

ORDINANCE NO. 2003-____

IN THE MATTER OF ESTABLISHING A NEW CHAPTER IN CITY OF YAKIMA
CODE TITLE 16.10 PERTAINING TO PROCEDURES FOR AMENDING THE
YAKIMA URBAN AREA COMPREHENSIVE PLAN

WHEREAS, the Washington State Growth Management Act (GMA) requires counties and cities within them to prepare long range comprehensive plans pursuant to RCW 36.70A and related Chapters; and,

WHEREAS, RCW 36.70A.130 provides for continuing review and evaluation of comprehensive plans and development regulations at least every five years and for the revision or amendments to such plans not more than once a year but at least once every five years, with certain exceptions; and,

WHEREAS, RCW 36.70A.470 requires that counties and cities planning under RCW 36.70A.040 include in their development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest Comprehensive Plan or development regulation amendments; and,

WHEREAS, RCW 36.70A further requires that the suggested amendments be docketed and considered not more than once a year, consistent with the provisions of RCW 36.70A.130; and,

WHEREAS, established procedures for annual Comprehensive Plan amendments would benefit the public by providing certainty and consistency in the selected comprehensive plan amendment process cycle; and,

WHEREAS, the City of Yakima Planning Division has recommended that Comprehensive Plan Amendment Ordinance No. 2003-____ be considered as an addition to the City of Yakima Code as Title 16.10; and,

WHEREAS, the purpose of this chapter is to provide procedures and criteria for amending and updating the Yakima Urban Area Comprehensive Plan; now, therefore,

BE IT HEREBY ORDAINED by the City of Yakima City Council as follows:

Section 1. A new chapter is added to City of Yakima Code, Title 16.10, as follows:

**CHAPTER 16.10
COMPREHENSIVE PLAN AMENDMENT PROCEDURES**

16.10.010 Purpose. The purpose of this chapter is to provide procedures and criteria for amending and updating the Yakima Urban Area Comprehensive Plan and development regulations. Comprehensive Plan amendments may involve changes in the written text or policies of the plan, to the Future Land Use Maps, or to supporting documents, including, but not limited to capital facilities plans. Comprehensive Plan amendments will be reviewed in accordance with this chapter, the state Growth Management Act (GMA), the Yakima County-Wide Planning Policy, the goals and policies of the Yakima Urban Area Comprehensive Plan, interlocal agreements, applicable capital facilities plans, official population growth forecasts and growth indicators. Nothing in this chapter shall be construed to limit the legislative authority of the City to consider and adopt amendments and revisions to the Yakima Urban Area Comprehensive Plan or the City’s development regulations.

16.10.020. Applicability

- (1) The criteria and requirements of this chapter shall apply to all applications or proposals for changes to the comprehensive plan text, policies, map designations, area-wide rezones or supporting documents unless specifically exempted. The following types of Comprehensive Plan amendments may be considered through the Comprehensive Plan amendment process:
 - (a) Future Land Use map changes including land use, urban growth boundaries, and mineral resources;
 - (b) Minor technical Future Land Use map corrections;
 - (c) Future Land Use or other text changes.
- (2) The criteria, but not the timing requirements, of this chapter shall apply to Comprehensive Plan amendments no more frequently than once a year except that amendments may be considered more frequently for special circumstances, per RCW 36.70A.130. These include:
 - (a) The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;
 - (b) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of the city budget;
 - (c) Amendments necessary to address an emergency situation, and;
 - (d) Amendments required to resolve an appeal of a comprehensive plan or amendment filed with a growth management hearings board or with the court.
- (3) Definitions - Unless the context clearly requires otherwise, the definitions in this section apply throughout Chapter 16.10.
 - (a) “Area-Wide Rezone” shall be a legislative action of the City Council initiated by the Regional Planning Commission or the City Council to change multiple parcels within one location of the city or located in multiple locations throughout the city or for property proposed for annexation under the provision of Chapter 15.23.

- (b) “Interested Parties” shall be any concerned citizens who have provided their names and addresses in writing to the Planning Division and indicated their desire to receive mailings regarding a land use application within specific areas of the City of Yakima.
- (c) “Property Owners within 500 feet” shall be the person or persons shown as the owner on the official records of the Yakima County Assessor’s records as of the date of mailing a land use notice.
- (d) “Reviewing Agencies” shall be as indicated in Section 16.10.070 of this Chapter.
- (e) “Rezone” - see Yakima Urban Area Zoning Ordinance Chapter 15.02 for definition.
- (f) “Site-Specific Rezone” shall be a change to the zoning text or map created to depict the zoning of (a) parcel(s) or lot(s) owned by one property owner. This would include a change to the zoning text or map, which modifies or develops policies that directly affects a readily discernible group of people or individuals and/or a limited geographical area.
- (g) “Text Amendment” shall include text changes, standard modifications, procedures additions, corrections, and/or modifications, and other modifications of chapters 15.23 and 16.11.
- (h) “Zoning Map” shall be the approved City of Yakima’s GIS zoning district map.

16.10.030. Procedures.

- (1) The Regional Planning Commission shall hold a public meeting in February to announce the Comprehensive Plan amendment process is open to accepting applications. At that time, the Regional Planning Commission will invite public comments and suggestions regarding changes needed in the comprehensive plan and development regulations.
- (2) Applications for all Comprehensive Plan amendments shall be considered legislative actions and subject to the procedures in this section.
- (3) Applications shall be submitted in writing by the last working day of April in order to be considered if amendments will be addressed in that year’s process.
- (4) Site-specific Future Land Use map changes may be initiated by the property owner(s) through a fee-paid application process. The Regional Planning Commission docket all site-specific Future Land Use map amendment requests for further staff review and consideration if the amendment is appropriate as indicated in Section 16.10.020(1) and/or (2).
- (5) All other map and text amendments shall be suggested by the Regional Planning Commission and/or City Council, including Planning Division staff using the appropriate forms.
- (6) The Regional Planning Commission shall provide an opportunity for public comment regarding the suggested text and Future Land Use map changes, and review them to determine whether they should be docketed to receive further review and consideration as part of the current year's amendment cycle. A suggested amendment will not be docketed for further processing if the Regional Planning Commission and Planning Division staff determines that an application is incomplete.
- (7) After the docket is set:

- (a) The planning division shall conduct its review of the docketed Comprehensive Plan amendments.
- (b) The Regional Planning Commission shall set dates for work sessions on docketed item(s) prior to setting the Regional Planning Commission Public Hearing date(s);
- (c) No amendments shall be docketed after the publication of the Notice of Public Hearing and environmental review, unless directed by City Council.

16.10.040. Approval Criteria.

- (1) The following criteria shall be considered in any review and approval of amendments to Yakima Urban Area Comprehensive Plan Future Land Use Maps:
 - (a) To change a designation, the proposed Future Land Use map amendment must do one of the following:
 - i) Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies; or
 - ii) Better implement applicable comprehensive plan policies than the current map designation; or
 - iii) Correct an obvious mapping error, or;
 - iv) Address an identified deficiency in the Comprehensive Plan.
 - (b) Documentation may be needed to address the public facilities and services elements that may be necessary for the proposed designation. Such services may include water, sewer, storm drainage, transportation, police and fire protection, and schools.
- (2) The comprehensive plan amendment(s) shall be coordinated with, and take into consideration, the comprehensive plans adopted pursuant to RCW 36.70.040 of Yakima County or cities with which the city of Yakima has, in part, common borders or related regional issues. (RCW 36.70A.100).
- (3) Comprehensive Plan and development regulation text amendments shall be consistent with the GMA, County Wide Planning Policies (CWPP), and the Yakima Urban Area Comprehensive Plan goals and policies.

16.10.050. Submittal Requirements. All requests for Comprehensive Plan amendments shall be made in writing and shall include the following information. Applications not containing the required information will be returned to the applicant to be completed and resubmitted prior to the deadline of the last working day in April.

- (1) Future Land Use map amendments:
 - (a) Completed application form, provided by the Planning Division, signed by the legal owner or by a representative authorized to do so by written instrument submitted with the form.
 - (b) Parcel Numbers and legal description(s) of the subject property.
 - (c) Map(s) of the subject property, which indicate existing buildings, roads, critical areas, and the land use of adjacent properties.
 - (d) Maps indicating the current and proposed land use designations, to be provided in both an 8 ½" by 11" and 11" by 17" format to a standard engineering scale. (i.e.: 1:20)

- (e) Information regarding the property including existing land use, access to sewer and water, and availability of public facilities such as schools, fire and police services.
 - (e) Written narrative stating the reasons for the request for the Comprehensive Plan amendment and how the proposed Comprehensive Plan amendment meets the criteria in 16.10.040.
 - (f) Completed and signed SEPA checklist.
- (2) Comprehensive Plan or development regulation text amendments:
- (a) Completed and signed request form;
 - (b) Suggested amendment indicating the Chapter and Section location;
 - (c) Written narrative including the reasons for the suggested amendment and how the proposed amendment meets the criteria in 16.10.040, and;
 - (d) Any supporting documentation.

16.10.060. Timing of Amendments.

- (1) The Comprehensive Plan shall be amended a maximum of once per year or a minimum of once every five years in accordance with the time periods and procedures established in this chapter except in the circumstances described in 16.10.020(2).
- (2) The decision to open a Comprehensive Plan Amendment Process in any given year shall be the decision of City Council.
- (3) Proposals, suggestions or applications for Comprehensive Plan amendments will be accepted once the Regional Planning Commission has announced, at their meeting in February, that the Comprehensive Plan amendment process is open for application. Letters of interest for proposals and/or suggestions will be accepted at any time. Items received after the last working day of April will be processed in the next scheduled Comprehensive Plan amendment cycle, unless submitted by City Council.
 - (a) 14 days prior to the meeting date a legal display ad notice will be placed in the local newspaper announcing the Regional Planning Commission first meeting.
 - (b) An announcement will run on Yakima Public Access Channel (YPAC) event notice section starting two weeks before the meeting date and run through the date of the Regional Planning Commission meeting.
 - (c) The Planning Division will notify local media outlets through a prepared press release.
 - (d) The Planning Division will place the meeting notice on the City of Yakima's web site.
- (4) At the Regional Planning Commission first meeting, following the last working day of April, the Regional Planning Commission and Planning Division staff will review the suggested Comprehensive Plan changes at a scheduled work session. When the Regional Planning Commission and Planning Division staff have completed their review, the Regional Planning Commission will set the docket of proposed amendments.
 - (a) Once the Regional Planning Commission has set the docket of proposed amendments the Planning Division shall notify the Washington State Community Trade and Economic Department of the City's intent to process the proposed amendments by the first meeting of the Regional Planning Commission;

Ordinance No. 2003 - _____

Comprehensive Plan Amendment Procedures

Page 5

- (b) Washington State Community Trade and Economic Department shall receive notification at least sixty days prior to final adoption. (RCW 36.70A.106), and;
 - (c) The Planning Division shall include a request for comment on the proposed amendments during the public review process prior to adoption. (RCW 36.70A.106)
- (5) The Planning Division shall establish timelines for additional review and consideration by the Regional Planning Commission with the goal of having the Comprehensive Plan amendment process complete by December 31st in that year's amendment cycle.
- (a) The Planning Division shall provide a complete and accurate copy of the comprehensive plan, amendment, or development regulations to the Washington State Department of Community, Trade and Economic Development within ten (10) days after final adoption. (RCW 36.70A.106)

16.10.070. Public Process and Notice. To provide for the opportunity of citizens, interested parties and reviewing agencies to suggest and make comments on proposed Comprehensive Plan amendments, the following public notice and outreach provisions shall be completed during each Comprehensive Plan amendment process.

- (1) Notice of the Comprehensive Plan amendment(s) shall be publicized through:
- A general mailing to interested parties;
 - Posting on the City of Yakima's web site;
 - Posting, with signage, property for which a land use change has been submitted and docketed;
 - Notice in the City's newspaper of record at least ten (10) days before public hearing (RCW 36.70.390);
 - Announcements on Yakima Public Access Channel (YPAC) of scheduled public hearings;
 - Press releases to local media outlets in the form of a prepared press release;
 - Posting of information at the planning division and City Clerk's office, in addition to other City Clerk designated locations;
 - Notice to all adjacent property owners within a 500-foot radius of the particular application (as derived from the County Assessor's records);
 - Notification to Reviewing Agencies:
 - i. Washington Department of Transportation;
 - ii. Washington Department of Correction;
 - iii. Washington Department of Social and Health Services;
 - iv. Washington Department of Health;
 - v. Washington Department of Ecology;
 - vi. Washington Department of Fish & Wildlife;
 - vii. Washington Department of Natural Resources;
 - viii. Washington Office of Community Trade and Economic Development Department;
 - ix. Interagency Community on Outdoor Recreation;
 - x. Parks and Recreation Committee;
 - xi. Puget Sound Water Quality Action Team;
 - xii. Local Utility Companies;

- xiii. Local School Districts;
 - xiv. Washington Department of Transportation Division of Aviation;
 - xv. Yakima Air Terminal;
 - xvi. Yakima County Planning Department, and;
 - xvii. Yakama Nation and Other Impacted Local Governments, if any.
- (2) Public notification of future Land Use map amendments shall follow the notification provisions set forth in 16.10.070(1) for each notice required during the Comprehensive Plan process.
 - (3) Additional public notification may be undertaken by the Planning Division, if it determines that it is in the public interest to do so.
 - (4) Elements to be contained in the Notice for comment on proposed future land use map amendments:
 - (a) Identification of amendment by address;
 - (b) Written Description of the proposed amendment;
 - (c) Vicinity map created from the City's GIS mapping system indicating the location of proposed future land use amendments;
 - (d) Notice of the time, place and purpose for the Regional Planning Commission Public Hearing and;
 - (e) Cover letter from Planning Division staff describing the Comprehensive Plan amendment and giving the name and phone number of a staff person who can answer additional questions, and;
 - (f) Regional Planning Commission meeting agenda.

16.10.080 Regional Planning Commission's Recommendation(s). To provide for the opportunity of citizens, interested parties and reviewing agencies to review the recommendation of the Regional Planning Commission to the Joint Board for Urban Area Planning & Development regarding the Comprehensive Plan amendments, the following process provisions shall be completed for each Comprehensive Plan amendment process:

- (1) Regional Planning Commission shall provide a recommendation on each amendment with findings of fact to support each recommendation;
- (2) The Planning Division shall notify the public of the Regional Planning Commissions recommendations following the process included in 16.10.070(1).

16.10.090 Joint City Council & County Commissioners Public Hearing. At a joint meeting of the City Council & County Commissioners, the two elected bodies will review the recommendation(s) regarding Comprehensive Plan amendment(s) and hold a public hearing to provide citizens, interested parties and reviewing agencies a chance to comment on the recommendation(s):

- (1) The Notice of a Joint Urban Area Comprehensive Plan Public Hearing of the City Council & County Commissioners on the recommendation(s) will be published by the City Clerk and will include the following:
 - (a) The time, location, and date of the Joint City Council & County Commissioners Public Hearing;
 - (b) A complete copy of the agenda, and;
 - (c) A list of all proposed Comprehensive Plan amendments.

- (2) An open record public hearing will be conducted during this meeting to hear testimony regarding each amendment, and;
- (3) At the conclusion of the public hearing, City Council & County Commissioners shall, direct staff to prepare legislation to approve, with conditions, or deny each amendment with findings of fact to support each decision.
- (4) At a subsequent Council meeting, Council shall consider an ordinance prepared to carry out their directive. Following Council action this ordinance shall be published in the following manner:
 - (a) The Planning Division shall provide a complete and accurate copy of the comprehensive plan or development regulations to Washington State Community and Economic Trade Department within ten days after final adoption. (RCW 36.70A.106)
 - (b) The City Clerk will have an entire copy of the final approved comprehensive plan amendment ordinance published in the local newspaper.

Section 2. If any of the provisions of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. This ordinance shall be effective 30 days after its passage, approval and publication as provided by law.

PASSED by the City Council of the City of Yakima, Washington at a regular meeting thereof, held this _____ day of February, 2003.

CITY OF YAKIMA, WASHINGTON

 Mary Place
 Mayor

ATTEST

 City Clerk

 City Attorney

Publication Date: _____

Effective Date: _____