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

A. Roll Call: A quorum was present.

1. Commissioners Present: Doug Mayo, Doug Miller, Jerry Craig, Joe Walsh, Mike Shuttleworth, Ashley Garza, and Jerry Mellen.
2. Commissioners Absent: None.
3. Yakima County Planning Staff Present: Noelle Madera, Phil Hoge, Bridget Pechtel, Tommy Carroll, Olivia Story, and Jerry Brady.

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

II. Open Record Public Hearing 2019 Text Amendments

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

Bridget Pechtel: They're on the back of the agenda.

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

All persons speaking to the Planning Commission shall stand, approach the rostrum and microphone, if provided, and identify themselves by name, address and whom they represent. Testimony shall be kept factual and on the subject. The Chair is charged with the responsibility of discouraging and stopping any irrelevant, unnecessarily long, repetitive, or abusive testimony, and at the onset may limit the length of testimony. Time permitting, an opportunity will be provided for additional public comment from previous speakers after everyone who so desires has had an opportunity to testify. All comments shall be directed to the Chair, and interruptions, demonstrations, applause or other distractions during or at the conclusion of anyone's testimony are not permitted. Anyone making “out of order” comments shall be subject to removal from the meeting, and the Chair may call a recess in, or adjourn, the meeting in the event of excessive disruption. Speakers shall not question one another. Instead, questions from Speaker shall be addressed to the Chair. Upon request of a majority of Planning Commission members
present, the Chair may allow direct questioning of an expert witness who has previously
tested on behalf of an opponent or proponent, or on other business before the
Commission. If written statements are made, a copy shall be presented to the Planning
Commission and to the Secretary.

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

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

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

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

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

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

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

**Noelle Madera:** If you want to do it, that would let you have individual discussions
immediately after, and you can redo it or you can do it all at the close of discussion. So,
it’s up to you.
Doug Mayo: Well, that being said, we will close the public hearing and open the meeting to questions and discussion of the Commission.

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

Ashley Garza: Second.

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

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

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

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

Doug Mayo: . . . any comments?

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

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

Phil Hoge: And I'm Phil Hoge with the Planning Division and I'll be presenting this one. You reviewed an earlier draft of cargo container amendments last month or two (2) months ago I believe it was, two (2) months, yeah, and we had a little more . . . refinements to make, and so we've brought those back to you now tonight for the public hearing. There are actually two (2) sheets stapled together for you. One (1) is the strike-through and underline, and then one (1) is the clean copy that shows all the proposed changes that have been adopted, because it's kind of busy, so we just . . . it's almost easier to read the revision. And so, the . . . basically the whole thing about this cargo container was . . . before we adopted Title 19, we didn't really have any rules on . . . in the Code about where they should go or how they should be permitted. The only thing we had was one (1) interpretation from a property owner, a homeowner, that wanted to put a cargo container on their parcel out in West Valley in the R-1 zone. And so, we did an interpretation on that and we ruled that . . . or the interpretation was that one (1) would be allowed in the R-1 zone as an accessory use to the home, but that more than one (1) would be considered bulk storage facility. And so, I guess as these things have become more popular, be put around, when we adopted Title 19 we added some specific requirements for how they
could be permitted, how many, what zones, that type of thing. But in the course of working
with the new rules the last several years we found that they’re overly restrictive. The Board
of County Commissioners suggested to us that we make them less restrictive, and so the
revisions tonight try to clarify . . . and it was also some of the language in there was kind
of hard to follow; it was very ambiguous the way it was written, so these revisions help
clarify for staff so we can understand what the rules are. Where they can go, how many,
the difference between permanent and temporary, when they need to be painted, or
aesthetic controls, and overall, they’re less restrictive . . . they’re less restrictive. They’ll
be allowed without foundations and roofs and things that are required currently. So . . .
with that I would . . . that’s kind of a summary.

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

Phil Hoge: If they have wheels, they’re vehicles, so they wouldn’t be considered.

Doug Mayo: Okay.

Phil Hoge: That’s what the code division told us.

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

Phil Hoge: Right; that’s what I believe . . .

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

Phil Hoge: Okay . . .

Doug Mayo: And there’s a lot of people that park their truck in their driveway when they’re
home.

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

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

Doug Mayo: Maybe we just need a definition of what a semi-truck trailer is in this chapter.
Phil Hoge: It might be a good clarification.

Doug Mayo: Now if it does have wheels on it, and it's been laying there for ten (10) years and they're using it for hay storage and chicken feed, what takes over on that?

Phil Hoge: That's a... You might have to talk with the codes division about that I guess.

Doug Mayo: ... see what that is. Are they required to be licensed?

Phil Hoge: Yeah, that I'm not sure about.

Mike Shuttleworth: Yes, there's a state law that relates to that.

Phil Hoge: It may be a considered a nuisance if it's not licensed.

Mike Shuttleworth: They would fall under the same as an abandoned vehicle or anything like that. It's technically classified as a vehicle they have to be licensed to be driven on the road.

Doug Mayo: But it's not driving on the road, it's just parked there... being used for feed storage. And it's still got wheels on it.

Mike Shuttleworth: Then it wouldn't meet this criteria.

Doug Mayo: And they wonder what is the rule on that.

Noelle Madera: I think they have to be licensed, or they can be considered a nuisance... if it's not a licensed vehicle and it's sitting there... I mean if it's just like you have a truck in your driveway, but if you have a truck trailer in your yard that's not currently licensed, I think that could be considered a nuisance by Code Enforcement. I think that's one of their big... is it a nuisance or not is whether it's licensed or not...

Doug Mayo: If you take the wheels off, I can understand it wouldn't be a nuisance.

Noelle Madera: Well, it would have to have...

Doug Mayo: ... if it's in the Ag zone, say.

Noelle Madera: Well, I think if the wheels are off, it falls under this.

Doug Mayo: Right; then it wouldn't be a nuisance; it'd be okay.

Phil Hoge: Yeah, as long as you got any required permits that would be required under this.
Ashley Garza: You have a one (1) after semi-truck trailers and then you have containers not meeting all the limitations. Could you just put it there – what you mean by semi-truck trailers? Could you put it under that definition?

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

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

Phil Hoge: Yeah, it can reference it.

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

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

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

Joe Walsh: Yep.

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

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

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

Joe Walsh: On two (2) acres?

Doug Mayo: Whatever.

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

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

Ashley Garza: Because in the six (6) acres you get three.
Doug Mayo: Depending on how it's zoned, but anyway, that's just...this is...I think this is a step forward...small steps...and move on.

Mike Shuttleworth: Mr. Chairman, it doesn't appear anybody is going to testify, so we should close the public hearing and have our discussion.

Doug Mayo: Alright, close the public hearing and now we'll have discussion. Thanks Mike.

Jerry Mellon: I'd like to go back to the semi-truck trailers. Have we defined that, and have we made a decision if it's got wheels, or it doesn't have wheels?

Phil Hoge: We haven't, but I think I'm hearing direction that we need to clarify that and come up with definitions for...before you're ready to recommend.

Doug Mayo: Yeah...if it had, yeah...if this only talks to ones that don't have wheels on it, it needs to...we need to be able to know that somewhere.

Phil Hoge: Yeah; so, we'll bring back another...we'll bring all the revisions as you recommend here tonight, or asks us to...

Doug Mayo: I fear, though, as somebody reads this, it says semi-truck, they're not going to go look at the definition. That's all...[undiscernible].

Jerry Mellon: It needs to be clearly defined in there...(undiscernible).

Mike Shuttleworth: Can we just add under where it talks about semi-trucks to say semi-truck trailers without wheels?

Doug Mayo: Or see definition in section blah, blah, blah. Because that's where they should be going for definitions.

Mike Shuttleworth: Well, that would be...you really don't have to reference a definition because it's already there. And about a reference, the problem with referencing them is that they get moved or changed, you've got to go back...

Ashley Garza: ...cargo containers and semi-trailers without wheels as storage units...all you have to do is add that, right?

Jerry Mellon: The purpose of our discussion right now is we don't want...we're saying we don't want vehicles that are mobile or capable of mobility to be used as storage.

Doug Mayo: That's...no, I think...I disagree; I think that this allows people to use cargo containers and semi-trailers that previously weren't allowed. It...the way that it reads right now you can only have one per parcel; if you have two, you have to build a
shed over the top . . . a roof over the top of them, paint them, and so they saw that as being a bit restrictive and so they've loosened it up, especially in several of the zones, to allow for more lenient . . . the number you can have and whether you have to paint them or not. So, this is . . . less strings.

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

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

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

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

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

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

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

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

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

Tommy Carroll: . . . kicks it into a land use, and then it also defines what semi-truck trailers . . . you know . . . because if they have the wheels and axels and they're sitting on someone's property they have to be licensed, have to be . . . in most cases Code Enforcement will get you if they're not on pavement . . . you can't have a classic car parked in the grass anymore, it's got to be covered. So, it has to be . . . we have to be talking about land use wise those without wheels and axels. So by just doing something like that, it solves any issue . . . [undiscernible].
Mike Shuttleworth: So, based on that, I would move that we approve this wording for chapter 19.18 with the changes as noted by the staff . . . the staff guy in the back.

Ashley Garza: The staff guy in the back. What’s his name.

Doug Mayo: It’s been moved. Any second?

Jerry Mellon: Second.

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

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

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

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

Tommy Carroll: That’s why we wanted to get rid of that . . .

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

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

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

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

Bridget Pechtel: Bridget Pechtel, Yakima County Planning. I don’t know why I keep waving at you guys. So, this was first presented to you by Tua at the April 2019 meeting, and just to remind you since it’s been a while, we were updating the signs ordinance to be in compliance with the 2015 U.S. Supreme Court ruling of Reed vs. The Town of Gilbert. And the big take away of the case was whether local jurisdictions’ sign regulations were content-based or content-neutral. The Supreme Court had ruled that content-based regulations were discriminatory and unconstitutional. So, it kind of came down to if a jurisdiction had to read the content on a sign to determine if it met their criteria and
regulations, then the code was content-based and had to be changed. So, as we reviewed
our own code, we determined that we did have some content-based, and have tried now
to make it content-neutral. So, what I did . . . [background direction regarding the projected
slide and correct document] . . . oh, this is Subtitle 19.0, Introduction and Administration .
. . . PC Hearing, page one (1) of forty-two (42), and then the next page should be General
Provisions to go through the definitions . . .

Doug Mayo: This is the signs part?

Bridget Pechtel: Yes.

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

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

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

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

Joe Walsh: Does this impact political signs as far as duration of time they can be . . .
Bridget Pechtel: So, that was one of the ones coming up. We had put in “promptly removed” and there was a discussion on whether “promptly” was really enforceable and so we ultimately went with fifteen (15) days after the event had occurred. And otherwise, there weren't a whole lot of changes past those. We didn't have any changes to administrative adjustments or non-conforming uses since you've last seen it.

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

Bridget Pechtel: An illegal sign . . . I don't think we have . . .

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

Noelle Madera: I think it's in the definition; it's in the chapter.

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

Ashley Garza: [undiscernible]

Bridget Pechtel: It's on page four (4) of 19.20.

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

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

Ashley Garza: Yeah.

Bridget Pechtel: 19.33, page five (5).

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

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

Ashley Garza: What would be an illegal sign?

[Undiscernible background talk]

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

Doug Mayo: Any public comments?

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

Bridget Pechtel: Yeah.

Noelle Madera: Okay; just making sure.
Doug Mayo: Are you? I mean, I guess we still have a lot to get through . . . Okay; close the public hearing so we can open the board to comment. So, the prohibited . . . [unexpected distraction of a sound] . . . They no longer can have a sign on a vehicle or a trailer . . . that's visible even if it's like the name of your business on a horse trailer. If I have a trailer and it says Wenas Mammoth and I park it where you can see it, that's prohibited.

Noelle Madera: I think what that's referring to . . . has anyone seen the guy driving around town with the big signs on his . . . he's not talking about, you know, Mike's Plumbing or whatever. I think he's talking about the guy who has those huge reader boards; I think that's what this is referring to. Correct?

Tommy Carroll: Yeah, that's my understanding.

Noelle Madera: I don't know if anybody's seen that; if you haven't then you won't know what I'm talking about.

Doug Mayo: Well, let's see . . . provisions . . . prohibited . . . signs that are painted on or magnetically attached to any vehicle operating in the normal course of business.

Ashley Garza: Where are you . . . can you tell me where you're reading?

Doug Mayo: I'm on 19.20.050, at the bottom of page four (4) of fourteen (14).

Bridget Pechtel: I do have it up on the board.

Noelle Madera: It seems to me the second sentence allows all your normal business signs . . .

Doug Mayo: A lot of those signs are not painted or magnetic, they're . . .

Phil Hoge: Vinyl.

Doug Mayo: Vinyl.

Noelle Madera: I think that would include that.

Doug Mayo: So, we would need to maybe work that in there somehow. And I guess from reading the first sentence, I'm thinking of the one that says "Paine's Furniture" is prohibited, if that's what you're saying.

Noelle Madera: But again . . . over by the . . . what is that . . . Country Mercantile, there's always a truck . . . it's on the way up 395 . . . there's always a truck that's parked on one of those fields that's advertising . . . I think I've always assumed that's what that talking about.

Ashley Garza: You see one on the way to Easton too.

Tommy Carroll: Yeah, that's what it's for.
Doug Mayo: Well, maybe we need to clarify somehow. So, if a guy's sitting out there selling tomatoes on the side of the road, with a sign leaned up against his truck . . . probably in the right of way, anyway . . .

Ashley Garza: He's probably not permitted to sell . . .

Doug Mayo: . . . or oranges here on Fruitvale Avenue, or whatever . . . okay . . . I can see where the first sentence can be misconstrued. The problem I've got is I know that some of the Code Enforcement officers get a little overzealous sometimes . . . and they can read things differently than what was intended, which can cause unnecessary fret.

Bridget Pechtel: So, you just want clarification on what kind of signs we're talking about, and then the addition of vinyl?

Doug Mayo: We can't . . . oh, well . . . the vinyl, that can be allowed.

Mike Shuttleworth: Well, magnetic attached can be allowed.

Noelle Madera: I mean, this is existing language, so that's probably just kind of . . . when they wrote it, it was probably typical to have it painted on the side I would assume.

Doug Mayo: A lot of the signs aren't magnetic, they're glued on . . .

Ashley Garza: Yep; glued and painted on.

Mike Shuttleworth: I think they can be interpreted.

Doug Mayo: Well, they're . . . yeah.

Noelle Madera: Yeah, like it talks about a vehicle operating in the normal course of business . . . like that guy that drives around town, and, again, if nobody's seen it . . . it's just weird. But one would question whether that's safe to be driving with those signs up like that.

Doug Mayo: But that's a different issue.

Doug Miller: So, it's a big reader board on a . . .

Noelle Madera: It's like these . . .

Tommy Carroll: It's a portable billboard.

Noelle Madera: . . . with really tiny writing that you try to read while you're driving . . . like calling someone out for something. It's like . . .

Tommy Carroll: We have a number of businesses that will park their vehicle with their company sign on it on a road that travels towards their business. It would be an off-premise sign, and instead of going through the process to get approval for those signs, they just park their vehicle there, and then go pick it up and drive it back, and this is supposed to keep that from happening.

Joe Walsh: So, are they parked there illegally?
Tommy Carroll: No, they're parked on other people's property, or on their property, but
the signs are often big enough to actually qualify for a billboard, or . . . but they're definitely
considered off-premise signs, and they're just not permanently affixed to the ground or
permanently affixed to the vehicle.

Doug Mayo: So, if Tailgaters park a pickup up by . . . assuming Selah is in the county . . .
it is in the county, but anyway . . . so if some business parks a pickup with their logo on
the door, you're saying they can't do that?

Noelle Madera: No, because that a normal . . . a vehicle operating as a normal . . .

Tommy Carroll: If it's just their normal work vehicle, and it just has their logo on the door,
we wouldn't care.

Doug Mayo: But they're parking it there as advertising.

Tommy Carroll: Then it's big enough for everyone can see, then it wouldn't just be on the
door.

Noelle Madera: It would be hard to enforce that because somebody's just parking their . . .
. . . if I parked my car at Rosauer's and it had, you know, "Noelle's whatever", then that
would be hard to enforce. But these are like the ones . . . like the one near the Country
Mercantile . . . it's a big sign on that, out in that field, advertising, you know, whatever
they're selling; it's a good size sign. I'm not driving with that sign on my vehicle.

Tommy Carroll: But, under county code, if you have two commercial vehicles parked on
a private property that's not permitted for that business, that is illegal. So, you couldn't do
. . . have more than one vehicle . . .

Ashley Garza: I'll have to stop driving my truck around.

Tommy Carroll: If your truck has "Ashley's . . ."

Ashley Garza: It has "AJ's Security" on it.

Tommy Carroll: . . . "AJ's Security" and you have another one parked on that property . . .
do you have two . . .?

[Undiscernible crosstalk]

Ashley Garza: I have a police car . . .

Tommy Carroll: . . . you might want to take the [undiscernible]

Ashley Garza: So, if I have two . . . I can't have two AJ's on there . . . in my driveway?

[Undiscernible crosstalk]

Ashley Garza: I'll just keep the cop car in front.

Mike Shuttleworth: Is she in the county?
Doug Mayo: Well that’s a whole new can of worms.

Ashley Garza: What if we both drive somewhere and go grocery shopping?

Doug Mayo: You can’t shop at the same store.

Ashley Garza: Dang it.

Tommy Carroll: You’d better be fighting crime in that store.

Doug Mayo: I’m gonna check out Fred Meyers and make sure there’s not two police cars on either side of the parking lot. [Undiscernible] . . . two PLSA trucks . . .

Timmy Carroll: And just so you know, the . . . going back to the cargo containers and trailers, we have a lot of these trailers that are used for storage, but they’re also painted with signs on the side of them, and those folks have tried to combine a cargo container and a wall sign all in one use.

Joe Walsh: And somebody’s giving them ten (10) bucks a month . . . [undiscernible]

Tommy Carroll: And so . . .

Doug Mayo: Well, at one point in time, I think it was a legal workaround to put your sign on your truck, and then it wasn’t a sign because it’s portable. But I don’t know at what time in our lives they changed that. Way back . . . way back when, I know, at least I understood that to be the way to get around having to have a sign removed.

Doug Miller: What kind of problems are we seeing from this?

Noelle Madera: I’ve never known us to enforce that. I’ve never known that Yakima County has gotten a complaint on that one.

Tommy Carroll: We . . . I want to say the Barrett . . . there was a complaint from their neighbor . . . we’ve had them . . . a couple where they blocked the vision triangle at the intersections . . .

Doug Mayo: But that’s a traffic safety issue, not a sign issue.

Tommy Carroll: Well, it turned out, then, how we got to them, was you can’t have these portable signs; so, it was just . . . all they did was just move it back. We typically don’t have problems with these.

Doug Mayo: I’ve kind of got a bit of a problem having something on the books that you don’t enforce.

Noelle Madera: It’s not that we don’t enforce it; it’s just that we don’t have complaints on it.

Tommy Carroll: We don’t get a lot of complaints.

Noelle Madera: We don’t get a lot of complaints about signs.
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...
Mike Shuttleworth: You don't have to wait until the fifteenth (15th) day to remove it. You removed it on the fourteenth day, that's not . . .

Jerry Mellon: Just to make it consistent.

Joe Walsh: . . .within fifteen days.

Doug Mayo: Back to the flags . . .one thing I was thinking was legitimate was to have it so wherever the pole is located, if it fell down it's not going to get to the edge of the property. So, if you had a forty (40) foot pole, you had to be at least forty-five (45) feet from the edge of your property. Would that be . . . I don't know . . . I guess you don't worry about trees, and that wouldn't be different than trees and power poles, so maybe that's not a legitimate concern.

Mike Shuttleworth: I think you'll find the Supreme Court will be giving us decisions on that because there's a court case working its way up from the East Coast. The Gardner RV put up basically a huge flag and the city said, "No, that's too big", so, they've appealed it, so it's probably going to head to the Supreme Court.

[Some undiscernible crosstalk]

Doug Mayo: Disregard what I just said.

Phil Hoge: On the pole, what kind of pole are you talking about?

Doug Mayo: Just a flag pole.

Phil Hoge: A flag pole, those require a building permit.

Ashley Garza: Yeah, that's probably like a structural sign.

Doug Mayo: . . . so, location is part of the permit.

Tommy Carroll: But that does bring up a good question because I know some property in Yakima that I think they would be considered towers because they're so tall. It's a good point . . . something Long Range might look into.

Doug Mayo: But then I guess it's more apt that a tree branch is going to fall on the road than your flag pole, so, all of a sudden how far are we going to chase this?

Tommy Carroll: If your flag pole needs guy wires, then . . . [laughter]

Doug Mayo: Okay . . . any further comment, questions concerning this?

Ashley Garza: I was just going to make a motion to approve this section, text amendment 19.0 as given to us with the exception of 19.20.110, temporary signs, to add the language, "within 15 days".

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

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

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

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

So, then the next little page is just a little guide... kind of walk you through it... so, I'll just point out some of the bigger... there's a lot of no changes in this chapter, but if you go to 19.17.040, which is on page... the end of page five (5) of the chapter, we just added a statement on that one, just kind of adding to the intent statement saying that the intent of the MPDO is to permit development that typically cannot be accomplished through another land use approval such as a subdivision, and we felt like this would add a little bit more to the intent statement and make it clear that you can't just do a subdivision where you're not meeting the development standards. Underneath that, under D on page six (6), it just kind of talks about if for some reason the development doesn't happen, how it would be reverted back. So, that's kind of just a little change, just to add some weight to it. And then in 19.17.040, three (3)... so, in this one, a lot of the other... like our previous code said five (5) acres, for a Master Plan Development Overlay, in Title 15A, and in a lot of other jurisdictions who had a similar land use option in their code, sometimes had a...
think like the City's is like two (2) acres is all they require, so we bumped that back down to five (5); we felt like ten (10) was kind of a big lot to have to have to do . . . if you had public water and public sewer, you wouldn't necessarily need ten (10) full acres to do a really good sized development, and so, we've dropped that down.

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

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

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

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

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

Doug Mayo: Are You finished?

Noelle Madera: Yeah.

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

Ashley Garza: Yeah, I wasn't here for this so I apologize if I'm repeating myself, but, could you give me an example of one of these that's been completed?
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 . . .
Noelle Madera: So, the reason that we put the clustering in Title 19 was because we're permitting low-density development in our urban growth area. And there is urban growth area passed them, so there's no way that it will ever be extended if we just continue to permit low-density development.

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

Noelle Madera: . . . for . . .

Tommy Carroll: Yes.

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

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

Ashley Garza: . . . without services.

Noelle Madera: Yes; exactly.

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

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

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

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

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

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

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

Joe Walsh: The development that exists now was done pre-GMA?
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 tourisy 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.
Ashley Garza: But if they...

Joe Walsh: What if they put in their own septic?

Noelle Madera: Well, if they had sewer, we would let them... if they extended...

Tommy Carroll: ...and Nob Hill Water...

Noelle Madera: If they extended water and sewer, we would let them have a one (1) acre lot if they wanted to.

Tommy Carroll: But then they would say, "Well, that doesn't... if that's allowed, that's crazy, then I want seventy-five hundred (7,500) square foot lots so I can have... give me one hundred (100) lots.

Ashley Garza: Could they have a hiking area or public space in there and that would help?

Noelle Madera: They've done some trails, but it's not really much different than what we would require of open space for a long plat. So... it's one of those things where...

Doug Mayo: Well, and what needs to happen is the people that own stuff that's above Summitview need to get together and put in some sewer pipe. I mean, put a lift station in there on 96th and Tieton Drive so they can develop several hundred houses in there... and that's a choice.

Ashley Garza: So, you think by this language that it will help.

Noelle Madera: We're hoping... I'm hoping.

Ashley Garza: ...with clarifying the intent of this, because that's really what it is.

Noelle Madera: And making it a little tougher and saying that we're not going to change the density if you don't have public services.

Ashley Garza: And that's something you went over that... we added that.

Noelle Madera: Yeah, that's in there... the density bonus.

Ashley Garza: I think that's important because that's the whole purpose of us going through the whole compliance process, that took us however many... and just circumventing what we have.

Doug Mayo: Any comments? Questions? Concerns? Do you want to make a motion to accept?

Ashley Garza: I'll make a motion.

Doug Mayo: It's been moved to accept the proposal.

Mike Shuttleworth: I'll second.
Doug Mayo: Moved and seconded. All in favor say Aye (AYE); Opposed (None). It’s approved. Okay . . . Introduction of Exhibits into the Record . . . Public Testimony . . . hearing none . . . close the hearing again.

III. Old Business:
A. LRN2019-00005: RV Stays in Campgrounds (Time Limits) – Title 19 Text Amendment (Phil Hoge)
   a. Study Session: Phil Hoge presented a continuation of the August meeting’s discussion regarding the proposed changes to the campgrounds and recreational vehicle park language found in YCC 19.18.130. The Planning Commission and Planning Division staff discussed the proposed changes to RV stays in campgrounds, in order to prevent RV parks from becoming residential, and to retain the temporary status of RV parks. The Planning Commission recommended public outreach be considered to existing RV park owners. Phil presented a comparison of Washington city and county codes related to time limitations at RV Parks, and the Planning Commission recommended that the discussion continue at the October meeting.

IV. New Business:
A. LRN2019-00003: Site Screening – Title 19 Text Amendment (Phil Hoge)
   a. Study Session: Phil Hoge presented the proposed changes to the existing site screening language found in YCC 19.21. The intent of the proposed changes is to decrease the amount of site screening and landscaping currently required between similar zoning districts, and to reduce the required amount of site screening and landscaping overall. The Planning Commission will review the proposed changes, and will continue the discussion at the October meeting.

V. Public Comment:
A. None.

VI. Communications:
A. Reports of subcommittees and study groups. None.
B. Status report of cases before the BOCC. None.
C. Secretary’s report. None.

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

Minutes approved by the Planning Commission on 9/16/19.

Signed: [Signature]

Planning Commission Chair