AGENDA REQUEST FORM

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

Prepared by: Tua Vang

Department: Public Services

Requested Agenda Date: 12/27/2022

Presenting: Lisa Freund

Board of County Commissioners Record Assigned

007-2022

APPROVED FOR AGENDA:

☐ Consent ☐ Regular

Board of County Commissioners Determined

Document Title:

IN THE MATTER OF AMENDING BOTH THE YAKIMA COUNTY COMPREHENSIVE PLAN - HORIZON 2040 AND YAKIMA COUNTY CODE TITLE 19 – UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE 2022 BIENNIAL MAP AMENDMENT CYCLE.

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:

Per Yakima County Code 16B.10.040(3), Yakima County shall accept paid applications for Biennial Comp Plan amendments for consideration. The Planning Commission held open record public hearings for the four map amendments and submitted their recommendations to the Board. The Board held a public hearing to take testimony on December 13, 2022 and deliberated on December 23, 2022. This ordinance will finalize the 2022 Biennial proposals.

Summary & Recommendation:

Pass this ordinance as decided upon for each map amendment (LRN21-005, LRN22-002, -003, & -004) by the Board to finalize this action and sign the development agreements.

Motion:

I move to approve Ordinance 7-2022 as decided upon by the Board for the 2022 Biennial Map Amendments.

Department Head/ Elected Official

Signature

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial TC

Late Agenda Requests Require BOCC Chairman Signature:

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 7-2022

IN THE MATTER OF AMENDING BOTH THE YAKIMA COUNTY COMPREHENSIVE PLAN - *HORIZON 2040* AND YAKIMA COUNTY CODE TITLE 19 – UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE 2022 BIENNIAL MAP AMENDMENT CYCLE.

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

WHEREAS, under YCC 16B.10.040, applications for plan amendments, apart from Urban Growth Area (UGA) boundaries, will be considered on a biennial basis starting 2013 and must be submitted in writing to the Planning Division no later than January 31, in order to be considered for that biennium's amendment process; **and,**

WHEREAS, Resolution No. 439-2012 suspended the 2013 biennial plan amendment cycle in accordance with 16B.10 to allow for the Code Update/Simplification Project (CU/SP) and update of the County-wide Planning Policies (CWPP), and rescheduled the biennial amendment cycle to start in the 2014 calendar year; **and,**

WHEREAS, Resolution No. 103-2015 resolved a scheduling conflict between the 2016 biennial amendment cycle and June 30, 2017, deadline for the GMA periodic update cycle, by moving up the next scheduled biennial amendment cycle from 2016 to 2015, thus keeping the next biennial amendment cycle for the calendar year 2018, then every other year after that; **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,**

2022 BIENNIAL MAP AND TEXT AMENDMENTS

WHEREAS, on December 13, 2021, the Yakima County Planning Division 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 plan map & text and development regulation text amendments by the January 31, 2022, deadline; **and,**

WHEREAS, prior to the deadline, four applications were submitted for proposed site-specific map amendments to ***Horizon 2040***: LRN2021-00005/SEP2020-00004 (Caton/Strutner), LRN2022-00002/SEP2022-00004 (Granite/Rowley Family Trust), LRN2022-00003/SEP2022-00005 (Jr. Achievement/Borton), and LRN2022-00004/SEP2022-00006 (Arellano, formerly Orozco); **and,**

WHEREAS, in accordance with YCC 16B.10.040, on March 09, 2022, the Planning Commission was presented the following site-specific map amendment; **and,**

LRN2022-00004/SEP2022-00006 (Arellano)

WHEREAS, on April 14, 2022, Yakima County provided a 60-day notice to the Department of Commerce for LRN2022-00004, as required by RCW 36.70A.106; **and,**

WHEREAS, LRN2022-00004 was presented to the Planning Commission for a study session and their review on May 11, 2022; **and,**

WHEREAS, in accordance with said public participation program, a combined Notice of Environmental Review and Open Record Public Hearing was mailed on May 25, 2022, to property owners within 300 feet of the proposed subject properties and to agencies with environmental expertise; **and,**

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing on June 8, 2022, to hear testimony on the proposed map amendment; **and,**

WHEREAS, the Planning Commission held their deliberations on June 8, 2022, immediately after the close of the open record public hearing; **and,**

WHEREAS, the Planning Commission, having carefully considered the applicant's justifications, the staff recommendation, and the written and oral testimonies in its deliberations, approved their Findings and Recommendation on September 14, 2022, for the LRN2022-00004 comprehensive plan map amendment; **and,**

State Environmental Protection Act (SEPA)

WHEREAS, site-specific map amendments must be processed in compliance with the SEPA; **and,**

WHEREAS, the Yakima County SEPA Responsible Official issued a Determination of Nonsignificance on November 18, 2022 for LRN2022-00004 (SEP2022-00006); **and,**

WHEREAS, all SEPA reviews analyzed 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 2022 biennial amendment before the Board of Yakima County Commissioners are as follows:

A. LRN2022-00004/SEP2022-00006 is a fee-paid site-specific comprehensive plan map amendment submitted as part of the 2022 Yakima County biennial plan amendment cycle.

B. The Planning Commission held an open record public hearing on this legislative map amendment proposal before providing recommendations to the Board of Yakima County Commissioners.

C. The Planning Commission presented their Findings of Fact and Recommendation to the Board of Yakima County Commissioners for their consideration.

D. The Board of Yakima County Commissioners reviewed said amendment request, held a public hearing, and decided to approve, modify and/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 Yakima County Comprehensive Plan - ***Horizon 2040***, and YCC Title 19, adopted by this ordinance are in substantial compliance with RCW 36.70A, the Growth Management Act. The Comprehensive Plan is internally consistent and policies within and among elements are complementary, not contradictory. The Comprehensive Plan 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 proposed comprehensive plan map amendment was reviewed for environmental impacts and issued a Final Determination of Nonsignificance (DNS).

C. The Board of Yakima County Commissioners accepted oral and written comments at a properly advertised public hearing held on December 13, 2022, on the proposed map amendment to ***Horizon 2040*** and the YCC Title 19 zoning map.

D. The Board of Yakima County Commissioners deliberated on December 23, 2022, regarding LRN2022-00004/SEP2022-00006.

E. The Board of Yakima County Commissioners having carefully considered the record and all public comments and testimony in its deliberations hereby makes the following decision regarding LRN2022-00004, the proposed site-specific comprehensive plan map amendment, as follows:

   i. LRN2022-00004/SEP2022-00006 (Arellano) to redesignate the underlying land use designation from Urban Residential (UR) to Urban Commercial (UC) with a concurrent rezone from Multi-Family Residential (R-3) to General Commercial (GC) (see Exhibit 1).

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 after the later of the following dates:

1. 60 days after the date of publication of notice of adoption as provided in RCW 36.70A.290(2); or

2. If a petition for review to the growth management hearings board is timely filed, upon issuance of that board's final order.

BOARD OF YAKIMA COUNTY COMMISSIONERS

APPROVE ✓ DENY _____ MODIFY _____

DONE DEC 2 7 2022

Amanda McKinney, Chair

Attest:

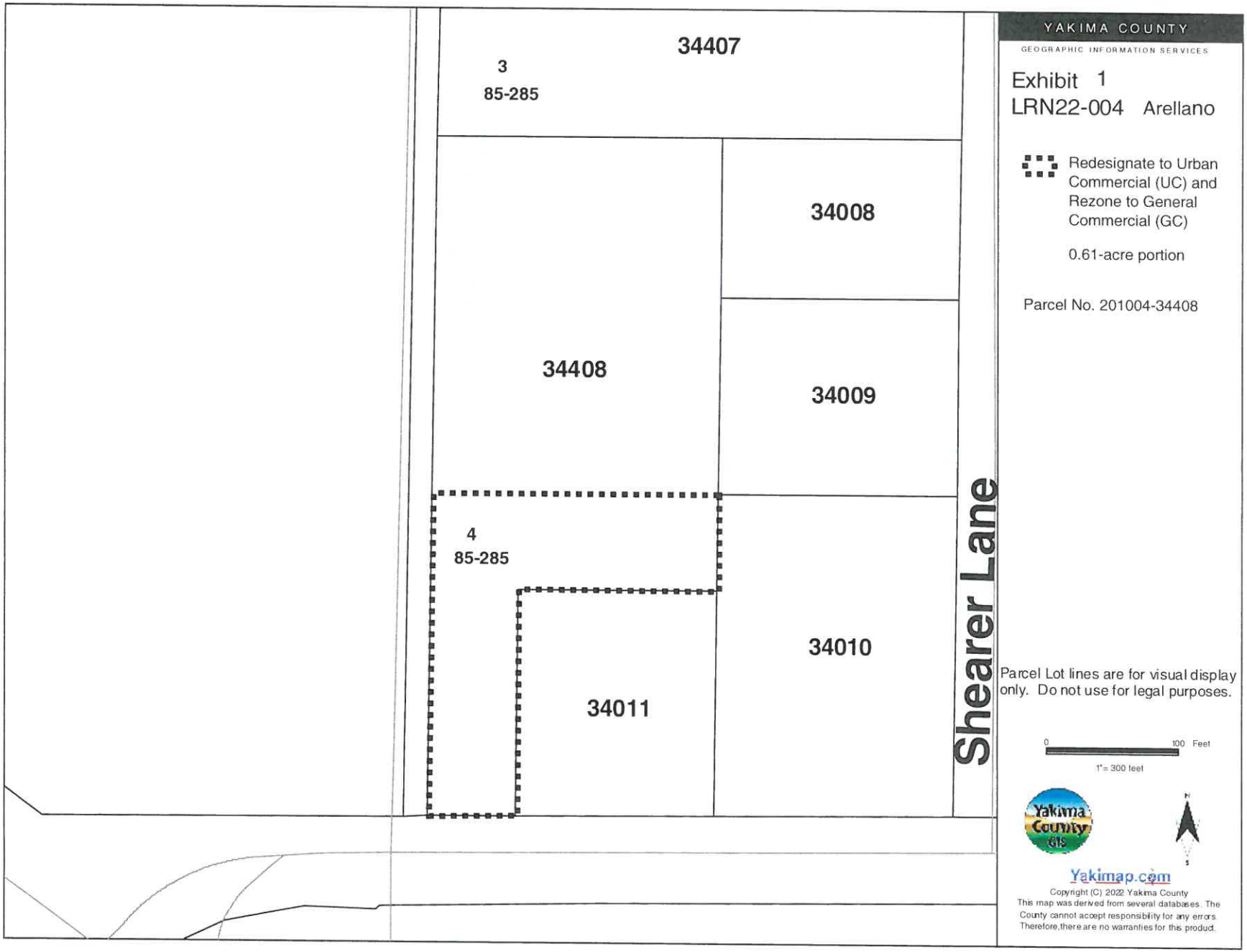
Julie Lawrence, Clerk of the Board
Erin Franklin, Deputy Clerk of the Board

LaDon Linde, Commissioner

Ron Anderson, Commissioner
Constituting the Board of County Commissioners for Yakima County, Washington

SEAL OF THE BOARD OF YAKIMA COUNTY COMMISSIONERS STATE OF WASHINGTON

Exhibit 1 – LRN22-004 Arellano



YAKIMA COUNTY

GEOGRAPHIC INFORMATION SERVICES

Exhibit 1

LRN22-004 Arellano

Redesignate to Urban Commercial (UC) and Rezone to General Commercial (GC)

0.61-acre portion

Parcel No. 201004-34408

Parcel Lot lines are for visual display only. Do not use for legal purposes.

0 100 Feet

1"= 300 feet

Yakimap.com

Copyright (C) 2022 Yakima County
This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product.

Plot date: Nov 16, 2022; LRN22-004 Orozco Comp Plan Amendment

After Filing Return to:
Yakima County Public Services Department
128 N. Second Street, Fourth Floor
Yakima, WA 98901
Attention: Planning Division Manager

DEVELOPMENT AGREEMENT
BETWEEN
ARELLANO and YAKIMA COUNTY

Parties:	Jose Luis & Danelia Arellano and Yakima County, a municipal corporation
Abbreviated Legal Description:	SP 85-285 LOT 4.
Additional Legal Description:	As described in attached Exhibit A "Subject Property" (Limited to 0.61-acres)
Assessor's Property Tax Parcel Account Number:	201004-34408 "Subject Parcel" (approximate 1.98 acres)

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into between YAKIMA COUNTY, a municipal corporation duly organized and existing under the laws of the State of Washington, and JOSE LUIS & DANELIA ARELLANO, described herein as the owner of the ("Subject Property"), and is specifically conditioned on the amendment of the Official Yakima County Comprehensive Plan – ***Horizon 2040*** and Yakima County Code (YCC) Title 19 with respect to Subject Property.

This Agreement is entered into based on the following understanding of the parties for the purposes of implementing:

I. Description of Property

1.1 The property subject to this Agreement ("Subject Property") is legally described in Exhibit A and its location is depicted on the map in Exhibit B, both of which are attached and incorporated in this agreement. It lies in the City of Toppenish UGA, adjacent to the northeast corner of the Linden Street and West First intersection, and approximately 436 feet west of the City of Toppenish.

II. Purposes

2.1 This proposal will create split zoned lots. YCC 19.34.020(5)(i) does not allow split zoned lots to be created.

2.2 An approved BLA with a recorded survey for the subject 0.61-acre portion is required to prevent a split zone and to be finalized before the new Urban Commercial (UC) plan designation and General Commercial (GC) zoning district will be applied.

III. Conditional Approval

3.1 Jose Luis and Danelia Arellano have received the County's conditional approval to apply the Urban Commercial (UC) plan designation and General Commercial (GC) zoning district on the subject 0.61-acre portion;

3.2 Since this Agreement is entered into by the Board of Yakima County Commissioners and the applicant, it must be filed and recorded with the Yakima County Auditor prior to becoming effective;

3.3 Jose Luis and Danelia Arellano shall have a period of two (2) years from the effective date of Ordinance No. 7-2022 (Exhibit C) to finalize the BLA requirement and record with the Yakima County Auditor an official survey of the boundary line changes to effectively apply the new plan designation and zoning district;

3.4 It is understood by both parties that the new plan designation and zoning district will be limited to just the 0.61-acre portion as proposed by the applicant;

3.5 This Agreement once executed will only be in effect for a period of two (2) years from the effective date of the adopted Ordinance No. 7-2022 and becomes null and void thereafter; and

3.6 No extensions of time for performance will be granted.

IV. Applicability

4.1 The implementation of applying the Urban Commercial (UC) and General Commercial (GC) zoning district is incorporated into this agreement under section "III. Conditional Approval" above.

4.2 The application of the Urban Commercial (UC) and General Commercial (GC) shall be effective upon meeting all of the conditions as described within this Agreement under section "III. Conditional Approval" and as determined by the Reviewing Official.

V. General Provisions

5.1 This Agreement may be amended only upon mutual written agreement of the parties following public review and comment period and the procedures for a major rezone provided in YCC 19.36.040 and 16B.10.090.

5.2 In accordance with RCW 36.70B.190, this Agreement shall be recorded with the Yakima County Auditor promptly after execution and during the term of the agreement, the agreement is binding on the parties and their successors.

5.3 Waiver of any breach or default on any occasion shall not be deemed to be a waiver of any subsequent breach or default. Any waiver shall not be construed to be a modification of the terms and conditions of this Agreement. Only a majority vote of a quorum of the Yakima County Board of County Commissioners has the authority to waive any term or condition of this Agreement on behalf of the County.

5.4 If any term of this Agreement is held invalid by any court, the remainder of the Agreement remains valid and in full force and effect.

5.5 This Agreement shall be governed by the laws of the State of Washington. Any action, suit, or judicial proceeding for the enforcement of this Agreement shall be brought in the Superior Court for the State of Washington in Yakima County, Washington.

5.6 This Agreement contains all terms and conditions agreed upon by the parties. No change or addition to this Agreement shall be valid or binding upon either party unless such change or addition is in writing and executed by both parties.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties on the date last signed below.

List of Exhibits:
Exhibit A – Legal Description of Subject Property
Exhibit B – Map of Subject Property
Exhibit C – Ordinance No. 7-2022

~~(LRN2022-00003/SEP2022-00005 ARELLANO)~~ LDG

DONE

BOARD OF COUNTY COMMISSIONERS

DEC 2 7 2022

Amanda McKinney, Chair

LaDon Linde, Commissioner

Ron Anderson, Commissioner

DATED:

Attest:

Julie Lawrence, Clerk of the Board
Erin Franklin, Deputy Clerk of the Board

SEAL OF THE BOARD OF YAKIMA COUNTY COMMISSIONERS STATE OF WASHINGTON

Approved as to Form:

Deputy Prosecuting Attorney

Jose Luis Arellano, individually and as director and agent of Subject Property

Danelia Arellano, individually and as director and agent of Subject Property

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this 27th day of December, 2022, before me, a Notary Public in and for the State of Washington, personally appeared Amanda McKinney, LaDon Linde, and Ron Anderson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed this instrument, on oath stated that they were authorized to execute the instrument, and acknowledged it as the Board of Commissioners of County of Yakima to be the free and voluntary act of said County for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington, residing at Yakima, WA

My appointment expires 1/19/2026

Print Name Erin K. Franklin

Erin K Franklin
MY COMM. EXP. 01/19/2026
NOTARY PUBLIC
COMM. #22006316
STATE OF WASHINGTON

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this 8 day of December, 2022, before me, a Notary Public in and for the State of Washington, personally appeared Jose Luis and Danelia Arellano, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed this instrument, on oath stated that he/she/they executed the instrument as a voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington, residing at Toppenish WA.

My appointment expires 7/22/23

Print Name Annabel Garza

ANNABEL GARZA
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
154820
7-22-23

Exhibit A

Legal Description of Subject Property

Yakima County Assessor's Parcel No. 201004-34408 (0.61-acre portion):

LOT 4 OF SHORT PLAT RECORDED IN BOOK 85 OF SHORT PLATS, PAGE 285, RECORDS OF YAKIMA COUNTY, WASHINGTON, EXCEPT THE NORTH 268.26 FEET AS MEASURED ALONG THE WEST BOUNDARY OF SAID LOT 4.

Exhibit B

Map of Subject Property

Exhibit C

Ordinance No. 7-2022