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

009-2022

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 9-2022

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,**

LRN2022-00003/SEP2022-00005 (Jr. Achievement/Borton)

WHEREAS, on April 14, 2022, Yakima County provided a 60-day notice to the Department of Commerce for LRN2022-00003, as required by RCW 36.70A.106; **and,**

WHEREAS, LRN2022-00003 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 applicants' justifications, the staff recommendation, and the written and oral testimonies in its deliberations, approved their Findings and Recommendation on September 14, 2022, for the LRN2022-00003 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 LRN2022-00003 (SEP2022-00005); **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. LRN2022-00003/SEP2022-00005 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 LRN2022-00003/SEP2022-00005.

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 LRN2022-00003, the proposed site-specific comprehensive plan map amendment, as follows:

i. LRN2022-00003/SEP2022-00005 (Jr. Achievement/Borton) to redesignate the underlying land use designation from Urban Residential (UR) to Urban Commercial (UC) with a concurrent rezone from Two-Family Residential (R-2) to Professional Business (B-1) (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:

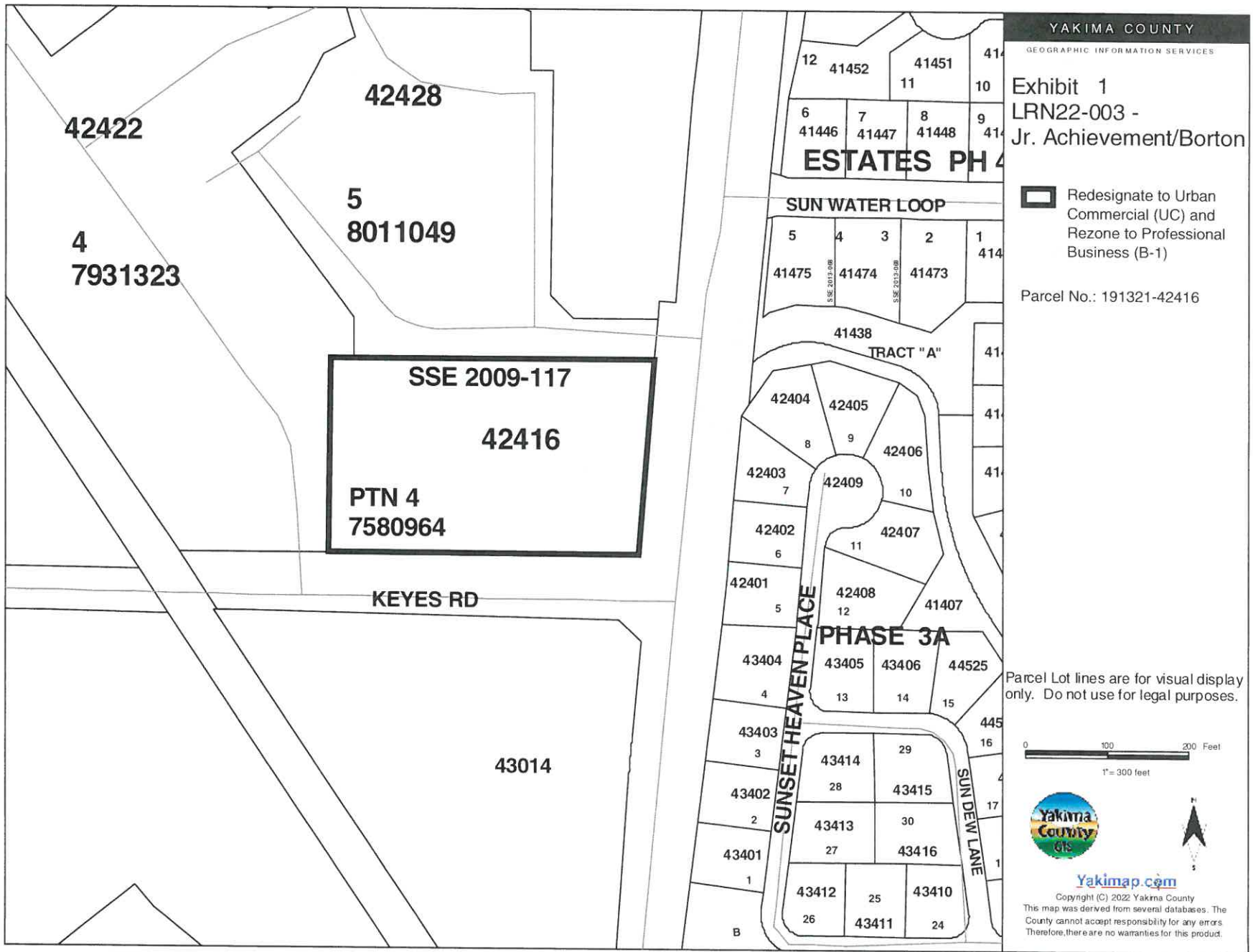
Julie Lawrence, Clerk of the Board
Erin Franklin, Deputy Clerk of the Board

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 – LRN22-003 Jr. Achievement/Borton Map



Plot date: Nov 16, 2022; LRN22-003 Jr. Achievement/Borton Comp Plan Amendment