

Yakima County Planning Commission
Findings of Fact and Recommendation
May 10, 2023

IN THE MATTER OF CONSIDERING) **FINDINGS OF FACT AND**
AMENDMENTS TO YAKIMA COUNTY) **RECOMMENDATION**
DEVELOPMENT REGULATIONS, YCC TITLE) File Nos:
19 UNIFIED LAND DEVELOPMENT CODE) LRN2023-00002/SEP2023-00009

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 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, Yakima County Planning Division initiated development regulation text amendments (LRN2023-00001 – Short-Term Rental Level of Review), to amend portions of YCC Title 19 Unified Land Development Code; and

WHEREAS, LRN2023-00001 Short-Term Rental Level of Review text amendments to YCC Title 19, were presented to the Planning Commission for their review on April 12, 2023; and

WHEREAS, on April 17, 2023, Yakima County provided a 60-Day notice to the Department of Commerce, as required by RCW 36.70A.106 on the proposed development regulation amendments; and

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing on May 10, 2023, to hear testimony on the proposed text amendments; and

WHEREAS, the Planning Commission held its deliberations on May 10, 2023; and

WHEREAS, the Planning Commission, having carefully considered the staff recommendation, and the written and oral testimony from the public in its deliberations, moved to make the recommendations described below (II. FINDING OF FACT Section 6) to the Board of Yakima County Commissioners concerning the proposed text amendments to YCC Title 19; and

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

4 **I. REASONS FOR ACTION**

6 The amendments before the Planning Commission are as follows:

8 1. The proposed staff-initiated text amendments to Yakima County Code Title 19
9 are necessary to better implement the code.

11 2. The Planning Commission must hold an open record public hearing on any Title
12 19 amendment proposal to provide a recommendation to the Board of Yakima
13 County Commissioners.

15 **II. FINDINGS OF FACT**

17 -1-

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

23 -2-

24 A SEPA environmental review was conducted by Yakima County staff concurrently with
25 this proposal, which will analyze the environmental and growth management impacts
26 of all proposed amendments.

28 -3-

29 Yakima County staff provided a 60-Day notice to the Department of Commerce on
30 April 17, 2023, for the development regulation text amendments (LRN2023-00001 Short-
31 Term Rental Level of Review).

33 -4-

34 The Planning Commission accepted oral and written comments at a properly
35 advertised public hearing held on May 10, 2023, on the proposed Title 19 Text
36 Amendments (LRN2023-00001 Short-Term Rental Level of Review).

38 -5-

39 The hearing and deliberations were closed on May 10, 2023, and the Planning
40 Commission moved to make recommendations on the proposed amendments.

42 -6-

43 The findings for the proposed amendments are as follows:

45 • LRN20203-00001/SEP2023-00009 Short-Term Rental Level of Review. Yakima
46 County Public Services Planning Division is seeking to amend the Unified Land
47 Development Code (YCC Title 19) to better implement the code. The proposed
48 amendments will apply to:

1 1. Allowable Land Use Table (Table 19.14-1)
2 (See Exhibit 1 for text changes.)
3

4 Four (4) Planning Commissioners voted to recommend APPROVAL of the
5 proposal, as presented.
6

7 **Therefore, the Commission recommends in a 4 to 1 vote that the proposed**
8 **County-initiated text amendments to YCC Title 19 should be APPROVED.**
9

10 **III. RECOMMENDATION**
11

12 1) By motion and vote described in II. Findings of Fact, the Planning Commission
13 recommends that the Board of Yakima County Commissioners approve the
14 proposed amendments.
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16

1 Voting in favor of the findings and accuracy of the recommendation:

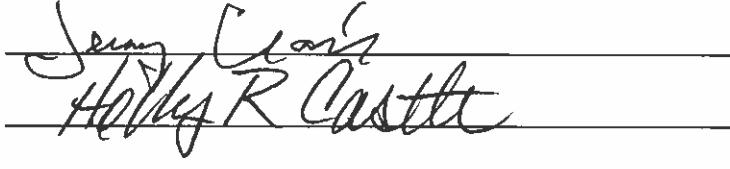
2 Doug Mayo, Chair



3 Michael Shuttleworth, Vice Chair



4 Jerry Craig



5 Holly Castle



6 Robert Tree



7 Sergio Garcia



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16 Voting against the findings and accuracy of the recommendation:

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19 Attest:

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23

24 Dated: May 10, 2023

25



Noelle Madera,
Secretary

Chapter 19.18

SPECIAL USES AND STANDARDS

Sections:

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- 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.**

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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.

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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.

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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	SCCLCC	GC	M-1	M-2
RETAIL TRADE AND SERVICE																		
Short-Term Rental	<u>21</u>	<u>21</u>			<u>21</u>	<u>21</u>	<u>21</u>			<u>21</u>								

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