

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 (Planning Di

Requested Agenda Date:

08/29/2023

Presenting:

Olivia Story

Document Title:

In the matter of amending Yakima County Code title 19 YCC 19.18.420 Short Term Rental (LRN23-002/SEP23-009).

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 Planning Commission has held an open record public hearing for the Development Code text amendments, providing opportunity for public comments and submitted their recommendations to the Board for consideration. The Board held a public hearing to take testimony on August 1, 2023. This ordinance will finalize the text amendment proposals.

Summary & Recommendation:

Pass this ordinance as decided upon for the text amendment (LRN23-002/SEP23-009) by the Board to finalize this action.

Motion:

I move to approve Ordinance 5-2023 as decided upon by the Board for the Development Code.

Department Head/ Elected Official

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial

Signature

Late Agenda Requests Require BOCC Chairman Signature

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 5-2023

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

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 (LRN2023-00002 and SEP2023-00009) to amend portions of YCC Title 19; **and**,

WHEREAS, in accordance with YCC 16B.10.040, on April 12, 2023, the Planning Commission was presented with proposed text amendments (LRN2023-00002 and SEP2023-00009); **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 for LRN2023-00002 and SEP2023-00009; **and**,

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing for LRN2023-00002 and SEP2023-00009 on May 10, 2023, hearing testimony on the proposed text amendment; **and**,

WHEREAS, the Planning Commission held deliberations for LRN2023-00002 and SEP2023-00009 on May 10, 2023; **and**,

WHEREAS, the Planning Commission, having carefully considered the staff recommendation and the written and oral testimonies in its deliberations approved their Findings

BOARD OF YAKIMA COUNTY COMMISSIONERS

and Recommendations on May 10, 2023, for the proposed text amendment LRN2023-00002 and SEP2023-00009; **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 June 26, 2023; **and,**

WHEREAS, the Board of Yakima County Commissioners conducted a properly advertised public hearing on August 1, 2023, to hear testimony on the proposed text amendments outlined in the Planning Commission recommendations; **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 LRN2023-00002 and SEP2023-00009 on August 18, 2023. 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.

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 reviewed said amendments, held a public hearing, and decided to approve, modify, and/or deny the proposed amendments.

Section 2. Findings.

BOARD OF YAKIMA COUNTY COMMISSIONERS

- 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 August 18, 2023, *Final Notice of Determination of Non-Significance for YCC Title 19 Text Amendments* (SEP2023-00009) 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 proposed development regulation text amendments (LRN2023-00002 and SEP2023-00009) with modifications to the Findings and Recommendations of the Planning Commission dated May 10, 2023 (modification to the Allowable Land Use Table which includes lowering the level of review from a Type 2 review to a Type 1 review in the R-1 and R-2 zones). See Exhibit 1 for the Planning Commission Findings and Exhibit 2 for the Board modifications.

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.

APPROVE _____

DENY _____

MODIFY X

DONE

AUG 29 2023

LaDon Linde
LaDon Linde, Chair

Attest:

Julie Lawrence
Julie Lawrence, Clerk of the Board or

Amanda McKinney
Amanda McKinney, Commissioner



ORDINANCE 5-2023 (Short-Term Rentals)

BOARD OF YAKIMA COUNTY COMMISSIONERS

Erin Franklin, Deputy Clerk of the Board



Kyle Curtis, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

Exhibit 1 – LRN2023-00002 and SEP2023-00009 Planning Commission Findings and Recommendations.

Exhibit 2 – LRN2023-00002 and SEP2023-00009 The Board of Yakima County Commissioners modifications to the Planning Commission's Findings and Recommendations.

EXHIBIT 1

LRN2023-00002 and SEP2023-00009

Planning Commission Findings and Recommendations

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:

3
4 **I. REASONS FOR ACTION**

5
6 The amendments before the Planning Commission are as follows:

- 7
8 1. The proposed staff-initiated text amendments to Yakima County Code Title 19
9 are necessary to better implement the code.
10
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.
14

15 **II. FINDINGS OF FACT**

16
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
22

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.
27

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).
32

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).
37

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.
41

42 -6-

43 The findings for the proposed amendments are as follows:

- 44
45 • LRN2023-00001/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:
49

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

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

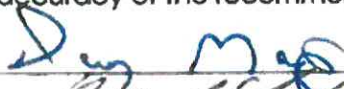
Therefore, the Commission recommends in a 4 to 1 vote that the proposed County-initiated text amendments to YCC Title 19 should be APPROVED.

III. RECOMMENDATION

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

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

2
3 Doug Mayo, Chair



4
5 Michael Shuttleworth, Vice Chair



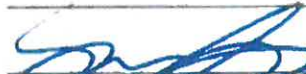
6
7 Jerry Craig



8
9 Holly Castle



10
11 Robert Tree



12
13 Sergio Garcia



14
15
16 Voting against the findings and accuracy of the recommendation:

17
18
19 Attest:



20
21
22 Noelle Madera,
23 Secretary

24 Dated: May 10, 2023

25

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 | SCCLCC | GC | M-1 | M-2 |
|--------------------------|----|----|-----|--------|--------|----|----|-----|----|-----|-----|-----|-----|-----|--------|----|-----|-----|
| RETAIL TRADE AND SERVICE | | | | | | | | | | | | | | | | | | |
| Short-Term Rental | 21 | 21 | | 21 | 21 | 21 | 21 | | 21 | 2 | 2 | 21 | 21 | 21 | 21 | 21 | | |

...

EXHIBIT 2

LRN2023-00002 and SEP2023-00009

The Board of Yakima County Commissioners modifications to the Planning
Commission Findings and Recommendations

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.

...

[illegible]

