

AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232**

Prepared by:

Olivia Story

Department: Public Services

Requested Agenda Date: 08/30/2022

Presenting: Olivia Story

Document Title:

In the matter of amending the Yakima County Code Title 19 pertaining to the recommendations of the Yakima County Planning Commission on the proposed short-term rentals text amendment (LRN2021-003/SEP2021-039).

Board of County Commissioners Record Assigned

#

004-2022

APPROVED FOR AGENDA:

☐ Consent☐ Regular

Board of County Commissioners Determined

Action Requested: *Check Applicable Box*☐ PASS RESOLUTION ☐ EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT☐ ISSUE PROCLAMATION ☒ PASS ORDINANCE ☐ OTHER _____

Describe Fiscal Impact:

None

Background Information:

The addition of YCC 19.18.420 to Yakima County Code Title 19 - Unified Land Development Code as it pertains to short-term rentals requires BOCC approval of the ordinance for finalization.

Summary & Recommendation:

Approval of Ordinance 4-2022 to finalize the short-term rental text amendment

Motion:

Motion to approve Ordinance 4-2022 to finalize the short-term rentals text amendment.

Department Head/ Elected Official


 Signature

AGREEMENT Attached Is Approved as to Form
 Corporate Counsel Initial



Late Agenda Requests Require BOCC Chairman Signature:



BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE NO. 4-2022

IN THE MATTER OF AMENDING THE YAKIMA COUNTY CODE TITLE 19 – UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE ADDITION OF SHORT-TERM RENTALS

GENERAL

WHEREAS, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners (Board) adopted the Yakima County Comprehensive Plan - *Horizon 2040*, on June 27, 2017, and adopted development regulations – Yakima County Code (YCC) 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, as part of its comprehensive plan and development regulations update process, the County has established a public participation program, 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 Yakima County Planning Division initiated development regulation text amendments (LRN2021-00005) to amend portions of YCC Title 19; **and**,

WHEREAS, in accordance with YCC 16B.10.040, on July 14, 2021 and August 11, 2021 the Planning Commission was presented with proposed text amendments (LRN2021-00003); **and**,

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing for LRN2021-00003 on September 8, 2021, hearing testimony on the proposed text amendment; **and**,

WHEREAS, the Planning Commission held deliberations for LRN2021-00003 on September 8, 2021; **and**,

ORDINANCE 4-2022

BOARD OF YAKIMA COUNTY COMMISSIONERS

WHEREAS, on September 16, 2021 Yakima County provided a 60-day notice to the Department of Commerce, as required by RCW 36.70A.106 for LRN2021-00003; **and**,

WHEREAS, the Planning Commission, having carefully considered the staff recommendation and the written and oral testimonies in its deliberations approved their Findings and Recommendations on October 13, 2021 for the proposed text amendment LRN2021-00003; **and**,

WHEREAS, the Planning Commission's Findings and Recommendations and the proposed text amendments to YCC Title 19 were presented to the Board of Yakima County Commissioners for their review on November 23, 2021, January 4, 2022, May 16, 2022, and June 3, 2022; **and**,

WHEREAS, the Board of Yakima County Commissioners conducted a properly advertised public hearing on July 12, 2022, to hear testimony on the proposed text amendments outlined in the Planning Commission recommendations; **and**,

WHEREAS, the Board of Yakima County Commissioners held their deliberations on July 12, 2022, after the close of the open record public hearing and did adopt motions modifying the proposed text amendments; **and**,

WHEREAS, Yakima County initiated text amendments must be processed in compliance with the State Environmental Policy Act (SEPA); **and**,

WHEREAS, Yakima County staff issued a SEPA Determination of Non-Significance for LRN2021-00003 (SEP2021-00039) on December 20, 2021. All SEPA reviews analyze the environmental and growth management impacts of all proposed actions and considered all submitted comments from agencies and parties of record; **now, therefore**,

BE IT HEREBY ORDAINED by the Board of Yakima County Commissioners:

Section 1. Reasons for Action.

The Board of Yakima County Commissioners are considering the proposed amendments as follows:

- A. Yakima County Planning initiated amendments to the development regulations (Title 19 – Unified Land Development Code) that were necessary to better implement the code.
- B. The Planning Commission must hold an open record public hearing on any Title 19 amendment proposal before providing a recommendation to the Board of Yakima County Commissioners.

ORDINANCE 4-2022

BOARD OF YAKIMA COUNTY COMMISSIONERS

A Staff report for the development regulation text was 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*** and presented their findings and recommendations to the Board of Yakima County Commissioners for their consideration. The Board of Yakima County Commissioners then reviewed said amendment requests, held a public hearing and decided to approve, modify or deny the proposed amendments.

Section 2. Findings.

- A. Compliance with Growth Management Act. The Board of Yakima County Commissioners find that the amendments to YCC Title 19, adopted by this ordinance are in substantial compliance with RCW 36.70A (the Growth Management Act, or GMA). The Comprehensive Plan – ***Horizon 2040*** is internally consistent and policies within and among elements are complementary, not contradictory. The Comprehensive Plan – ***Horizon 2040*** contains policies, implementation measures, and procedures which provide for its review and adjustment if internal conflicts are discovered.
- B. State Environmental Policy Act (SEPA). Yakima County adopted ***Horizon 2040*** on June 27, 2017, and adopted by reference ***Plan 2015's***, Chapter III Environmental Analysis. ***Plan 2015*** was originally designed to integrate SEPA and GMA consistent with the provisions of WAC 197-11-210 through 197-11-235. The issuance of the December 20, 2021, *Final Notice of Determination of Non-Significance for YCC Title 19 Text Amendments* (SEP2021-00039) provides the environmental evaluation and documentation required under SEPA for the plan, development regulation, and emergency UGA amendments.
- C. Analysis of Cumulative Effects. The cumulative effects have been considered as part of the SEPA review process outlined in subsection B. above.
- D. The Board of Yakima County Commissioners adopts the staff-initiated proposed development regulation text amendments (LRN2021-00003) with one modification to the parking requirement to reflect the currently adopted parking standards in Title 19.22 as detailed in the Findings and Recommendations of the Planning Commission dated October 13, 2021, which includes:

LRN2021-00003/SEP2021-00039 – Short-Term Rentals. (see Exhibit 1) – The request is to address standards for permitting short-term rentals by private property owners, within their legally established residences, to the general public.

ORDINANCE 4-2022

BOARD OF YAKIMA COUNTY COMMISSIONERS

Section 3. 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 4. 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-day appeal period. Therefore, this ordinance becomes effective on the 61st day after publishing of the Notice of Adoption.

BOARD OF YAKIMA COUNTY COMMISSIONERS

DONE

AUG 30 2022



Attest:

Julie Lawrence, Clerk of the Board
Linda Kay O'Hara, Deputy Clerk of the Board

BOARD OF YAKIMA COUNTY COMMISSIONERS

Amanda McKinney, Chair

LaDon Linde, Commissioner

Ron Anderson, Commissioner

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

ORDINANCE 4-2022

Exhibit List:

Exhibit 1 - LRN2021-00003/SEP2021-00039 (YCC 19.18.420 Short-Term Rentals, YCC 19.14.010 Allowable Land Use Table, and YCC 19.01.070 Definitions text amendments).

Exhibit 1

Chapter 19.18 ***SPECIAL USES AND STANDARDS***

Sections:

...

19.18.405 Separation Requirements for Certain Uses.

19.18.410 Service Stations, Automotive.

19.18.420 Short-Term Rentals.

19.18.430 Social Card Rooms.

19.18.440 Solid Waste Handling and Disposal Sites.

...

19.18.420 Short-Term Rentals

(1) Intent. It is the intent of this chapter to:

(a) Define Short-Term Rentals as a residential dwelling unit, or portions thereof, that are rented to overnight guests for fewer than 30 consecutive days.

(b) Establish appropriate regulations that mitigate the impacts that short-term rentals may have on a neighborhood.

(c) Recognize the desire of some property owners to rent their dwellings, or portions thereof, on a short-term basis.

(2) Permitted zones. Short-term rental use is a permitted use in all zoning districts that allow residential dwellings as a permitted use.

(3) Eligible dwellings and limitations. The residential unit must be a legally established residence as defined by the building and planning departments. No more than five short-term rental units shall be allowed on a single parcel. Where a single parcel of property contains a combination of any of the following: residential unit, private room, or ADU; no more than five units shall be eligible to function as a short-term rental.

(4) A conditional use permit for short-term rental approval. A conditional use permit for the short-term rental use of an eligible dwelling unit must be completed and submitted to the County for review. If compliance with the provisions of this chapter is demonstrated, approval for a short-term rental use will be issued.

(5) Criteria for approval. The following criteria shall be met for approval of a property to be authorized by the County as a short-term rental.

(a) Occupancy. Maximum occupancy of the short-term rental shall be based on the International Building Code standards. The property owner shall be responsible for ensuring that the short-term rental is in conformance with its maximum occupancy.

(b) Parking. One off-street parking space per guest unit shall be provided, meeting the design standards of 19.22.

(c) Signage. Signs must comply with the signs chapter, YCC 19.20.

(6) Business license required. Short-term rentals shall meet all state and federal regulations, including those pertaining to business licenses and taxes.

(7) Severability. If any term or provision of this chapter or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this chapter or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect.

...

Chapter 19.14 ***ALLOWABLE LAND USE TABLE***

Sections:

19.14.010 Allowable Land Use Table.

(1) The following Table 19.14-1 indicates those uses which may be permitted through Type 1, 2, 3 or 4 review in the various zoning districts defined in this title. In addition to Table 19.14-1, reference to the individual zoning districts and, where indicated, the notes following the table and definitions of 19.01.070, is necessary in order to determine if any specific requirements apply to the listed use.

(2) Uses. The uses set out in Table 19.14-1 are examples of uses allowed in the various zoning districts defined in this title. The appropriate review authority is mandatory. See YCC Title 16B for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.

“Type 1” Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review, but may require Type 2 review under certain conditions.

“Type 2” Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.

“Type 3” Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

“Type 4” Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC 16B Subsection 16B.03.030(1)(d).

“Blank” Uses specifically prohibited.

A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.17, or where circumstances merit a higher level of review as

described in Section 19.30.030. Where a use is not listed, it is specifically prohibited or subject to a similar use interpretation in Chapter 19.31.

Table 19.14-1 Allowable Land Uses

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
RETAIL TRADE AND SERVICE																			
Short-Term Rental	2	2		2	2	2	2		2	2	2	2	2	2	2	2	2		

...

Chapter 19.01.070
DEFINITIONS

For this Title, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified unless the context requires a different meaning. Where terms are not defined, they shall have the ordinary accepted meaning within the context with which they are used. Where an activity or land use could fall under two definitions, the more specific shall apply. The Webster's Ninth New Collegiate Dictionary, with the assistance of the American Planning Association Planning Advisory Service's "A Planner's Dictionary" and Black's Legal Dictionary shall be the sources for ordinary accepted meaning and for the definition of words not defined below. Specific examples are included as illustrations, but are not intended to restrict a more general definition.

(1) "A" Definitions.

...

<u>Short-term Rental</u>	<u>"Short term rental" is a residential dwelling unit, or portions thereof, that are rented to overnight guests for less than 30 consecutive days.</u>
--------------------------	--