

1 **YAKIMA COUNTY PLANNING COMMISSION**

2 **Regular Meeting and Public Hearing Minutes**

3 Wednesday, September 11, 2019, 6:00 PM

4 **First Street Conference Room**

5 **223 N. First Street, Yakima, WA**

6
7
8 **I. Call to Order:** Doug Mayo (Chair) called the meeting to order at 6:00 pm.

9
10 **A. Roll Call:** A quorum was present.

11 1. Commissioners Present: Doug Mayo, Doug Miller, Jerry Craig, Joe Walsh,
12 Mike Shuttleworth, Ashley Garza, and Jerry Mellen.

13 2. Commissioners Absent: None.

14 3. Yakima County Planning Staff Present: Noelle Madera, Phil Hoge, Bridget
15 Pechtcl, Tommy Carroll, Olivia Story, and Jerry Brady.

16 **B. Approval of Minutes:** Doug Miller moved to approve the August 12, 2019 meeting
17 minutes and Jerry Craig seconded the motion. The motion was approved.

18
19 **II. Open Record Public Hearing 2019 Text Amendments**

20 **Doug Mayo:** [Reading from Agenda] Chair review hearing rules. They're here some place.

21 **Bridget Pechtcl:** They're on the back of the agenda.

22 **Doug Mayo:** No wonder I couldn't find them. Not much public here. I will read them into
23 the record anyway. Rules of Order for Public Hearings:

24 All persons speaking to the Planning Commission shall stand, approach the rostrum and
25 microphone, if provided, and identify themselves by name, address and whom they
26 represent. Testimony shall be kept factual and on the subject. The Chair is charged with
27 the responsibility of discouraging and stopping any irrelevant, unnecessarily long,
28 repetitive, or abusive testimony, and at the onset may limit the length of testimony. Time
29 permitting, an opportunity will be provided for additional public comment from previous
30 speakers after everyone who so desires has had an opportunity to testify. All comments
31 shall be directed to the Chair, and interruptions, demonstrations, applause or other
32 distractions during or at the conclusion of anyone's testimony are not permitted. Anyone
33 making "out of order" comments shall be subject to removal from the meeting, and the
34 Chair may call a recess in, or adjourn, the meeting in the event of excessive disruption.
35 Speakers shall not question one another. Instead, questions from Speaker shall be
36 addressed to the Chair. Upon request of a majority of Planning Commission members

37 present, the Chair may allow direct questioning of an expert witness who has previously
38 testified on behalf of an opponent or proponent, or on other business before the
39 Commission. If written statements are made, a copy shall be presented to the Planning
40 Commission and to the Secretary.

41 First thing . . . do we want to go in this order?

42 **Noelle Madera:** Since nobody is here . . . usually we would go into most of what the public
43 presentation is for, just so they can leave, but we can probably just move forward with the
44 order since no one is here.

45
46 **Doug Mayo:** That's appropriate . . . [undiscernible] . . . get it done and go. Miss Pechtel,
47 you're up.

48
49 **Bridget Pechtel:** Bridget Pechtel, Yakima County Planning. I will be presenting on
50 LRN2018-00007 which is the repeal of Title 16A. So, because we don't really have anyone
51 from the public here, I will just remind the Commission why we are repealing Title 16A.
52 Back in December of 2007, the Growth Management Act required Yakima County to
53 update its Comprehensive Plan and Development Regulations, which included our Critical
54 Areas Ordinance. But prior to the December 2007 deadline, the Washington State
55 Legislature enacted the substitute Senate Bill 5248, which had two main takeaways which
56 affected our updates. It, one, required that the William D. Ruckelshaus Center recommend
57 ways to preserve agricultural activities while simultaneously protecting critical areas. But
58 it placed a three (3) year moratorium from 2007 to 2010 with a one-year extension
59 preventing jurisdictions from amending or adopting critical areas ordinances. So, we were
60 able to create 16C which amended 16A, but we weren't ever actually able to repeal 16A,
61 so that's what we are finally able to do. I believe Tua originally presented this back in
62 March, and I know it's really daunting, it's actually a four hundred (400) page document,
63 and what you guys have in front of you are just the pages that were changed. So, what it
64 basically is, is throughout Titles 2,12,13, 16, 19, and 20, anytime that 16A is mentioned,
65 we have removed that, and the main portion is the repeal and strikethrough of 16A.

66
67 **Doug Mayo:** Any questions? What action do we . . .

68
69 **Mike Shuttleworth:** Mr. Chairman, being there's no one here for public testimony, I
70 recommend that we close the public hearing and vote on it.

71
72 **Doug Mayo:** Well, the public hearing . . . will we have a separate public hearing for each
73 item, or just one for everything?

74
75 **Noelle Madera:** If you want to do it, that would let you have individual discussions
76 immediately after, and you can redo it or you can do it all at the close of discussion. So,
77 it's up to you.

78

79 **Doug Mayo:** Well, that being said, we will close the public hearing and open the meeting
80 to questions and discussion of the Commission.

81
82 **Mike Shuttleworth:** I'd move that we accept the changes as proposed in the draft . . . I
83 want to say the draft ordinances, but in the sections of the County Code that delete 16A.

84
85 **Ashley Garza:** Second.

86
87 **Doug Mayo:** It's been moved and seconded that we approve the work put before us here
88 . . . would you like to comment?

89
90 **Mike Shuttleworth:** Just recommend that the changes as proposed by staff related to
91 deleting 16A from the County Code be adopted, including those other areas that reference
92 16A.

93
94 **Doug Mayo:** No, I mean as far as any reasons why or anything. This is your opportunity.

95
96 **Mike Shuttleworth:** I believe this section is no longer used and valid and needs to be
97 repealed.

98
99 **Doug Mayo:** . . . any comments?

100
101 **Ashley Garza:** Nope. I don't think I have any comments. It's pretty self-explanatory.

102
103 **Doug Mayo:** Okay . . . all in favor of accepting this as presented . . . (Aye) . . .Opposed?
104 (None). It appears as it has passed. So, we can go ahead and have Bridget's other one
105 now, but she's got to stay to the end anyway. Okay, the next up, okay, so we open the
106 public hearing having to do with LRN2019-00001 – Cargo Containers.

107
108 **Phil Hoge:** And I'm Phil Hoge with the Planning Division and I'll be presenting this one.
109 You reviewed an earlier draft of cargo container amendments last month or two (2) months
110 ago I believe it was, two (2) months, yeah, and we had a little more . . . refinements to
111 make, and so we've brought those back to you now tonight for the public hearing. There
112 are actually two (2) sheets stapled together for you. One (1) is the strike-through and
113 underline, and then one (1) is the clean copy that shows all the proposed changes that
114 have been adopted, because it's kind of busy, so we just . . .it's almost easier to read the
115 revision. And so, the . . . basically the whole thing about this cargo container was . . .
116 before we adopted Title 19, we didn't really have any rules on . . . in the Code about where
117 they should go or how they should be permitted. The only thing we had was one (1)
118 interpretation from a property owner, a homeowner, that wanted to put a cargo container
119 on their parcel out in West Valley in the R-1 zone. And so, we did an interpretation on that
120 and we ruled that . . . or the interpretation was that one (1) would be allowed in the R-1
121 zone as an accessory use to the home, but that more than one (1) would be considered
122 bulk storage facility. And so, I guess as these things have become more popular, be put
123 around, when we adopted Title 19 we added some specific requirements for how they

124 could be permitted, how many, what zones, that type of thing. But in the course of working
125 with the new rules the last several years we found that they're overly restrictive. The Board
126 of County Commissioners suggested to us that we make them less restrictive, and so the
127 revisions tonight try to clarify . . . and it was also some of the language in there was kind
128 of hard to follow; it was very ambiguous the way it was written, so these revisions help
129 clarify for staff so we can understand what the rules are. Where they can go, how many,
130 the difference between permanent and temporary, when they need to be painted, or
131 aesthetic controls, and overall, they're less restrictive . . . they're less restrictive. They'll
132 be allowed without foundations and roofs and things that are required currently. So . . .
133 with that I would . . . that's kind of a summary.

134
135 **Doug Mayo:** Question. We talked about . . . in my mind I'm not clear on the truck trailer,
136 whether this, if you take the wheels off of them then they fall into this . . . if they still have
137 the wheels on . . .

138
139 **Phil Hoge:** If they have wheels, they're vehicles, so they wouldn't be considered.

140
141 **Doug Mayo:** Okay.

142
143 **Phil Hoge:** That's what the code division told us.

144
145 **Doug Mayo:** So, if a guy parks a truck and it's been there for twenty (20) years, but it's
146 still got the wheels on it, this doesn't have anything to do with it?

147
148 **Phil Hoge:** Right; that's what I believe . . .

149
150 **Doug Mayo:** We talked about putting some clarification . . . clarifying sentence in here
151 somewhere . . . I think Jerry talked about that, so that somebody realizes that we're talking
152 about semi-trailers that are . . . non-wheeled. Just so if somebody reads this, they won't .
153 . . because if you read this, to me, it's just . . .you know, you park your truck trailer there
154 and, boom, it's subject to this.

155
156 **Phil Hoge:** Okay . . .

157
158 **Doug Mayo:** And there's a lot of people that park their truck in their driveway when they're
159 home.

160
161 **Ashley Garza:** Could semi-truck trailers as storage units be just a definition?

162
163 **Phil Hoge:** Well, yeah . . . it probably needs a definition, and . . . maybe to clarify that it
164 has wheels . . . it may already be in the building code or something, because we're relying
165 on the building code and building people . . .building enforcement people.

166
167 **Doug Mayo:** Maybe we just need a definition of what a semi-truck trailer is in this chapter.

168

169 **Phil Hoge:** It might be a good clarification.
170
171 **Doug Mayo:** Now if it does have wheels on it, and it's been laying there for ten (10) years
172 and they're using it for hay storage and chicken feed, what takes over on that?
173
174 **Phil Hoge:** That's a . . . You might have to talk with the codes division about that I guess.
175
176 **Doug Mayo:** . . . see what that is. Are they required to be licensed?
177
178 **Phil Hoge:** Yeah, that I'm not sure about.
179
180 **Mike Shuttleworth:** Yes, there's a state law that relates to that.
181
182 **Phil Hoge:** It may be a considered a nuisance if it's not licensed.
183
184 **Mike Shuttleworth:** They would fall under the same as an abandoned vehicle or anything
185 like that. It's technically classified as a vehicle they have to be licensed to be driven on the
186 road.
187
188 **Doug Mayo:** But it's not driving on the road, it's just parked there . . . being used for feed
189 storage. And it's still got wheels on it.
190
191 **Mike Shuttleworth:** Then it wouldn't meet this criteria.
192
193 **Doug Mayo:** And they wonder what is the rule on that.
194
195 **Noelle Madera:** I think they have to be licensed, or they can be considered a nuisance . .
196 . if it's not a licensed vehicle and it's sitting there . . . I mean if it's just like you have a truck
197 in your driveway, but if you have a truck trailer in your yard that's not currently licensed, I
198 think that could be considered a nuisance by Code Enforcement. I think that's one of their
199 big . . . is it a nuisance or not is whether it's licensed or not . . .
200
201 **Doug Mayo:** If you take the wheels off, I can understand it wouldn't be a nuisance.
202
203 **Noelle Madera:** Well, it would have to have . . .
204
205 **Doug Mayo:** . . . if it's in the Ag zone, say.
206
207 **Noelle Madera:** Well, I think if the wheels are off, it falls under this.
208
209 **Doug Mayo:** Right; then it wouldn't be a nuisance; it'd be okay.
210
211 **Phil Hoge:** Yeah, as long as you got any required permits that would be required under
212 this.

213 **Ashley Garza:** You have a one (1) after semi-truck trailers and then you have containers
214 not meeting all the limitations. Could you just put it there – what you mean by semi-truck
215 trailers? Could you put it under that definition?
216

217 **Phil Hoge:** It might be, although we've tried throughout the whole code to put definitions
218 all in one section. So, you don't have to go hunting for it when you need it.
219

220 **Joe Walsh:** It's just a reference. See definition.
221

222 **Phil Hoge:** Yeah, it can reference it.
223

224 **Doug Mayo:** I guess I want to go on record that I appreciate what you've done, but I still
225 think you're discriminating against, unnecessarily discriminating, against cargo boxes,
226 against sheds that some people throw together with tin they find out in the back yard, and
227 so, the only reason I've heard is that other people are doing it; I haven't had any actual
228 scientific or health reasons why these are more . . . less, anyway, these are treated
229 differently than a stick-built shed, or a tin built shed, so, that's just my comment and other
230 than that, it's a step forward what you've got here.
231

232 **Joe Walsh:** Doug, are you suggesting . . . are you saying that they're treated differently
233 because they can have more of these?
234

235 **Doug Mayo:** No . . . were you here at the last meeting?
236

237 **Joe Walsh:** Yep.
238

239 **Doug Mayo:** You could probably, maybe have two (2) or three (3) sheds, but only one of
240 these.
241

242 **Joe Walsh:** Actually, I don't know that you can have two (2) or three (3) sheds.
243

244 **Doug Mayo:** Well, it's allowed if you get a permit to do it. That's what I was told at the
245 meeting. You could make an eight (8) by forty (40) foot aluminum shed, three (3) of them
246 if you got them permitted, but you can't put in three (3) of these.
247

248 **Joe Walsh:** On two (2) acres?
249

250 **Doug Mayo:** Whatever.
251

252 **Joe Walsh:** You could put three (3) of them, depends on the zone.
253

254 **Doug Mayo:** Depends on the zone, but I mean in a zone depending on what the rules are
255 for the zone, these are more restrictive than . . .
256

257 **Ashley Garza:** Because in the six (6) acres you get three.

258
259 **Doug Mayo:** Depending on how it's zoned, but anyway, that's just . . .this is . . . I think
260 this is a step forward . . . small steps . . . and move on.
261
262 **Mike Shuttleworth:** Mr. Chairman, it doesn't appear anybody is going to testify, so we
263 should close the public hearing and have our discussion.
264
265 **Doug Mayo:** Alright, close the public hearing and now we'll have discussion. Thanks Mike.
266
267 **Jerry Mellon:** I'd like to go back to the semi-truck trailers. Have we defined that, and have
268 we made a decision if it's got wheels, or it doesn't have wheels?
269
270 **Phil Hoge:** We haven't, but I think I'm hearing direction that we need to clarify that and
271 come up with definitions for . . . before you're ready to recommend.
272
273 **Doug Mayo:** Yeah . . . if it had, yeah . . . if this only talks to ones that don't have wheels
274 on it, it needs to . . . we need to be able to know that somewhere.
275
276 **Phil Hoge:** Yeah; so, we'll bring back another . . . we'll bring all the revisions as you
277 recommend here tonight, or asks us to . . .
278
279 **Doug Mayo:** I fear, though, as somebody reads this, it says semi-truck, they're not going
280 to go look at the definition. That's all . . . [undiscernible].
281
282 **Jerry Mellon:** It needs to be clearly defined in there . . .(undiscernible).
283
284 **Mike Shuttleworth:** Can we just add under where it talks about semi-trucks to say semi-
285 truck trailers without wheels?
286
287 **Doug Mayo:** Or see definition in section blah, blah, blah. Because that's where they
288 should be going for definitions.
289
290 **Mike Shuttleworth:** Well, that would be . . . you really don't have to reference a definition
291 because it's already there. And about a reference, the problem with referencing them is
292 that they get moved or changed, you've got to go back . . .
293
294 **Ashley Garza:** cargo containers and semi-trailers without wheels as storage units .
295 . . all you have to do is add that, right?
296
297 **Jerry Mellon:** The purpose of our discussion right now is we don't want . . . we're saying
298 we don't want vehicles that are mobile or capable of mobility to be used as storage.
299
300 **Doug Mayo:** That's . . . no, I think . . . I disagree; I think that this allows people to use
301 cargo containers and semi-trailers that previously weren't allowed. It . . . the way that it
302 reads right now you can only have one per parcel; if you have two, you have to build a

303 shed over the top . . . a roof over the top of them, paint them, and so they saw that as
304 being a bit restrictive and so they've loosened it up, especially in several of the zones, to
305 allow for more lenient . . . the number you can have and whether you have to paint them
306 or not. So, this is . . . less strings.

307 **Jerry Mellon:** What rules does a truck trailer with wheels . . . I've got four (4) of them
308 parked there. Can I do that?

309 **Phil Hoge:** That . . . I think that is the distinction, is that this is a land use code, and so if
310 they're on wheels, it's not a land use, it's a vehicle and we don't regulate vehicles that are
311 moving around. That would be a different code.

312 **Jerry Mellon:** I guess what I was saying . . . I think we ought to make that distinction in
313 this . . .

314 **Phil Hoge:** Well, we need to clarify that . . . well, and it's more for the education of the
315 public, and staff too as turnover occurs, that we're only talking about . . . what we're trying
316 to get at is those that are placed fairly permanently on a piece of land . . . they become a
317 land use as opposed to a vehicle. There may be more to it than wheels, I don't know what
318 else it would be; I'll check with the codes department.

319 **Noelle Madera:** I do think that by saying subject to permits required by Yakima County
320 Code Title 13 does imply that because that's a building permit, which they wouldn't issue
321 a building permit for a vehicle if it's still on wheels.

322 **Ashely Garza:** And if Code Enforcement went out there, they would just tell them that. . .
323 they have to get a building permit.

324 **Phil Hoge:** Yeah, if it's not eligible to get a building permit, it won't be regulated under this
325 code, it would be a vehicle I guess, or a nuisance or something. But I think it's a good
326 thing too. . . because it does kind of raise a question when you just say trailers, you know,
327 everyone thinks of a trailer as having wheels.

328 **Tommy Carroll:** You could go do something as simple as: parenthesis, and say: with
329 wheels and axels removed, you know, close parenthesis, and then said, used as storage
330 units. So, you're saying – cargo containers and semi-truck trailers, parenthesis, with
331 wheels and axels removed, used as storage units. That would then . . .

332 **Ashley Garza:** You're defining the use . . .

333 **Tommy Carroll:** . . . kicks it into a land use, and then it also defines what semi-truck
334 trailers . . . you know . . . because if they have the wheels and axels and they're sitting on
335 someone's property they have to be licensed, have to be . . . in most cases Code
336 Enforcement will get you if they're not on pavement . . . you can't have a classic car parked
337 in the grass anymore, it's got to be covered. So, it has to be . . . we have to be talking
338 about land use wise those without wheels and axels. So by just doing something like that,
339 it solves any issue . . . [undiscernible].

340 **Mike Shuttleworth:** So, based on that, I would move that we approve this wording for
341 chapter 19.18 with the changes as noted by the staff . . . the staff guy in the back.

342 **Ashley Garza:** The staff guy in the back. What's his name.

343 **Doug Mayo:** It's been moved. Any second?

344 **Jerry Mellon:** Second.

345 **Doug Mayo:** Moved and seconded that we approve this with a few changes, a few
346 additions . . . clarifications. All in favor say Aye (Aye); Opposed (None). It passed.

347 **Mike Shuttleworth:** Thank you Phil. I think you addressed a lot of our comments from last
348 time. I wasn't sure you were going to be able to do it, but I think you did a good job.

349 **Tommy Carroll:** I do want to say you're right . . . Yakima County has taken a kind of. . .
350 most counties and cities have a discriminatory view towards cargo containers, and when
351 you first did this a few years ago, I looked for that very thing you were talking about . . .
352 some sort of guidance document on why. And I couldn't find it; and we looked pretty hard
353 for it.

354 **Doug Mayo:** On a side note, I was talking with Jerry. . . we saw it with the Bahamas
355 [undiscernible] . . . all the buildings were collapsed, except what, cargo container, cargo
356 container, tipped over. They were still sitting there . . . the buildings were all on the ground.

357 **Tommy Carroll:** That's why we wanted to get rid of that . . .

358 **Doug Mayo:** . . . 175 mile per hour wind . . .

359 **Tommy Carroll:** That's why we wanted to get rid of them having to be permanently fixed
360 to a concrete pads and things like that, because the building official has determined that
361 they are structurally safe the way they are. But I did just want to point out that you're right,
362 it is a discriminatory view, that sets them apart from other accessory structures. But we
363 weren't able to find any real reason why.

364 **Doug Mayo:** I think it's just that they're new and haven't really gotten used to them, and
365 some of them are ugly.

366 Okay . . . we will open the public hearing on LRN2019-00006, Signs Ordinance, Title 19
367 Text Amendment. Miss Pechtel.

368 **Bridget Pechtel:** Bridget Pechtel, Yakima County Planning. I don't know why I keep
369 waving at you guys. So, this was first presented to you by Tua at the April 2019 meeting,
370 and just to remind you since it's been a while, we were updating the signs ordinance to be
371 in compliance with the 2015 U.S. Supreme Court ruling of Reed vs. The Town of Gilbert.
372 And the big take away of the case was whether local jurisdictions' sign regulations were
373 content-based or content-neutral. The Supreme Court had ruled that content-based
374 regulations were discriminatory and unconstitutional. So, it kind of came down to if a
375 jurisdiction had to read the content on a sign to determine if it met their criteria and

376 regulations, then the code was content-based and had to be changed. So, as we reviewed
377 our own code, we determined that we did have some content-based, and have tried now
378 to make it content-neutral. So, what I did . . . [background direction regarding the projected
379 slide and correct document] . . . oh, this is Subtitle 19.0, Introduction and Administration .
380 . . PC Hearing, page one (1) of forty-two (42), and then the next page should be General
381 Provisions to go through the definitions . . .

382 **Doug Mayo:** This is the signs part?

383 **Bridget Pechtel:** Yes.

384 **Ashley Garza:** It says the definitions page at the front.

385 **Bridget Pechtel:** So, what we did is we started with 19.01 with the definitions. We had to
386 update flags . . . flags, and then our signs definitions have almost entirely changed to be
387 content-neutral. And then we also updated 19.20 which is the signs chapter, as well as
388 19.33 and 19.35 which is non-conforming uses and administrative adjustments.

389 What I did since I kind of just took this over from Tua is I listened to the April meeting and
390 then we had some meetings amongst staff to make the changes. Some of the bigger ones
391 that you guys had wanted to see changed, starts on page 34 of the definitions, and we
392 had made some changes to . . . let's see . . . [background conversation regarding a
393 projection issue] . . . So, here we had under sign . . . we removed all content-based where
394 it really talked about . . . anytime we called out political, real estate, an event, ideological
395 signs, signs specifically business related such as for churches, schools, community
396 centers, agricultural tourism . . . we removed all of that. And what we could really regulate
397 was the maximum number of signs, sign height, setbacks, sign area, permanent vs.
398 temporary, and sign illumination. So, our definitions have now been updated to reflect
399 those changes, and it didn't sound like from the study session that the Commission had
400 too many issues with the definitions as they stood. Where we really get into some of those
401 comments were actually in the sign section itself under flags. You remember the flag
402 conversation.

403 So, to just kind of go through 19.20, we did update the legislative intent. We, you know,
404 state in here content-neutral while promoting freedom of speech, and then we get down
405 into flags. So, my understanding was that there were quite a few questions about pole
406 height, flag size, if we should regulate the size, if we should regulate where they can be
407 placed, if we can regulate how many can be placed in zoning districts, and as you will see
408 what we did under non-reviewed is we took everything out and just put flags. So, we
409 decided ultimately, based on your recommendations, to not worry about regulating the
410 size or how many, or where they can be placed on a parcel, and just say flags. So, we
411 have that, and then the next couple we added signs . . . the non-conforming signs,
412 maintenance of signs, removal of signs, and sign illumination, and then a couple of
413 changes on the table.

414 **Joe Walsh:** Does this impact political signs as far as duration of time they can be . . .

415

416 **Bridget Pechtel:** So, that was one of the ones coming up. We had put in “promptly
417 removed” and there was a discussion on whether “promptly” was really enforceable and
418 so we ultimately went with fifteen (15) days after the event had occurred. And otherwise,
419 there weren’t a whole lot of changes past those. We didn’t have any changes to
420 administrative adjustments or non-conforming uses since you’ve last seen it.

421 **Ashley Garza:** Did you guys . . . I guess I should look before I ask . . . I was wondering if
422 you defined “illegal” signs.

423 **Bridget Pechtel:** An illegal sign . . . I don’t think we have . . .

424 **Doug Mayo:** I think what would make it illegal is it would be in the right of way.

425 **Noelle Madera:** I think it’s in the definition; it’s in the chapter.

426 **Bridget Pechtel:** Oh, under prohibited. We do have prohibited signs, signs on any vehicle.
427 Which one were you particularly looking for?

428 **Ashley Garza:** [undiscernible]

429 **Bridget Pechtel:** It’s on page four (4) of 19.20.

430 **Ashley Garza:** Well, 19.33, non-conforming buildings and structures . . . signs. Any sign
431 lawfully existing under all codes and then it goes on to talk about . . . [undiscernible]

432 **Noelle Madera:** Are you in the non-conforming section?

433 **Ashley Garza:** Yeah.

434 **Bridget Pechtel:** 19.33, page five (5).

435 **Ashley Garza:** Yeah; page five (5). We just added “the sign is not a portable sign,
436 temporary sign, or an illegal sign.”

437 **Bridget Pechtel:** That’s true; and we don’t define what an illegal sign is. We have
438 prohibited signs in the signs chapter.

439 **Ashley Garza:** What would be an illegal sign?

440 [Undiscernible background talk]

441 **Noelle Madera:** . . . a sign in the right-of-way is the one I can think of.

442 **Doug Mayo:** Any public comments?

443

444 **Noelle Madera:** Is she done with her . . . are you done with all your presentation?

445

446 **Bridget Pechtel:** Yeah.

447

448 **Noelle Madera:** Okay; just making sure.

449

450 **Doug Mayo:** Are you? I mean, I guess we still have a lot to get through . . . Okay; close
451 the public hearing so we can open the board to comment. So, the prohibited . . .
452 [unexpected distraction of a sound] . . . They no longer can have a sign on a vehicle or a
453 trailer . . . that's visible even if it's like the name of your business on a horse trailer. If I
454 have a trailer and it says Wenas Mammoth and I park it where you can see it, that's
455 prohibited.
456
457 **Noelle Madera:** I think what that's referring to . . . has anyone seen the guy driving around
458 town with the big signs on his . . . he's not talking about, you know, Mike's Plumbing or
459 whatever. I think he's talking about the guy who has those huge reader boards; I think
460 that's what this is referring to. Correct?
461
462 **Tommy Carroll:** Yeah, that's my understanding.
463
464 **Noelle Madera:** I don't know if anybody's seen that; if you haven't then you won't know
465 what I'm talking about.
466
467 **Doug Mayo:** Well, let's see . . . provisions . . . prohibited . . . signs that are painted on or
468 magnetically attached to any vehicle operating in the normal course of business.
469
470 **Ashley Garza:** Where are you . . . can you tell me where you're reading?
471
472 **Doug Mayo:** I'm on 19.20.050, at the bottom of page four (4) of fourteen (14).
473
474 **Bridget Pecht:** I do have it up on the board.
475
476 **Noelle Madera:** It seems to me the second sentence allows all your normal business signs
477 . . .
478
479 **Doug Mayo:** A lot of those signs are not painted or magnetic, they're . . .
480
481 **Phil Hoge:** Vinyl.
482
483 **Doug Mayo:** Vinyl.
484
485 **Noelle Madera:** I think that would include that.
486
487 **Doug Mayo:** So, we would need to maybe work that in there somehow. And I guess from
488 reading the first sentence, I'm thinking of the one that says "Paine's Furniture" is
489 prohibited, if that's what you're saying.
490
491 **Noelle Madera:** But again . . . over by the . . . what is that . . . Country Mercantile, there's
492 always a truck . . . it's on the way up 395 . . . there's always a truck that's parked on one
493 of those fields that's advertising . . . I think I've always assumed that's what that talking
494 about.
495
496 **Ashley Garza:** You see one on the way to Easton too.
497
498 **Tommy Carroll:** Yeah, that's what it's for.
499

500 **Doug Mayo:** Well, maybe we need to clarify somehow. So, if a guy's sitting out there
501 selling tomatoes on the side of the road, with a sign leaned up against his truck . . .
502 probably in the right of way, anyway . . .
503
504 **Ashley Garza:** He's probably not permitted to sell . . .
505
506 **Doug Mayo:** . . . or oranges here on Fruitvale Avenue, or whatever . . . okay . . . I can see
507 where the first sentence can be misconstrued. The problem I've got is I know that some
508 of the Code Enforcement officers get a little overzealous sometimes . . . and they can read
509 things differently than what was intended, which can cause unnecessary fret.
510
511 **Bridget Pechtel:** So, you just want clarification on what kind of signs we're talking about,
512 and then the addition of vinyl?
513
514 **Doug Mayo:** We can't . . . oh, well . . . the vinyl, that can be allowed.
515
516 **Mike Shuttleworth:** Well, magnetic attached can be allowed.
517
518 **Noelle Madera:** I mean, this is existing language, so that's probably just kind of . . . when
519 they wrote it, it was probably typical to have it painted on the side I would assume.
520
521 **Doug Mayo:** A lot of the signs aren't magnetic, they're glued on . . .
522
523 **Ashley Garza:** Yep; glued and painted on.
524
525 **Mike Shuttleworth:** I think they can be interpreted.
526
527 **Doug Mayo:** Well, they're . . . yeah.
528
529 **Noelle Madera:** Yeah, like it talks about a vehicle operating in the normal course of
530 business . . . like that guy that drives around town, and, again, if nobody's seen it . . . it's
531 just weird. But one would question whether that's safe to be driving with those signs up
532 like that.
533
534 **Doug Mayo:** But that's a different issue.
535
536 **Doug Miller:** So, it's a big reader board on a . . .
537
538 **Noelle Madera:** It's like these . . .
539
540 **Tommy Carroll:** It's a portable billboard.
541
542 **Noelle Madera:** . . . with really tiny writing that you try to read while you're driving . . . like
543 calling someone out for something. It's like . . .
544
545 **Tommy Carroll:** We have a number of businesses that will park their vehicle with their
546 company sign on it on a road that travels towards their business. It would be an off-premise
547 sign, and instead of going through the process to get approval for those signs, they just
548 park their vehicle there, and then go pick it up and drive it back, and this is supposed to
549 keep that from happening.
550
551 **Joe Walsh:** So, are they parked there illegally?

552
553 **Tommy Carroll:** No, they're parked on other people's property, or on their property, but
554 the signs are often big enough to actually qualify for a billboard, or . . .but they're definitely
555 considered off-premise signs, and they're just not permanently affixed to the ground or
556 permanently affixed to the vehicle.
557
558 **Doug Mayo:** So, if Tailgaters park a pickup up by . . . assuming Selah is in the county . .
559 . it is in the county, but anyway . . . so if some business parks a pickup with their logo on
560 the door, you're saying they can't do that?
561
562 **Noelle Madera:** No, because that a normal . . . a vehicle operating as a normal . . .
563
564 **Tommy Carroll:** If it's just their normal work vehicle, and it just has their logo on the door,
565 we wouldn't care.
566
567 **Doug Mayo:** But they're parking it there as advertising.
568
569 **Tommy Carroll:** Then it's big enough for everyone can see, then it wouldn't just be on the
570 door.
571
572 **Noelle Madera:** It would be hard to enforce that because somebody's just parking their .
573 . . if I parked my car at Rosauer's and it had, you know, "Noelle's whatever", then that
574 would be hard to enforce. But these are like the ones . . . like the one near the Country
575 Mercantile . . . it's a big sign on that, out in that field, advertising, you know, whatever
576 they're selling; it's a good size sign. I'm not driving with that sign on my vehicle.
577
578 **Tommy Carroll:** But, under county code, if you have two commercial vehicles parked on
579 a private property that's not permitted for that business, that is illegal. So, you couldn't do
580 . . . have more than one vehicle . . .
581
582 **Ashley Garza:** I'll have to stop driving my truck around.
583
584 **Tommy Carroll:** If your truck has "Ashley's . . ."
585
586 **Ashley Garza:** It has "AJ's Security" on it.
587
588 **Tommy Carroll:** . . . "AJ's Security" and you have another one parked on that property .
589 . . do you have two . . .?
590
591 [Undiscernible crosstalk]
592
593 **Ashley Garza:** I have a police car . . .
594
595 **Tommy Carroll:** . . . you might want to take the [undiscernible]
596
597 **Ashley Garza:** So, if I have two . . . I can't have two AJ's on there . . . in my driveway?
598
599 [Undiscernible crosstalk]
600
601 **Ashley Garza:** I'll just keep the cop car in front.
602
603 **Mike Shuttleworth:** Is she in the county?

604
605 **Doug Mayo:** Well that's a whole new can of worms.
606
607 **Ashley Garza:** What if we both drive somewhere and go grocery shopping?
608
609 **Doug Mayo:** You can't shop at the same store.
610
611 **Ashley Garza:** Dang it.
612
613 **Tommy Carroll:** You'd better be fighting crime in that store.
614
615 **Doug Mayo:** I'm gonna check out Fred Meyers and make sure there's not two police cars
616 on either side of the parking lot. [Undiscernible] . . . two PLSA trucks . . .
617
618 **Timmy Carroll:** And just so you know, the . . . going back to the cargo containers and
619 trailers, we have a lot of these trailers that are used for storage, but they're also painted
620 with signs on the side of them, and those folks have tried to combine a cargo container
621 and a wall sign all in one use.
622
623 **Joe Walsh:** And somebody's giving them ten (10) bucks a month . . . [undiscernible]
624
625 **Tommy Carroll:** And so . . .
626
627 **Doug Mayo:** Well, at one point in time, I think it was a legal workaround to put your sign
628 on your truck, and then it wasn't a sign because it's portable. But I don't know at what time
629 in our lives they changed that. Way back . . . way back when, I know, at least I understood
630 that to be the way to get around having to have a sign removed.
631
632 **Doug Miller:** What kind of problems are we seeing from this?
633
634 **Noelle Madera:** I've never known us to enforce that. I've never known that Yakima County
635 has gotten a complaint on that one.
636
637 **Tommy Carroll:** We . . . I want to say the Barrett . . . there was a complaint from their
638 neighbor . . . we've had them . . . a couple where they blocked the vision triangle at the
639 intersections . . .
640
641 **Doug Mayo:** But that's a traffic safety issue, not a sign issue.
642
643 **Tommy Carroll:** Well, it turned out, then, how we got to them, was you can't have these
644 portable signs; so, it was just . . . all they did was just move it back. We typically don't
645 have problems with these.
646
647 **Doug Mayo:** I've kind of got a bit of a problem having something on the books that you
648 don't enforce.
649
650 **Noelle Madera:** It's not that we don't enforce it; it's just that we don't have complaints on
651 it.
652
653 **Tommy Carroll:** We don't get a lot of complaints.
654
655 **Noelle Madera:** We don't get a lot of complaints about signs.

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Doug Miller: Can we make it just go away and not have them? I don't know it's . . . I mean I used to have truck . . . Steel Structures of America on the whole side, the whole side of the truck, and I would park in front of my office on Nob Hill; that was my place of business. You know, I'm not . . . I wasn't trying to use it for . . . [undiscernible]

Ashley Garza/Noelle Madera: That allows that.

Doug Miller: Yeah, yeah . . . but you know like on a , if it's attached to a vehicle, and the vehicle's in a legal parking spot, even if it's on someone else's property, if that property owner decides, "Hey, I don't want that vehicle parked there, you can take it up with the owner of that vehicle, if it doesn't have any problems . . .

Noelle Madera: I think the problem is, is that other people would be required to get a permit for a sign, if it's even allowed to have an off-premise sign, and so it's a way to skirt the code, or it's a . . . you know, to me that's kind of the problem is that, we, we're gonna tell someone that you can't have an off-premise sign for your business, but then someone can drive a truck, just because they know the person that lives there, and park, and put their sign there; it's not a legal sign. And so . . .

Doug Mayo: So, really, you just want to get money for the permit . . .

Noelle Madera: Well, it's a way to be fair.

Ashley Garza: Well, and to make sure it's safe.

Noelle Madera: It's a way to be fair.

Doug Mayo: Or a way to be prepared to get a permit for having that sign on your vehicle.

Mike Shuttleworth: I think it's just there for those unusual cases where somebody is abusing the system and using a truck trailer with a huge sign on it, putting it on the corner of their property, that says, "Jim's Furniture" and something, and Jim's Furniture just happens to be down the block.

Doug Mayo: Unfortunately, there are Code Enforcements that do act on things that aren't complaints, that take it upon themselves to go out and find problems, and I hate to give them ammunition to be able to do that.

Mike Shuttleworth: Well, but I think they have this ammunition now.

Noelle Madera: Yeah, this isn't new.

Mike Shuttleworth: Are we ready . . . can we make a motion, chairman?

Jerry Mellon: I've got one more thing, and this is purely petty, but on page seven (7) slash fourteen (14), paragraph . . . down in paragraph six (6) where we're talking about "this sign shall be removed" . . . right where the arrow is, just to be consistent with the other language in here, that should read "not more than".

Doug Mayo: Oh, the number five (5) . . . shall be removed fifteen (15) days after . . . no later than . . .

708
709 **Mike Shuttleworth:** You don't have to wait until the fifteenth (15th) day to remove it. You
710 removed it on the fourteenth day, that's not . . .
711
712 **Jerry Mellon:** Just to make it consistent.
713
714 **Joe Walsh:** . . .within fifteen days.
715
716 **Doug Mayo:** Back to the flags . . .one thing I was thinking was legitimate was to have it
717 so wherever the pole is located, if it fell down it's not going to get to the edge of the
718 property. So, if you had a forty (40) foot pole, you had to be at least forty-five (45) feet
719 from the edge of your property. Would that be . . . I don't know . . . I guess you don't worry
720 about trees, and that wouldn't be different than trees and power poles, so maybe that's
721 not a legitimate concern.
722
723 **Mike Shuttleworth:** I think you'll find the Supreme Court will be giving us decisions on
724 that because there's a court case working its way up from the East Coast. The Gardner
725 RV put up basically a huge flag and the city said, "No, that's too big", so, they've appealed
726 it, so it's probably going to head to the Supreme Court.
727
728 [Some undiscernible crosstalk]
729
730 **Doug Mayo:** Disregard what I just said.
731
732 **Phil Hoge:** On the pole, what kind of pole are you talking about?
733
734 **Doug Mayo:** Just a flag pole.
735
736 **Phil Hoge:** A flag pole, those require a building permit.
737
738 **Ashley Garza:** Yeah, that's probably like a structural sign.
739
740 **Doug Mayo:** . . . so, location is part of the permit.
741
742 **Tommy Carroll:** But that does bring up a good question because I know some property
743 in Yakima that I think they would be considered towers because they're so tall. It's a good
744 point . . . something Long Range might look into.
745
746 **Doug Mayo:** But then I guess it's more apt that a tree branch is going to fall on the road
747 than your flag pole, so, all of a sudden how far are we going to chase this?
748
749 **Tommy Carroll:** If your flag pole needs guy wires, then . . . [laughter]
750
751 **Doug Mayo:** Okay . . . any further comment, questions concerning this?
752
753 **Ashley Garza:** I was just going to make a motion to approve this section, text amendment
754 19.0 as given to us with the exception of 19.20.110, temporary signs, to add the language,
755 "within 15 days".
756
757 **Joe Walsh:** Second.
758

759 **Doug Mayo:** Been moved and seconded that we approve 19.0, or the sign ordinance as
760 presented, with the one slight clarification on 19.20.120, number five (5). All in favor (Aye);
761 opposed (None). Hearing none, the motion carries.
762

763 We're gonna open a public hearing on LRN2019-00013, Master Plan Development
764 Overlay, Title 19 Text Amendment, from Miss Madera.
765

766 **Noelle Madera:** Okay, Noelle Madera; I'm going to be presenting the Master Plan
767 Development Overlay Text update, which is LRN19-13. I presented this last month maybe,
768 so it might be familiar to some, but I'll just go over it somewhat briefly. So, the Master Plan
769 Development Overlay section of code, we're reviewing it to make sure the applications
770 that are being processed under the overlay, the MPDO section of the code, include more
771 innovative designs with an overall public benefit prior to any relief of the development
772 standards. So, the MPDO section of code is intended to allow the large scale, mixed-use
773 development within the Urban Growth Area where certain development requirements may
774 be modified to promote large projects, or innovative designs. It's intended to provide
775 regulatory flexibility and incentives, accommodate large development, and promote
776 innovation in development. So, basically, a developer gets flexibility in configuration of
777 lots, buildings, perhaps density bonus, while the county gets permanent open space,
778 and/or other desired amenities, and then the thought process is that we would have some
779 kind of . . . we would give some development . . . relief of some development standards,
780 but it wouldn't have an overall impact on the community because we would also be
781 considering this public benefit that we would be getting from this large project.
782

783 The problem that we're having currently is that the one application that we have in, and
784 then there's others that are waiting to see how this goes, is basically a long plat where
785 they're trying to not have to meet our development standards. So, in the Urban Growth
786 Area, if you don't have public sewer, you have to . . . you're required to cluster, and their
787 development plan for this piece of property doesn't include clustering small lots; they want
788 larger lots. And so, they've applied under the MPDO so that they don't have to meet the
789 clustering requirements. The issues with that is that the low-density developments that
790 they're proposing will impact the extension of sewer services, and the kind of low-density
791 development goes against some of our Comprehensive Plan goals, including one of the
792 land use goals is through land use controls to prevent conversion of land in urban growth
793 areas to uses/densities that cannot be urbanized. So, kind of applying under this with no
794 added benefit, it's just . . . there's no benefit to the County because we're just getting a
795 low- density development in our urban growth area that's just going to cost people more
796 money.
797

798 So, then the next little page is just a little guide . . . kind of walk you through it . . . so, I'll
799 just point out some of the bigger . . . there's a lot of no changes in this chapter, but if you
800 go to 19.17.040, which is on page . . . the end of page five (5) of the chapter, we just added
801 a statement on that one, just kind of adding to the intent statement saying that the intent
802 of the MPDO is to permit development that typically cannot be accomplished through
803 another land use approval such as a subdivision, and we felt like this would add a little bit
804 more to the intent statement and make it clear that you can't just do a subdivision where
805 you're not meeting the development standards. Underneath that, under D on page six (6),
806 it just kind of talks about if for some reason the development doesn't happen, how it would
807 be reverted back. So, that's kind of just a little change, just to add some weight to it. And
808 then in 19.17.040, three (3) . . . so, in this one, a lot of the other . . . like our previous code
809 said five (5) acres, for a Master Plan Development Overlay, in Title 15A, and in a lot of
810 other jurisdictions who had a similar land use option in their code, sometimes had a . . . I

811 think like the City's is like two (2) acres is all they require, so we bumped that back down
812 to five (5); we felt like ten (10) was kind of a big lot to have to have to do . . . if you had
813 public water and public sewer, you wouldn't necessarily need ten (10) full acres to do a
814 really good sized development, and so, we've dropped that down.

815
816 And then four (4) is densities. So, this would help with the situation that we have now, but
817 also if somebody were wanting to increase density but didn't have public water and public
818 sewer. It's basically saying if you don't have required utilities, we're not going to adjust the
819 densities; we're not going to bring it up, and we're not going to bring it down, you just have
820 to meet the code for density. If you do have public water and public sewer, sure, we'll
821 increase the density.

822
823 And then section five (5) is the public benefit demonstration. The top one, open space
824 requirements which we already have. Then the second, B, is kind of just a development
825 time table, and then C, they basically have to demonstrate that they are meeting two (2)
826 of these. And we feel like the options that are provided, including the last one which
827 basically . . . you know . . . you're just providing something that we haven't mentioned that
828 would be a public benefit. We feel like meeting two (2) of these in exchange for not having
829 to meet some of our development standards seems fair.

830
831 And then under the review process, we just changed it to have a better flow; and then
832 cleaned up some links. And then under . . . the next, right there, that's just . . . we just
833 cleaned up the Board's . . . MPDO's go through the Board, it's a Type Four (4) review, and
834 we just felt we didn't need to reiterate what the Board's capable of doing. We just directed
835 it to sections of code. Same with appeals; there's no point in us talking about appeals here
836 because we already have an appeals section that talks about it. So, we just kind of cleaned
837 some of that stuff up.

838
839 The implementing permits and approval, this was just kind of a confusing section that
840 some of that stuff . . . we already said it doesn't apply to the MPDO anyway. And then
841 we pointed them to the modification section because there was nothing in this section that
842 pointed you to the modification section. So then, in the application section, we just added
843 more requirements that they would need to permit, or to include in their application
844 materials . . . (I'm sure it's coming) . . . that they would need to include in their application
845 materials because the one that we currently have in for such a big project we feel like
846 some of this stuff they should be applying. It's again, especially if we're going to be
847 reducing some of the development standards, then we should have some of these
848 conceptual plans, and I guess just more of a . . . a more thorough application provided if
849 we're going to be reducing development standards. And so, we added some of that.

850
851 And then the last was just the modification section where we just cleaned it up a little bit
852 and then we just clarified how to modify the development agreements.

853
854 **Doug Mayo:** Are You finished?

855
856 **Noelle Madera:** Yeah.

857
858 **Doug Mayo:** So, hearing no public comment, we'll close the public hearing. Comments?
859 Questions? Ashley?

860
861 **Ashley Garza:** Yeah, I wasn't here for this so I apologize if I'm repeating myself, but, could
862 you give me an example of one of these that's been completed?

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Noelle Madera: We have never completed one, but we do have one that's in the works, and it's basically just a . . . it's just a long plat where they don't . . . they're not meeting our development standards. That's it. And so, we just kind of feel like it's just a way to skirt the requirements, and we're going to be permitting a ten (10) acre, low-density development in our urban growth area.

Ashley Garza: Doesn't the plat require like conceptual grading and draining and all that?

Tommy Carroll: Yes . . . a long plat would.

[Undiscernible crosstalk]

Noelle Madera: Yeah; in separate sections under that application I think the MPDO, the MPR, and then the subdivisions has separate requirements.

Ashley Garza: Okay, because you were saying you're adding this stuff, but I was thinking usually we would do that on a long plat So it's nothing . . .

Noelle Madera: And they did provide some of it, but some of it is a little bit extra, like market analysis. And this is the kind of stuff when I was doing my research, the City of Chelan was having the same exact problem that we're having, where they were kind of skirting the development, and they made a lot of these changes. They also said that they have yet to have someone apply under the new, so they don't know how it's going to help them, but we kind of looked at their stuff because their code is pretty similar to ours in the sense that it had no teeth to it, where, like, there's nothing that says you have to have a proposal that's not just a subdivision.

Joe Walsh: How far are they from sewer?

Noelle Madera: They're an expensive distance.

Doug Mayo: It's a long ways . . . because it's downhill . . . it's a long ways.

Noelle Madera: Do you know the . . . I always call it . . .

Doug Mayo: How is that different than what's up there already?

Noelle Madera: The dark . . . I always call it something wrong. I call it, like, the Dark Shadows, something Shadows, Dark Mountain . . .

Phil Hoge: Mountain Shadow Estates.

Noelle Madera: It's right next to them . . . it's immediately next to them . . . and there is no difference except there's a new code that requires clustering. And when they were permitted it didn't require clustering.

Doug Mayo: So, you would still have the same number of houses; you'd have smaller lots, more open space . . . [undiscernible] . . .

Ashley Garza: So, it's a GMA issue . . .

915 **Noelle Madera:** So, the reason that we put the clustering in Title 19 was because we're
916 permitting low-density development in our urban growth area. And there is urban growth
917 area passed them, so there's no way that it will ever be extended if we just continue to
918 permit low-density development.
919

920 **Ashley Garza:** Well, our code requires for the GMA we have to bring out . . . before they
921 can . . . isn't that part of the whole GMA . . .
922

923 **Noelle Madera:** . . . for . . .
924

925 **Tommy Carroll:** Yes.
926

927 **Ashley Garza:** Yeah. . . is that we require, that we would have to require services before
928 we can have low-density. I mean, isn't that the process of the GMA, the whole point of the
929 GMA, right?
930

931 **Noelle Madera:** Well, it's, to, it's to prohibit low-density development in the urban growth
932 area.
933

934 **Ashley Garza:** . . . without services.
935

936 **Noelle Madera:** Yes; exactly.
937

938 **Doug Mayo:** So, if they clustered this, they have the same number of parcels, houses,
939 just a different configuration . . .
940

941 **Noelle Madera:** Yes, they would just be smaller lots.
942

943 **Doug Mayo:** . . . so, they get the same amount of sewage, wouldn't it be the same waste
944 treatment as septic tanks?
945

946 **Noelle Madera:** Well, I take that back. I'm not one hundred (100) percent sure how many
947 lots they'd be able to get. But I think it's more the point that we won't extend services if
948 we're going to keep connecting people to low-density development on septic systems;
949 we'll just never extend public services.
950

951 **Doug Mayo:** Unless, they have to pay in when you do that. The sewer pipe right now is
952 on 88th and Nob Hill or Wide Hollow; it has to go to 96th and then up to . . . not at 96th . . .
953 well the one on Summitview . . . [undiscernible] . . . is just over the hill. So, this has to go
954 down whatever ditch this is, that some people say is a creek . . . Shaw Creek; it's got to
955 go down that valley and come out down by the school around there . . . through a pipe
956 that's not there yet. But it's miles away. Or, you put in a lift station and pump it up to
957 Summitview.
958

959 **Noelle Madera:** No, I mean it is tough . . . it's tough there's a development right next to
960 them. But at the same time, then, they won't connect, and so then you have to . . . so . . .
961 it's just one of those things.
962

963 **Doug Mayo:** They could put in a lift station and combine the two of them, but it's still better
964 to . . . [undiscernible] . . . to get it back up the mountain to 96th.
965

966 **Joe Walsh:** The development that exists now was done pre-GMA?

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Doug Mayo: A long time ago.

Noelle Madera: No, well, pre-Title 19 when we . . . [undiscernible].

Tommy Carroll: It might be before our GMA compliance.

Noelle Madera: I just know it predates Title 19.

[Undiscernible crosstalk]

Joe Walsh: What they want to do is not allowed.

Tommy Carroll: The intent behind these master plan development overlays is to create a unique plan development that would have something, that you would take advantage of the topography, take advantage of a certain touristy thing, think of it kind of like an urban area master plan resort-like Suncadia. And they need to do something unique, or they want to do something unique. But what . . . the way it's written right now . . . what Noelle's trying to do, is trying to avoid people coming in and saying, "You know what, people want to buy two (2) acre lots, and you can't get them out in the county anymore because of the Growth Management Act, but I want to use this provision to create an urban area two (2) acre lot; that way I can still use septic tanks and not have to connect to sewer", and even though this particular one she's talking about is an example, kind of what Doug was getting at, is so far away from sewer that it kind of seems like, well, he's not going to be able to afford to extend the sewer. This code would allow that to happen on very . . . one foot off of the city limits anywhere in the county, and that's what we're trying to avoid, is somebody just saying, "Nope, I want a three (3) acre lot so I don't have to extend sewer, whether it's Wapato, Toppenish, Harrah, or wherever. And that's what this would do is, it would literally allow it to occur in any urban growth area.

Ashley Garza: If nobody's ever used this, and, how long have we had this in our . . .

Tommy Carroll: The reason it was never used, it was only in the urban area zoning districts, and when we combined 19, or created 19, now it made it available for the whole county.

Noelle Madera: And 19 also made it tougher to . . . where you have to cluster, where previously that wasn't a requirement. So now people are searching for a new way to get the development they want.

Joe Walsh: . . . get around GMA.

Noelle Madera: Yeah, so . . .

Tommy Carroll: You don't blame them, I mean . . .

Ashley Garza: . . . because they have property they can't utilize.

Doug Mayo: . . . well, primo view property up there . . .

Tommy Carroll: . . . close to hiking and all kinds of stuff. I wouldn't mind having one (1) acre up there.

1019
1020 **Ashley Garza:** But if they . . .
1021
1022 **Joe Walsh:** What if they put in their own septic?
1023
1024 **Noelle Madera:** Well, if they had sewer, we would let them . . . if they extended . . .
1025
1026 **Tommy Carroll:** . . . and Nob Hill Water . . .
1027
1028 **Noelle Madera:** If they extended water and sewer, we would let them have a one (1) acre
1029 lot if they wanted to.
1030
1031 **Tommy Carroll:** But then they would say, "Well, that doesn't . . . if that's allowed, that's
1032 crazy, then I want seventy-five hundred (7,500) square foot lots so I can have . . . give me
1033 one hundred (100) lots.
1034
1035 **Ashley Garza:** Could they have a hiking area or public space in there and that would
1036 help?
1037
1038 **Noelle Madera:** They've done some trails, but it's not really much different than what we
1039 would require of open space for a long plat. So . . . it's one of those things where . . .
1040
1041 **Doug Mayo:** Well, and what needs to happen is the people that own stuff that's above
1042 Summitview need to get together and put in some sewer pipe. I mean, put a lift station in
1043 there on 96th and Tieton Drive so they can develop several hundred houses in there . . .
1044 and that's a choice.
1045
1046 **Ashley Garza:** So, you think by this language that it will help.
1047
1048 **Noelle Madera:** We're hoping . . . I'm hoping.
1049
1050 **Ashley Garza:** . . . with clarifying the intent of this, because that's really what it is.
1051
1052 **Noelle Madera:** And making it a little tougher and saying that we're not going to change
1053 the density if you don't have public services.
1054
1055 **Ashley Garza:** And that's something you went over that . . . we added that.
1056
1057 **Noelle Madera:** Yeah, that's in there . . . the density bonus.
1058
1059 **Ashley Garza:** I think that's important because that's the whole purpose of us going
1060 through the whole compliance process, that took us however many . . . and just
1061 circumventing what we have.
1062
1063 **Doug Mayo:** Any comments? Questions? Concerns? Do you want to make a motion to
1064 accept?
1065
1066 **Ashley Garza:** I'll make a motion.
1067
1068 **Doug Mayo:** It's been moved to accept the proposal.
1069
1070 **Mike Shuttleworth:** I'll second.

1071 **Doug Mayo:** Moved and seconded. All in favor say Aye (AYE); Opposed (None). It's
1072 approved. Okay . . . Introduction of Exhibits into the Record . . . Public Testimony . . .
1073 hearing none . . .close the hearing again.
1074

1075 **III. Old Business:**

1076 A. LRN2019-00005: RV Stays in Campgrounds (Time Limits) – Title 19 Text Amendment
1077 (Phil Hoge)

1078 a. Study Session: Phil Hoge presented a continuation of the August meeting's
1079 discussion regarding the proposed changes to the campgrounds and
1080 recreational vehicle park language found in YCC 19.18.130. The Planning
1081 Commission and Planning Division staff discussed the proposed changes to
1082 RV stays in campgrounds, in order to prevent RV parks from becoming
1083 residential, and to retain the temporary status of RV parks. The Planning
1084 Commission recommended public outreach be considered to existing RV
1085 park owners. Phil presented a comparison of Washington city and county
1086 codes related to time limitations at RV Parks, and the Planning Commission
1087 recommended that the discussion continue at the October meeting.
1088

1089 **IV. New Business:**

1090 A. LRN2019-00003: Site Screening – Title 19 Text Amendment (Phil Hoge)

1091 a. Study Session: Phil Hoge presented the proposed changes to the existing
1092 site screening language found in YCC 19.21. The intent of the proposed
1093 changes is to decrease the amount of site screening and landscaping
1094 currently required between similar zoning districts, and to reduce the
1095 required amount of site screening and landscaping overall. The Planning
1096 Commission will review the proposed changes, and will continue the
1097 discussion at the October meeting.
1098

1099 **V. Public Comment:**

1100 A. None.
1101

1102 **VI. Communications:**

- 1103 A. Reports of subcommittees and study groups. None.
1104 B. Status report of cases before the BOCC. None.
1105 C. Secretary's report. None.
1106

1107 **VII. Adjournment or continuance to a date, place, and time:** The next meeting to be held
1108 on October 9, 2019, 5:30 pm. The meeting was adjourned at 7:54 pm.
1109

1110 Minutes approved by the Planning Commission on 10/9/19

1111 Signed: Doug Mayo
1112 Planning Commission Chair
1113