan 2025, based primarily on the likely confusion and potential restriction to future land development, as well as apparent conflict with Table III-11 and other provisions of the Plan.
6. The Board finds that the Regional Planning Commission's recommendation not to restrict the application of CBDS (Central Business District Support) zoning to only Arterial Commercial Future Land Use designations is appropriate because such a limitation would be too restrictive on future development.
7. The Board finds that the Regional Planning Commission's recommendation to add the word "use" in Policy 3.3.2 was considered and the decision was made to remove the word "use" from the policy since the term was more regulatory and created the potential to cause confusion over what should be allowed and was likely to cause confusion during future land use reviews and result in overly restrictive land use decisions.
8. The Board finds that the Regional Planning Commission's recommendation to include "Transitional Zoning" as an additional method to provide buffering between commercial and residential development is appropriate and voted to implement the recommendation, determining that it provides additional direction and opportunity for buffering methods.
9. The Board finds that the Regional Planning Commission's recommendation to reduce the amount of acreage and population served for Neighborhood Commercial Future Land Use designation is inappropriate and voted to maintain the language presently contained in the September 2006 Yakima Urban Area Comprehensive Plan 2025 draft document.
10. The Board finds that the Regional Planning Commission's recommendation to modify Policy 3.14.2 by removing the word "unreasonable" is appropriate and voted to remove the word. The Board also voted to add additional clarification to the policy by adding "the nearest" and removing "a principal."
11. The Board finds that the Regional Planning Commission's recommendation to add additional policy pertaining to boundaries for the Institutional Future Land Use designation areas to protect established residential neighborhoods to be appropriate and voted to approve the RPC's recommendation, but voted to retain the word "reasonably."
12. The Board finds that the language of Policy 3.3.1 should be changed from "age" to "historical character" so that the intent of the policy is preserved and to eliminate any confusion related to the preservation of existing neighborhoods.
13. The Board finds that the proposal to add a policy to the Parks and Recreation chapter is appropriate and voted to add Policy 9.6.5 so that the Parks and Recreation Plan policy pertaining to skate parks is mentioned in the Yakima Urban Area Comprehensive Plan 2025.
14. The Board voted to modify Policy 10.9.6 to bring clarification to when stormwater retention regulations would apply during development.

15. Policy 6.3.1 that addresses the required construction of sidewalks on both sides of all streets with all new development was reviewed by both the City Council and the Board with the understanding that in the unincorporated areas inside the UGA but outside the City boundary an interlocal agreement may be used between the County and City to facilitate the policy uniformly.

CONCLUSIONS:

1. The Board is authorized to conduct meetings and hearings concerning the 2006 update to the Yakima Urban Area Comprehensive Plan 2025 and to direct legislation be prepared for an ordinance to the Plan.
2. All notice requirements for the adoption of the 2006 update of the Yakima Urban Area Comprehensive Plan 2025 have been completed.
3. All hearings and meetings necessary for the Board to adopt the 2006 update of the Yakima Urban Area Comprehensive Plan 2025 have been completed.
4. All matters material to the issuance of a Final Environmental Impact Statement on the Plan have been completed.
5. The Board has given full consideration to the policy recommendations provided by the Regional Planning Commission, to the written comments received, to the public testimony that has been provided to the Board, and the above findings set forth the determination reached by the Board with regard to the recommended amendments to the Yakima Urban Area Comprehensive Plan 2025.

NOW THEREFORE, BE IT HEREBY ORDAINED:

Section 1. Findings, Analysis and Conclusions. After reviewing the record and considering the arguments in the record and at public hearings, the Board of Yakima County Commissioners hereby adopts the above findings, analysis and conclusions.

Section 2. Revision of Sections of Existing Comprehensive Plan Elements. The Yakima Urban Area Comprehensive Plan 2025 is hereby amended to revise the text, policies and related provisions of the specific sections of the Plan set forth in Exhibit "B" attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Amendments to Replace or Supersede. The Yakima Urban Area Comprehensive Plan is amended by these changes and all such changes are intended to replace and supersede all sections of the Comprehensive Plan that are or may be inconsistent with the amendments contained herein. Amendments to the Comprehensive Plan include related documents adopted by reference such as the Yakima Urban Area Transportation Plan 2025, the Yakima Parks Plan 2006-2011, Wastewater Master Plan 2004, Sewerage Comprehensive Plan 2005, and other documents listed in Appendix D of the Yakima Urban Area Comprehensive Plan 2006

Section 4. Transmittal to State. Pursuant to RCW 36.70A.106, this ordinance will be transmitted to the Washington State Department of Community, Trade and Economic Development as required by law.

Section 5. Severability. If any of the provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to the other persons or circumstances shall not be affected.

Section 6. Effective Date. This ordinance shall be effective immediately.

DATED this 19th day of December, 2006.

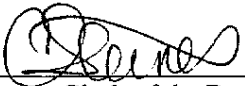
Excused

Jesse S. Palacios, Chairman



Michael D. Leita, Commissioner

Attest: Christina Steiner

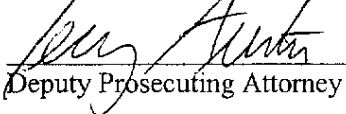


Deputy Clerk of the Board



Ronald F. Gamache, Commissioner
*Constituting the Board of County
Commissioners for Yakima County, Washington*

APPROVED AS TO FORM:



Deputy Prosecuting Attorney

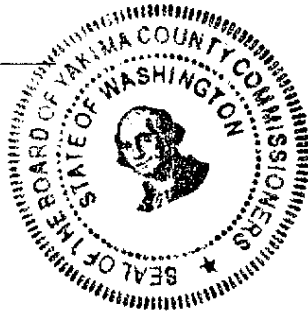


Exhibit "A"

Yakima Urban Area
2006 Comprehensive Plan Update, Transportation Plan Update
&
Integrated SEPA EIS
Public Participation Program

<u>Meeting Date</u>	<u>Purpose of Meeting</u>	<u>Place</u>
February 25, 2004	RPC Study session on Transportation Plan Update	City Hall
March 25, 2004	RPC Study session on Transportation Plan Update Goals	City Hall
April 13, 2004	City Council study session on Street standards and level of Service overview	City Hall
April 15, 2004	RPC study session on street Standards and level of service Overview	City Hall
January 21, 2005	Legal notice on first public meeting on 1/27/05	Yakima Herald
January 27, 2005	First public meeting	Eisenhower High
February 14, 2005	Press release for visioning Public meeting 2/17/2005	
February 15, 2005	Legal notice fro visioning Public meeting 2/17/2005	Yakima Herald
February 17, 2005	Visioning public meeting 2/17/2005	Davis High
April 15, 2005	Press release for land use workshop 5/10/2005	
April 19, 2005	Legal notice for land use workshop 5/10/2005	Yakima Herald
May 10, 2005	Land Use workshop	City Hall

May 10, 2005	City council study session on transportation plan update	City Hall
May 18, 2005	Press release and legal notice Of land use workshops 2, 3 & 4	Yakima Herald
May 24, 2005	City council study session on transportation plan capacity alternatives	City Hall
May 25, 2005	Land use workshop 2	City Hall
June 9, 2005	Land use workshop 3	City Hall
June 30, 2005	Land use workshop 4	City Hall
August 2, 2005	City council study session on transportation capacity and funding options	City Hall
September 1, 2005	Press release and legal notice of housing and natural resources workshop	Yakima Herald
September 8, 2005	Housing workshop	City Hall
September 29, 2006	Natural Resources workshop	City Hall
Multiple dates	Bilingual flyers distributed for East Yakima outreach meeting	
November 3, 2005	Neighborhood outreach meeting for East Yakima County	SE Yakima Center
January 12, 2006	Press release, Notice of DS and Scoping	Yakima Herald
January 26, 2006	Scoping meeting	City Hall
March 26, 2006	Press release for 3/27/2006 RPC study session	Yakima Herald
March 27, 2006	RPC study session Natural environment and land use	City Hall

April 14, 2006	Press release for 4/17/2006 RPC study session	Yakima Herald
April 17, 2006	RPC study session Natural environment and land use	City hall
April 21, 2006	Press release for 4/24/2006 RPC study session	Yakima Herald
April 21, 2006	City Council transportation subcommittee session on Transportation Plan update	City Hall
April 24, 2006	RPC study session on capital facilities plan and natural environment element	City Hall
May 5, 2006	Press release for 5/8/2006 RPC study session	Yakima Herald
May 8, 2006	RPC study session on Transportation Plan	City Hall
May 9, 2006	City council study session on on Transportation Plan	City Hall
May 23, 2006	Press release, legal notice for RPC public hearings	Yakima Herald
May 25, 2006	Transportation Plan open house	Yakima Valley Museum
June 5, 2006	RPC public hearing on Utilities, Housing, Parks and Recreation, Natural Environment	City Hall
June 12, 2006	RPC public hearing on land use	City Hall
June 21, 2006	RPC public hearing on transportation	City hall
June 26, 2006	RPC public hearing on capital Facilities, Environmental Review	City Hall
July 10, 2006	RPC review of recommended draft Comprehensive plan update and Transportation plan update	City Hall

August 9, 2006	City Council study session on Transportation plan update	City Hall
September 21, 2006	Legal notice of RPC public hearing on Comprehensive Plan and SEPA	Yakima Herald
September 25, 2006	RPC public hearing on Comprehensive Plan and SEPA with comment accepted until 10/13/2006	City Hall
September 29, 2006	Press release for 10/2/2006 RPC study session	Yakima Herald
October 2, 2006	Study session on RPC recommendation For comp plan, transportation plan and SEPA	City Hall
October 18, 2006	Press release and legal notice for public meeting on 10/23/2006	Yakima Herald
October 23, 2006	Public meeting for RPC findings of fact and final recommendation	City Hall
October 24, 2006	Press release, legal notice and display ad for joint public hearing comp plan update and SEPA	Yakima Herald
November 14, 2006	Public hearing on comp plan update, transportation plan and SEPA. Meeting continued to 12/5/2006	City hall
December 5, 2006	Public hearing on comp plan and SEPA	City hall

Note: All of the above listed activities and notices were included on the City of Yakima's web page.

Exhibit "B"

Yakima Urban Area
2006 Comprehensive Plan Update, Transportation Plan Update
Subject of the Joint Board's December 4, 2006 Public Hearing

The following items listed below summarize the amendments to the November 2006 Comprehensive Plan version of the Yakima Urban Area Comprehensive Plan 2025, as approved during the joint City and County Elected Officials consideration of each listed item.

Page I-4 in the November 2006 Comp Plan version, which removed tract 31 from this paragraph: *Growth occurred most in the west and north, but remained stable in the south and east side of the City. Census Tract 9, 15, 16, and 28 had the largest increase in population. (see **Figure 1 – Yakima Census Tracts**)*

Page II-5 in the November 2006 Comp Plan version that added this action step: *Explore park districts for neighborhoods wishing to own, develop, and maintain local parks.*

Page II-6 in the November 2006 Comp Plan version added this action step: *Add a skate park facility the Kiwanis State Park site.*

Page III-7 in the November 2006 Comp Plan version, which changed the title "Older and Newer Neighborhoods:" *Change the title of the paragraph from Older Neighborhoods and Newer Neighborhoods to "Neighborhoods."*

Page III-10 in the November 2006 Comp Plan version that removed correctional facilities and airports from the institutional paragraph: *Institutional uses include colleges, health care facilities and hospitals.*

Page III-9 in the November 2006 Comp Plan version that left "Arterial Commercial" and inserted "Large Convenient Center" into Table III-11.

Page III-21 in the November 2006 Comp Plan version that removed the entire paragraph that addressed Traditional Neighborhood Development (TND):

Page III-23 in the November 2006 Comp Plan version that adds an additional policy 3.1.1.7: *Development shall be encouraged to minimize impacts on surface water. Low impact practices are encouraged.*

Page III-23 in the November 2006 Comp Plan version that modifies policy 3.2.3: *Innovative design, such as Traditional Neighborhood Development (TND) and Cluster Development (CD) and other Low Impact Development ideas are encouraged to develop within the Residential PD zone.*

Page III-23 in the November 2006 Comp Plan version that modifies policy 3.3.1:
Preserve the character of neighborhoods such as historical character, architecture, natural features and layout.

Page III-23 in the November 2006 Comp Plan version that adds the policy 3.3.2:
Ensure that new development is compatible in scale, style, density and aesthetic quality to an established neighborhood.

Page III-24 in the November 2006 Comp Plan version that added an additional neighborhood to the policy 3.4.4:
Maintain and preserve the existing single-family residential neighborhoods of Northeast, Southeast and Barge/Chestnut areas of the City.

Page III-24 in the November 2006 Comp Plan version that modifies the policy 3.6.4:
Encourage placing parking lots behind buildings, or along the side of buildings.

Page III-28 in the November 2006 Comp Plan version to add an additional policy to provide an additional buffer method:
3.10.11 "Transitional Zoning" may also be considered placing higher density residential uses between single-family residential and commercial areas.

Page III-29 in the November 2006 Comp Plan version to add an additional policy to provide an additional buffer method:
3.11.10 "Transitional Zoning" may also be considered placing higher density residential uses between single-family residential and commercial areas.

Page III-30 in the November 2006 Comp Plan version that would modify the policy issue 3.14.2:
Access to institutions shall be from the nearest arterial and should not increase traffic on local residential streets.

Page III-30 in the November 2006 Comp Plan version that would modify the policy issue 3.14.6 by removing the last part of the policy statement:
An IO provides additional new regulations to the existing underlying zoning district provisions.

Page III-31 in the November 2006 Comp Plan version, adding an additional policy issue and including the word "reasonably":
3.14.7 Establish boundaries for institutions to reasonably protect established residential neighborhoods from further encroachment by institutions and allow the institutions to plan for future growth.

Page III-31 in the November 2006 Comp Plan version by adding additional policy issue and including the word "reasonable":
3.14.8 Require development and expansion of institutions to be reasonably compatible with the adjacent residential neighborhoods, and to reasonably minimize the parking and traffic impacts on the adjacent residential neighborhoods.

Page III-31 in the November 2006 Comp Plan version by adding an additional policy issue and including the word “reasonable”:

3.14.9 Encourage institutions to develop master plans for their future development to ensure that future growth is planned and coordinated specific to the needs of the adjacent residential neighborhoods. Master plans may allow institutions to develop more intensely to reduce the amount of property necessary for their future growth.

Page VI-12 in the November 2006 Comp Plan version by deleting policy 5.4.1:

Page IX-11 in the November 2006 Comp Plan version by adding an additional policy issue:
9.6.5 Encourage development of non-traditional recreation venues including white water park, BMX track, skate parks and other facilities for emerging sports activities.

Page X-11 in the November 2006 Comp Plan version by modifying policy 10.9.6:
10.9.6 Encourage compliance with stormwater regulations for onsite retention of stormwater.

Page X-11 in the November 2006 Comp Plan version by adding an additional policy issue:
10.7.11 Revise standards to provide construction methods that offset or mitigate stormwater runoff e.g., grass pavers in parking areas, pervious concrete on sidewalks, etc.