

**BOARD OF YAKIMA COUNTY COMMISSIONERS
PUBLIC HEARING**

Date: December 8, 2008
Re: **Comp Plan Amendments Hearing Part 1 of 2**
Time: 5:30 P.M.
Location: B-33, Commissioner's Hearing Room, Yakima County Courthouse, Yakima, Washington
Present: Chairman Ronald F. Gamache
Commissioner J. Rand Elliott
Commissioner Michael D. Leita
Clerk of the Board Christina S. Steiner

Record of Proceedings

Thomas Carroll, Planning – The first thing that I have been asked to get on the record is that the Dust Dodgers proposal for the ORV issue and also the HAM Radio proposal, their zoning changes that we are going to address those the first part of next year and not this December.

ZON08-02 Clyde Armistead/Durant Development Services

Thomas Carroll – Tom Durant submitted this application on behalf of Clyde Armistead. The applicant requests changes in the future land use map and zoning on the subject property from Remote Rural Extremely Limited Development Potential to Agriculture. If the Comp Plan Amendment is approved, a concurrent rezone from Rural to Ag is also requested. The subject property will ultimately be subdivided using the agricultural small lot provision. The property is located off Charvet Road and Mabton-Sunnyside Road. These parcels are both zoned remote. Staff recommends approval of a portion of the amendment request from Remote to Agricultural Resource but only for the upper 42 acre parcel. The approval would satisfy the applicant's intent to utilize the small lot provision available in the Ag Zone to subdivide the small parcel containing the existing farmhouse. The farmhouse is located on the upper smaller parcel. After careful review, site visits and public testimony it is staff's opinion that the upper parcel of the subject property, which is located outside the Yakima River floodplain, is more suited for the Ag Zoning district and its allowable land uses. The lower parcel however, is located within the Yakima River floodplain and floodway and contains possible wetlands and appears more suited for the Rural land use and zone. The Yakima County Planning Commission voted 5 to 0 in favor of Staff's modification of the proposal.

The upper piece, which is currently growing asparagus, would go into agriculture that would allow him to cut out the small house here and this would remain in Remote since it is in the floodway.

Ronald Gamache – This is a hearing; if anybody would like to speak to this issue please come forward and identify yourself.

Tom Durant, President Durant Development – I will repeat what I said at the Planning Commission. We can live with Staff's recommendation provided that we can subdivide the small lot around the home site that is on the property because contrary to the parcel configuration

APPROVED 3/24/09

that you see on that generated from the County GIS, the property line of the two parcels actually cuts splits the home site and I was assured at that hearing by staff that we could create the small lot even though part of it would be in what would remain Rural Remote. I just want to have that on the record and I haven't seen any documentation of it. One of the concerns that I always have is that staff that is present may say that is all well and good but later on when we are dealing with different people on the short plat that without some kind of record, some of these things get forgotten. As long as we can do the short plat or the boundary line adjustment for the small lot we can live with Staff's recommendation.

Thomas Carroll – It was in our intention to make sure that the findings document is worded to where it addresses the fact that there is a potential lot line misconfiguration currently existing for the parcel there. And instead of trying to get a survey done and change that, while we are in the process of this review, we were going to address that at the conclusion of it. So if it is approved we change the land use and zoning and that parcel configuration to make sure the property owner gets what he is requesting.

Rand Elliott – I think that it is clear that it is on the record Mr. Durant.

Mike Leita – Staff is acknowledging that they can accommodate Mr. Durant's request. You have the top of the staff here tonight.

Ronald Gamache – What size is that upper piece?

Thomas Carroll – I believe it is 42 acres.

Ronald Gamache – Any further comments? Hearing none the hearing is closed.

ZON08-03 Dot Green/Hordan Planning Services

Thomas Carroll – Submitted by Bill Hordan on behalf of Dot Green. The property is located about 10 miles north of the City of Naches on State Route 410 right across from the Woodshed Restaurant. The applicant requests changes in the future land use map and zoning on the subject property from Remote Rural Extremely Limited Development Potential to Rural Self-Sufficient. If the plan amendment is approved a concurrent rezone from Rural to Mountain Rural is also requested. The subject property will ultimately be subdivided based upon the density allowed in the MR zone, which in this case would only be one additional lot. Staff recommends approval of the amendment request to Rural Self-Sufficient and the concurrent rezone from Remote to Mountain Rural zoning. The application meets the approval criteria as outlined in Plan 2015 and the Zoning Ordinance. The Yakima County Planning Commission voted 5 to 0 in favor of the applicant's proposal.

They are requesting the lower portion of the property, which is flat and relatively easily developable, to be placed in the Mountain Rural Zoning and then the upper portion to remain the same Remote.

Ronald Gamache – This is a hearing; if anybody would like to speak to this issue?

Bill Hordan, Hordan Planning – I am here to support the recommendation of the Planning Commission. In a nutshell, what the property generally consists of is there is an area that is all

APPROVED 3/24/09

C:\Documents and Settings\Tierag\Local Settings\Temporary Internet Files\OLK7B\12 8 09 uga amend 1 of 2.doc
Page 2 of 10

down on a flat prairie. All the surrounding houses are generally flat as a pancake along with this particular area. When the County put the future land use on this particular property the entire piece of property was included in the Rural Remote. The intent is to take that portion that is really truly Rural Remote and give it that designation and that portion which is down on the prairie changed to Mountain Rural. There was no public comment before the Planning Commission hearing and the Planning Commission heard the testimony and recommended 5 and 0 in approval. We would encourage you to do the same.

Ronald Gamache – Any other public comments?

Robyn Simmons, Simmons & Sons Hauling – I own the rock quarry just to the west of this piece of property and now, I am not sure, the way I am hearing it, they're only going to allow this part down here to become changed and this is still going to stay Mountain Rural, is that correct?

Thomas Carroll – The upper portion will remain Remote.

Robyn Simmons – Ok, because at first I was informed that they were going to change it all. It is only the bottom part to be changed?

Mike Leita – That was part of the discussion if I discerned the process well enough but the recommendation now is as you understand it to be the lower half only. Which insures protection for your interests concerning the gravel pit, which is a good gravel pit by the way.

Ron Gamache – Any further comments? Hearing none this portion of the public hearing is closed.

ZON08-04 Rowe and West/Hordan Planning Services

Thomas Carroll – Submitted by Bill Hordan on behalf of Adam Rowe and Larry West. The property is located off of Summitview Road and Pioneer Way on the back side of the edge of Cowiche Mountain. There are three parcels that make up the subject property. The current land use shows the two parcels here split designated between Rural Self-Sufficient and Agriculture and this parcel up here is zoned Agriculture. The little small portion of it right here is Rural Self-Sufficient.

The applicant requests changes in the future land use map and zoning on the subject property from Agricultural Resource to Rural Self-Sufficient. If the Plan Amendment is approved a concurrent rezone from Ag to Valley Rural is also requested. The subject property will ultimately be subdivided based on the density allowed in the Valley Rural Zone which is 5 acres per lot if there is a paved road and 10 acres if it is a gravel road. Staff recommends approval of the amendment request from Ag Resource to Rural Self-Sufficient and the concurrent rezone from Ag to Valley Rural. The application, in staff's opinion, adequately meets the approval criteria and the Ag de-designation criteria as outlined in Plan 2015 and the Zoning Ordinance. The subject property is not in Agriculture production and of the total 62 acres only 5 have been farmed within the last 50 years and only 10 of the 62 acres have soils conducive for agriculture.

The property is currently split designated as previously mentioned. The property is capable of being subdivided creating roughly seven lots right now within this area and if approved it would

APPROVED 3/24/09

C:\Documents and Settings\Tierag\Local Settings\Temporary Internet Files\OLK7B\12 8 09 uga amend 1 of 2.doc
Page 3 of 10

allow additional four to five lots depending on if they cluster or not. The Yakima Planning Commission made no recommendation on this proposal. Part of the Planning Commission rules requires a majority vote amongst the quorum and they did not reach a majority.

Mike Leita – There was two in favor and three opposed.

Thomas Carroll – Correct. The Planning Commission that were opposed had issues with the Ag de-designation criteria.

Ron Gamache – This is a public hearing. Is there anybody that would like to speak to this issue?

Bill Hordan – Of all the applications that were presented before the Planning Commission, this is probably the one that I am most perplexed on. Staff recommended approval of this based on our application and their analysis of the agricultural zone and the Valley Rural criteria. The best thing that I can direct you Commissioners to do in the sake of saving a little bit of time, because I know these hearings can go on and on, is if you get the opportunity in your packet you have the staff report and if you start on page 7 at the very bottom it has the Rural Self-Sufficient mapping criteria and it ends on page 8 at number 6 and it lists all the criteria and then it has the staff findings. In this particular instance, when you go through all the criteria 1-6 that they have listed and their comments and our application you will find that we meet every single one of the criteria to be in the Rural Self-Sufficient designation. Then about the middle of page 8 you have the Agricultural Resource Area mapping criteria and what you will find out is based on review of the record, that Criteria 1 does not meet the criteria, number 2 does not meet it, number 3 does meet it and what number 3 says that, "lands located within an irrigation district and receiving water." In the record you will find documentation that the Planning Commission specifically asked me to provide to them, after the close of the hearing, was a map that indicated how much of the soil was either irrigatable or non-irrigatable and so I provided them with a map and it should be in your packet but here is my original. What this map will show you is, in yellow, you have the boundaries of the 62 acres of the three parcels of property that we're looking at. Then the yellow hash marks that we have there are non-irrigatable soils. As you can tell it is roughly about 14 acres of the 62 that is non-irrigatable.

I think the important thing is if you look at how the non-irrigatable soils are spaced out over this property, you've got some okay soil over here, you've got some non-irrigatable soil in between, you have some more good soil, you have some non-irrigatable soil, and then you have more agricultural soil. What you really have out there if you are kind of familiar, on the very top of the hill you have a rock pit. Anderson Rock is on top and they are kind of going down the back side or the north face somewhat as far as their mining operation goes. We are right near the bottom of that so we are kind of on the cusp, if Tommy puts the future land-use designations up there for right now, this area is right near the bottom of the hill and we still have those rocky conditions that are there. In fact, it is so rocky up there, we took some pictures and we are in the process of building a road and we are having a hard time grading through there. It looks like a lot of dirt but we are smoothing it over the top of the rocks. If you look at the fence posts in here, we can't even get the fence posts in the ground. They've had to put 45's on here and you will see if you look at the bottom to indicate just how shallow the soils are.

Mike Leita – Staff has already made a determination that it is non-Ag. I don't want you to take my comment wrong; it was just a matter of record that it was a split decision.

APPROVED 3/24/09

C:\Documents and Settings\Tierag\Local Settings\Temporary Internet Files\OLK7B\12 8 09 uga amend 1 of 2.doc
Page 4 of 10

Bill Hordan – We just wanted to give you some additional testimony. Before the Planning Commission the property owners weren't here and they will probably give a small amount of testimony regarding the agricultural aspect of it. Rowe Farms is here and Larry West is here as well. Then, the last thing is that at the bottom of page 9 it talks about the agriculture de-designation and it goes through that entire process all the way over to page 14, actually it goes a little further than that but I think the important thing to note on the de-designation from Ag to Rural Self-Sufficient is on page 15 and you look at the table that is there and you need to have at least 8 to be reconsidered and the back actually says, "you must reconsider if it hits 8" and this particular one hit 8. At the last hearing, we were there, there was a lot of public testimony on a lot of things that really didn't deal with any particular aspect other than some neighborhood issues and we would ask that you approve this project. It comes to you with no recommendation.

Mike Leita – Staff recommendation is to approve so you are in agreement with our staff.

Bill Hordan – Yes and two of the Planning Commission members.

Ron Gamache – As I understand it on the Agricultural Designation we try to list these criteria with the idea to make them inclusive as Ag if they have more than 8, correct?

Bill Hordan – If it has less than 8 than it is more difficult for you to be removed from Ag. If it is 8 or higher then you have the ability to come out.

Mike Leita – Is this in a Mineral Overlay area?

Thomas Carroll – A portion of it is and I can show you that here really fast. The red hash marks represent the 500 foot Mineral Resource Overlay buffer. It is on the upper portion.

Mike Leita – So the proponent is aware of that Overlay?

Thomas Carroll – Yes. The significance is that there are two things. One, the property in the Mineral Resource Overlay has to sign a covenant when they come in for a building permit or any type of land-use decision. The covenant says that they recognize that they are within the Mineral Resource Overlay and they can be impacted by the mine. Also the mining company itself has the ability to comment just similar to the Simmon's situation, they can comment and have some say in what can actually be built and where it can be built based upon a review by the Administrative Official.

Mike Leita – I do know, at some point in time if not now, that area will have drilling, shooting, crushing, generator noise, etc associated with it. It is with that understanding that the proponent comes forward.

Bill Hordan – Ron Anderson happens to be a client of mine and I am very familiar with his project as we are currently working on it. He is limited to hours of crushing from 6 a.m. to 6 p.m. He cannot crush outside those hours. Any crushing that has occurred here recently, that you may hear something about it, the County pit across the street was running 24/7 for several weeks, if not months, here just in the past 30 to 45 days.

Mike Leita – All for the benefit of the taxpayers for a cheaper price.

APPROVED 3/24/09

C:\Documents and Settings\Tierag\Local Settings\Temporary Internet Files\OLK7B\12 8 09 uga amend 1 of 2.doc
Page 5 of 10

Thomas Carroll – Ron Anderson has submitted a comment letter in support of the proposal as well.

Adam Rowe, Locust Lane, Naches – I was just going to state a few things on the piece that we own. That is going along with today's nature of spraying, applications of spray in the public, it seems like we are always worrying about drift. In that tight section there it seems like you can run into those problems with the neighbors and then also it seems like, just the problem with growing fruit it is a frosty area and we have had plenty of years of frost damage out of that. Those are my reasons that it is a bad egg area.

Mike Leita – Adam, where are you located there on that map?

Adam Rowe – The smaller parcel on the left.

Mike Leita – So that is why you are in favor of this transition.

Larry West, Westlin Dr., Yakima – Just some quick comments on the condition of the soil. I have lived on this place all of the time that I have lived in Yakima and that is since 1972. Almost all of it except for 7 acres in the last 3 years we have sold and I live up above. I want to tell you a little bit about the piece that I am involved with is a 5 acre piece. There is a little pasture down here and at the head of that pasture, when we developed our home which is further up the hill fairly close to Ronnie's pit, at first I considered putting the road and all the infrastructure stuff straight up through Pioneer Way and just doing it myself. Ultimately because the old Cowiche-Tieton Highway from a long long time ago goes along the ditch up here, it was in existence and Ron and I got together and he developed the road up here and we did the infrastructure stuff because this particular parcel all the way across here, including the land that Adam was talking about, where that lip comes down off the mountain is basically solid rock. As a matter of fact there is a place over there that we had a site for our home and it would have required blasting in order to make it happen. I actually put in an irrigation line up to my home I had Pickert bring his D8 in with a 7 foot hook on it, he couldn't get any further down than 12 inches. He spent a day and a half going back and forth making a ditch. I finally burned it in order to get a 3 inch pipe up to get water for the lawn and that sort of thing. That is what this land is like.

On the north slope there is some fairly deep dirt but it's in pits in spots. Makes no sense at all. In terms of development I would tell you on my portion that my kids are going to get to worry about it at this point is the way I am thinking. I am using it for buffer but I am aware of the conditions of living next to the demolition pit. I just want to reiterate. There is good reason not to be there. I watched the Vogel's try to farm that, I have watched Dennis Hebert try to farm that. Always their yield was poor to nil compared to other farms in the area.

Ron Gamache – Does anybody else like to speak to this issue? Seeing none the hearing is closed for ZON08-004.

ZON08-05 Vic Gabbard/Hordan Planning Services

Thomas Carroll – Submitted by Bill Hordan on behalf of Vic Gabbard. The property is a 97 acre two parcel piece located on the Naches-Wenas Road. The grade that goes up to the top right

APPROVED 3/24/09

C:\Documents and Settings\Tierag\Local Settings\Temporary Internet Files\OLK7B\12 8 09 uga amend 1 of 2.doc
Page 6 of 10

off of the Old Naches Highway just a little northeast of the City of Naches. The applicant requests changes in the future land use map and zoning on the subject property from Agricultural Resource to Rural Self-Sufficient. If the Plan Amendment is approved a concurrent rezone from Ag to Valley Rural is also requested. The subject property will ultimately be subdivided based upon the density allowed in the Valley Rural zone. Staff recommends approval however, with modifications of the amendment request from Ag Resource to Rural Self-Sufficient and a concurrent rezone from Ag to Valley Rural. The proposal, when modified, adequately meets the approval criteria and the Ag de-designation criteria as outlined in Plan 2015 and the Zoning Ordinance. The subject property is not in agricultural production and has never been in production. The property is predominantly located on over-steepened slopes with very poor soil quality, no irrigation and the gullies are frequently subjected to flash floods. The upper portion of the subject property, which is about 20 acres is flat, has an approved access and is more conducive to development along with and adjacent to existing Rural Self-Sufficient land use.

Staff has proposed that the upper portion be changed to the proposed land use and zoning, which would allow for the creation of 4 lots and the remaining 67 acres which are not conducive for agriculture to be changed to Remote Rural Extremely Limited Development land use and Remote zoning. The Planning Commission made no recommendation on this proposal. The vote was 3 to 2 in favor. Two of the Planning Commission members had a problem with the Ag de-designation criteria. Staff's recommendation shown on the board of what it would do. The property is extremely steep, ranging anywhere from 20 to 30 to 40 percent slopes in places. The adjacent property, which the land use is Rural Self-Sufficient and the zoning is Valley Rural has historically been designed to follow the upper portions of the property, the contour lines basically. Staff has recommended a continuation of that same line to follow the flat portions of the top like so, which would ultimately look like that. Since the remaining portions, the steep portions are not Ag soils with no irrigation and extremely steep, staff is recommending that they be taken out of Ag and placed in the Remote.

Ron Gamache – This is a hearing. Is there anybody that would like to speak to this issue?

Bill Hordan – I think you might you might kind of be getting what part of the issue that we are dealing with on at least on three of the files. The Durant file, the Dot Green file, and now the Gabbard file. What we have here in Yakima County is when we originally put that future land use map together; we kind of did just a blanket cover based on parcel lines. What we're finding out is the large piece of property and a portion of it qualifies for one thing and another portion qualifies for something else. This is a total reverse of the Dot Green. She had flat and hill, on this project we are flat on top of the hill and then we have a steep hill coming down. The issue is how do you deal with that? Mr. Erickson has come up with a way to do that based on some language in the Comprehensive Plan that allows us to start creating some parcels, for lack of better terms, and separating the different kinds of designations based on what criteria they actually meet.

Our original application was to change everything to the Rural Self-Sufficient, this is a compromise that was hammered out between the staff, the Planning Commission and the applicant and it is acceptable to the applicant and we would urge you to approve it as presented by staff.

Mike Leita – Once again, you are in agreement with the expertise of the staff?

APPROVED 3/24/09

C:\Documents and Settings\Tierag\Local Settings\Temporary Internet Files\OLK7B\12 8 09 uga amend 1 of 2.doc
Page 7 of 10

Bill Hordan – Yes. They are doing a wonderful job. There has been some real good problem solving going on. It has been working out fairly well. I think it meets the intent of the Comprehensive Plan in the zoning and GMA and that's what it is all about. Thank you.

Ronald Gamache – Would anybody else like to speak to this issue? Hearing none I will close the hearing on ZON08-05.

ZON08-06 Norval Sheppard/Hordan Planning Services

Thomas Carroll – The application was submitted by Bill Hordan on behalf of Norval Sheppard. The property is about 17 miles north of Naches. The applicant requests changes in the future land use map, it would show it as all Remote. He is requesting Rural Self-Sufficient. If the Plan Amendment is approved a concurrent rezone from Rural to Mountain Rural is also requested. The subject property will ultimately be subdivided based upon the density allowed in the Mountain Rural zone. Since this property is roughly 12 acres they will only be able to get 1 additional lot, it basically gets split into two lots.

Staff recommends denial of the application of the amendment request from Remote Rural to Rural Self-Sufficient and the concurrent rezone from Rural to Mountain Rural. Yakima County Planning Commission voted four to one in favor of the applicant's proposal.

Bill Hordan – I think in kind of an odd way we might have sandbagged the staff and it was accidental on our part. Every time you get an application you think, well, what is the deal with this one? This one is very interesting. Mr. Sheppard had applied for a short plat back in the 1990's and it was a four lot short plat. He ran into some financial difficulty and wasn't able to finish it. He had to build a road from Highway 410 up the hill to a flat spot on the top. There is currently a residence already on the property down by the highway. He drilled a well. He had Yakima Health District review. He had the property surveyed. He had to acquire an easement from Boise Cascade. He had to get an access permit from Department of Transportation and he paid all of his fees to Yakima County. He actually had to have the road engineered. I don't believe that staff was aware of that at the time that they wrote their recommendation.

All that being said, we made our case and said, hey look this guy is into this thing and in the record you will find that he is into it \$16,373. He has got to throw my fees on top since this was last done. You basically have a developed building lot up there but the zoning that we currently have in place does not allow them to create that lot. It did when he originally proposed it; in fact he was eligible for four lots under the general Rural zone. Under this Mountain Rural zone he is eligible for two total lots. One that would be around the existing residence and one so that he could create the parcel on the top of the hill that he originally wanted to do.

Some of the Planning Commission members actually drove up there and drove up to the building site and looked at it and they came back and after hearing what we had to say, and none of this information was presented as part of our application because it is really not information that the application requests. So when we had our public hearing we knew we were going to present it at that point in time, which we did and it was (not apparent to County staff) where all this information came from. This was all stuff that Mr. Sheppard had over the years and just got to a point where he said, hey let's give it a shot and see if we can make it work and see if we can get this building site that is basically already developed up there, I have all this money invested, it meets the criteria once you get up on top and we made our presentation to the Planning

APPROVED 3/24/09

C:\Documents and Settings\Tierag\Local Settings\Temporary Internet Files\OLK7B\12 8 09 uga amend 1 of 2.doc
Page 8 of 10

Commission and they recommended four to one that you approve it. So we would ask that you would consider their recommendation.

Ronald Gamache – Would anybody else like to speak to this issue? Seeing none this portion of the public hearing is closed.

Mike Leita – Does staff have a response to Mr. Hordan's input? Are you aware of the history on the property?

Thomas Carroll – When we received the information it wasn't made available when we first reviewed the application and the problem that we face is when you make a change in a Remote zone to another zone like Mountain Rural, in this case, which would allow five acre lots if there was a paved road. In this case they were lucky that the parcels only 12 acres so we could look at it as, this might make sense as there is a road there already, if we had known all the things that he had done to it, it kind of makes sense to recommend it. However, we had to look at the big picture and if we recommend approval of this 12 acres then next year we will have a 15 acre or a 20 or a 50 and so forth and the impacts could be significantly greater. That is one of the things that we looked at in the beginning of this is the difference between a 12 acre and a 20 acre piece, in this case, is 4 lots.

That is one of the things that we were taking into consideration and when you look at it countywide we have a lot of remote areas that are similar to this. Yeah, they don't have the improvements already there and we didn't take that into consideration at the time but we were just afraid of what this would do and when you go through the criteria, one of the criteria says, "Will this change lead to additional changes in the area" and our fear was that it would.

Mike Leita – So staff is really bound by the overall impacts or precedent that you are setting and therefore, with that concern you are reluctant to recommend approval of this. If the Commissioners were to choose to make an exception, we are a rather subjective body I guess in what we believe to be the interests of the community. Is that subjectivity compromised by our desire to grant the exception, do we create precedent or can we say that was the exception?

Thomas Carroll – In our view that they are a case by case situation and we see it every day. Sometimes in our view, at least in my view, we kind of hope that there is a subjective point of view taken at some point in the process. In this case, it looks like that is needed.

Steve Erickson – I would say that what we would hope for is some findings that call out the specific situation. Mr. Sheppard did invest in a road. He did take care of the engineering for the road. He did put in a well and that investment and prior commitment to a development on this property and overcomes the precedent value and we can deal with the precedent issues later on when we deal with this type of terrain in another setting.

Mike Leita – You would affirm the consideration for an exception based upon prior history and precedent of this specific circumstance?

Steve Erickson – Absolutely.

Rand Elliott – What if I own the piece next door here, why don't I punch a road in there and come back in a few years and ask you for a rezone?

APPROVED 3/24/09

C:\Documents and Settings\Tierag\Local Settings\Temporary Internet Files\OLK7B\12 8 09 uga amend 1 of 2.doc
Page 9 of 10

Thomas Carroll – In this case when he was putting in the road it was approved to do so because it was part of the preliminary plat process. So he basically is covered that way legally and that is one of the things that I thought of at the beginning and that is when I looked into the past file to find out was that an illegal road in the first place for that very reason. We do have examples of roads to nowhere in the county.

Rand Elliott – Under current zoning I couldn't do a road there then in that adjacent parcel, I couldn't blast a road in there?

Steve Erickson – You could blast a road in there but you would be limited in the number of units that could be put on that kind of property and you may run into our friends from the Fish and Wildlife Department along the way.

Mike Leita – There was historical actions taken here that would give us leeway for an exemption to be granted. Being subjective the next time we can come along and say no.

Rand Elliott – Can you bring up the zoning overlay again and zoom out a little bit.

Steve Erickson – The other thing that I noticed in looking at this is that if everything on that side of (Highway) 410 had been Remote maybe it would have been a different situation but you are immediately adjacent to Mountain Rural on the west as well.

Ronald Gamache – Any further public comment? Seeing none that portion of the hearing is closed.

Mike Leita – Is there anyone here tonight regarding these other issues? (No)

Approved this 24th day of March 2009.

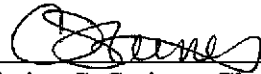
Board of Yakima County Commissioners

Excused

Ronald F. Gamache, Chairman


J. Rand Elliott, Commissioner


Michael D. Leita, Commissioner


Christina S. Steiner, Clerk of the Board

APPROVED 3/24/09

C:\Documents and Settings\Tierag\Local Settings\Temporary Internet Files\OLK7B\12 8 09 uga amend 1 of 2.doc
Page 10 of 10