

BOARD OF YAKIMA COUNTY COMMISSIONERS
ORDINANCE 3-2017

**IN THE MATTER OF AMENDING THE OFFICIAL
ZONING MAP OF YAKIMA COUNTY**

WHEREAS, Bill Hordan of Hordan Planning Services on behalf of John and Janice Raney, submitted a complete minor rezone application (File Nos.: ZON2016-00004/SEP2016-00042/SSE2016-00070) on November 18, 2016 to rezone a portion of parcels 201329-33004 and 201329-33003 from Rural 10/5 to Agriculture (AG) in conjunction with a Boundary Line Adjustment pursuant to YCC 19.34.020. A 0.06-acre portion of parcel no. 201329-33003 and a 1.12-acre portion of parcel no. 201329-33004 would be changed from Rural 10/5 to the AG zoning district via a Boundary Line Adjustment (SSE2016-00070) that has been proposed in conjunction with this minor rezone. The Boundary Line Adjustment will move the west property line of parcel no. 201329-33407 westward adding a total of 1.18-acres to the AG zoned lot; and,

WHEREAS, in accordance with the procedural provisions in YCC 19 and YCC 16B, the Yakima County Administrative Official provided public notices of the application and the open record public hearing, requesting comments thereon; and,

WHEREAS, in further compliance with the provisions of YCC 19 and YCC 16B, the Yakima County Hearing Examiner conducted an open record public hearing on the application on March 16, 2017, followed by the issuance of his recommendation on March 30, 2017 to APPROVE the requested rezone; and,

WHEREAS, after providing public notices in accordance with YCC 16B, the Board conducted a closed record public hearing on May 23, 2017 to act on the Hearing Examiner's recommendation in accordance with YCC 16B.03.030(1)(d); and,

WHEREAS, after closing the hearing, the Board deliberated and determined that the requested rezone should be approved by the Hearing Examiner; now, therefore,

BE IT HEREBY ORDAINED by the Board of County Commissioners of Yakima County, Washington that:

Section 1. Findings. The Board hereby makes the following findings:

- A. Findings, Conclusions, and Recommendation of the Hearing Examiner. The Board hereby adopts the Hearing Examiner's Recommendation dated March 30, 2017, including its Findings and Conclusions, attached hereto as Attachment A.

Section 2. Yakima Title 15 Official Zoning Map Amendment. The official zoning map, as adopted by YCC 19.10.020 and subsequently amended, is hereby further amended by rezoning the "Subject Property" depicted on the map attached hereto as Attachment B, from Rural 10/5 to Agriculture (AG).

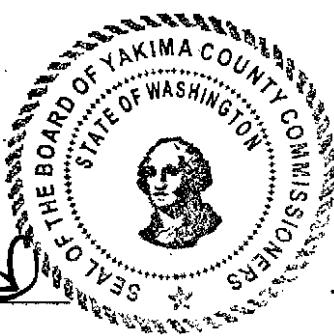
Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, sections, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 4. Effective Date. This ordinance shall be effective immediately.

DONE this 6th day of June, 2017

Tiera S. Girard

Attest: Tiera Girard
Clerk of the Board



J. Rand Elliott
J. Rand Elliott, Chairman

Ron Anderson
Ron Anderson, Commissioner

Michael D. Leita
Michael D. Leita, Commissioner

*Constituting the Board of County Commissioners
for Yakima County, Washington*

Attachments to Ordinance:

Attachment A: *Hearing Examiner Recommendation*, dated March 30, 2017

Attachment B: *Zoning Map of subject property*



Public Services

128 North Second Street • Fourth Floor Courthouse • Yakima, Washington 98901
(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • www.co.yakima.wa.us

VERN M. REDIFER, P.E. - Director

March 31, 2017

TO: John and Janice Raney & Parties of Record

FROM: Karri Espinoza, Office Coordinator *KE*

RE: Hearing Examiner Recommendation -- File Nos. ZON16-004

On, March 30, 2017 the Yakima County Hearing Examiner issued his recommendation on a consolidated application for a minor rezone and boundary line adjustment. The Examiner's recommendation is enclosed.

The Hearing Examiners recommendation will be presented to the Board of County Commissioners for consideration at a closed record public hearing. You will be notified when this date has been set. If you have any questions on the recommendation, please contact Dinah Reed at 574-2300.

Encl.: Hearing Examiner Recommendation
Cc: Parties of Record

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County of Yakima, Washington
Office of the Hearing Examiner

In the matter of a Consolidated)	Yakima County File Nos. ZON2016-0004 /
Application for a Minor Rezone and)	SSE2016-070
Boundary Line Adjustment)	
)	
By John E. and Janice R. Raney, Janet)	
Roy, and Roy Farms, Inc.)	
)	
To Reconfigure Certain Properties)	HEARING EXAMINER
Near the Intersection of Mieras Road)	RECOMMENDATION
and St. Hilaire Road and Rezone a)	
Portion of the Affected Property from)	
Rural-10/5 to Agricultural)	
)	
)	

I. INTRODUCTION.

On November 18, 2016 Yakima County Public Services Department: Planning Division received a minor rezone application in conjunction with a Boundary Line Adjustment (BLA) from Bill Hordan, Hordan Planning Services who is representing the applicant and property owner John E. and Janice R. Raney. The BLA would straighten boundaries for properties owned and/or being purchased by the Raneys and Roy Farms. The rezoning would avoid split zoning of the larger of the lots reconfigured by the BLA.

An open record hearing was conducted on the rezone application on March 16, 2017. A summary of the staff report was presented at the hearing by Dinah Reed. Bill Hordan represented the applicants. No public comment was offered at the hearing. The Hearing Examiner made an unaccompanied visit to the subject property on the date of the hearing.

II. SUMMARY OF RECOMMENDATION.

This consolidated application for a minor rezone and boundary line adjustment should be approved.

Based on the staff report and exhibits, the viewing of the site and comments received at the open record hearing, and a review of pertinent provisions of the Yakima County Unified Land Development Ordinance (Title 19 YCC) and *Plan 2015*, the Hearing Examiner makes the following

III. FINDINGS.

1. APPLICANT AND PROPERTY OWNERS.

The application was filed by Bill Hordan of Hordan Planning Services, 410 North 2nd Street, Yakima, WA 98901, on behalf of the following property owners:

Parcel No: 201329-33004

John E. and Janice R. Raney
1991 St. Hilaire Road
Yakima, WA 98901

Parcel No: 201329-33407

Roy Farms, Inc.
401 Walter Road
Moxee, WA 98936.

Parcel No: 201329-33003

Janet Roy-Knautz
2071 St. Hilaire Road
Moxee, WA 98936.

Roy Farms, Inc is the successor in interest to original applicant/landowner GD LLC, and Janet Roy-Knautz is the devisee and personal representative of land owner of record Carl Nielson.

2. LOCATION AND PARCEL NUMBERS.

The three parcels are located at the northeast corner of the intersection of St. Hilaire Road and Mieras Road, approximately 1 ¼ miles northeast of the city limits of Moxee, WA. The Assessor's Parcel Numbers for the properties to be adjusted by the BLA are 201329-33004, 201329-33003 and 201329-33407. The rezoning would affect 201329-33004 and 201329-33003.

3. APPLICATION.

This is a consolidated application for a BLA and rezone under YCC 16B.03.060. The application requests an amendment to the official zoning map established by Yakima County Unified Land Development Code Title 19 (Title 19) to change the zoning of a portion of parcels 201329-33004 and 201329-33003 from Rural 10/5 to Agriculture (AG). It also requests a boundary line adjustment pursuant to YCC 19.34.020. A 0.06-acre portion of parcel no. 201329-33003 and a 1.12-acre portion of parcel no. 201329-33004 would be changed from Rural-10/5 to the AG zone via a Boundary Line Adjustment (SSE2016-00070) that has been proposed in conjunction with this minor re-zone. The Boundary Line Adjustment will move the west property line of parcel no. 201329-33407 westward adding a total of 1.18 acres to the AG zoned lot. No new structures are proposed with this application.

4. HEARING EXAMINER JURISDICTION.

The Hearing Examiner has jurisdiction to conduct open record hearings and issue recommendations on applications subject to Type 4 review. YCC 16B.03.030 (Table 3-1). Minor rezones are subject to Type 4 review. Id. (Table 3-2). In accordance with the consolidated application ordinance, the Hearing Examiner's authority extends to making a recommendation on the proposed boundary line adjustment

5. PROPERTY DESCRIPTION, LAND USE, AND ZONING AND COMPREHENSIVE PLAN DESIGNATIONS.

There are three subject parcels with this proposal. Parcel no. 201329-33004 is 4.61 acres and within the Rural-10/5 zoning district and has a single-family residence with access from St. Hilaire Road. Directly south is parcel no. 201329-33003 which is 1.82 acres and is also within the Rural-10/5 zoning district with a single-family residence and access from Mieras Road. To the east is parcel no. 201329-33407 which is 21.60 acres and within the Agricultural (AG) zoning district in agricultural production and otherwise is vacant land – access is from Mieras Road. Surrounding parcels to the west and south are within the Rural-10/5 zoning district and range in size from 1/3 acre to over 5 acres. Surrounding parcels to the east and north are zoned Agriculture and range in size from 20 acres to over 40 acres.

The proposal is for a 3-line boundary line adjustment and a minor rezone application to move the west property line of parcel 201329-33407 that is within the AG zoning district westward by absorbing 1.18 acres in total between two parcels (201329-33004 and 201329-33003) that are within the Rural-10/5 zoning district.

Parcel #	Existing Lot Size	Land Use
201329-33407	21.60 acres	Vacant / Agricultural Production
201329-33004	4.61 acres	Single-family residence
201329-33003	1.82 acres	Single-family residence

Parcel #	Proposed Lot Size	Land Use
201329-33407 Parcel "A"	22.94 acres	Vacant / Agricultural Production
201329-33004 Parcel "B"	3.49 acres	Single-family residence
201329-33003 Parcel "C"	1.76 acres	Single-family residence

Zoning: The subject parcels are currently zoned Rural-10/5 and Agriculture. Section 19.11.030(b) YCC states that "the Rural-10/5 zoning district is intended to maintain rural character and provide density incentives to encourage development where fire protection services and access to roads with a paved or other hard surface are available."

Comprehensive Plan: According to *Plan 2015*, the subject parcels to the west are small homesites with the surrounding parcels to the west designated under the plan as Rural Self-Sufficient Areas. “The Rural Self-Sufficient category provides a broad choice of areas within rural Yakima County where an independent and private lifestyle can be sustained on acreage homesites. This category is intended to maintain rural character by establishing lot sizes which will make feasible individual wells and septic systems on each parcel, and by minimizing conflicts with adjoining or nearby resource land uses through farm, forestry and mineral resource uses to continue.”

The parcel to the east is a larger parcel within the AG zoning district and in agricultural production. Per *Plan 2015*, “The intent of the Yakima County’s Agricultural Resource land use category is to implement the Growth Management Act planning goal related to maintaining and enhancing natural resource-based industries, which includes productive agricultural industries. This category is intended to preserve, stabilize, and enhance the primary agricultural land base which is being used for, or offers the greatest potential for, continued production of agricultural products and harvesting.”

6. PUBLIC NOTICE.

The application was submitted on November 18, 2016, and was deemed complete for processing on December 5, 2016. A Notice of Application, Notice of Completeness, and Notice of Future Public Hearing was mailed to the applicant, agencies with jurisdiction, and adjoining property owners on December 12, 2016, with the comment period ending December 27, 2016.

Notice of the March 16, 2017 public hearing was provided in the following manner:

- Notice of Public Hearing was mailed to adjoining property owners on January 19, 2017.
- Publishing of a legal notice of the open record public hearing notice in the Yakima Herald-Republic: January 19, 2017
- Posting of hearing notice on the property: Feb. 28 2016

7. ENVIRONMENTAL REVIEW.

A SEPA review was submitted in conjunction with this proposal under SEP2016-00042 and a Determination of Non-Significance was issued on January 18, 2016. No administrative appeal of the DNS was timely filed.

8. REZONE ANALYSIS

There are eight decision criteria for minor rezone required by Title 19.36.030(5). The decision criteria are set out and addressed in turn below.

- (a) *The testimony at the public hearing:* No public comment was offered on the applications either orally or in writing.

(b) The suitability of the property in question for uses permitted under the proposed zoning: The purpose of the AG district is to preserve and maintain areas for the continued practice of agriculture by limiting the creation of small lots, permitting only those new uses that are compatible with agricultural activities, protection of agricultural lands of long-term commercial significance, and provide measures to notify and separate especially sensitive land uses from customary and innovative agricultural land management practices. The 1.18-acre portion of Rural-10/5 land that will be merged under the BLA with approximately 20 acres of AG zoned land has similar characteristics in topography and soil types to the AG zoned land is physically similar in topography and soil types. Therefore the 1.18 acres is suitable to be rezoned to AG.

(c) The recommendation from interested agencies and departments: No recommendations were provided.

(d) The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Comprehensive Plans, adopted neighborhood plans and the intent of Title 19 YCC: Per Title 19 Table 19.36-1 'Zoning District Consistency with Comprehensive Plan Future Land Use Designations' of Title 19, the requested Agriculture zoning district is consistent and may implement the Rural Self-Sufficient Plan Designation.

Goals and Policies from the Plan 2015 that generally pertain to this minor rezone are as follows:

- Goal LU-R 1: Maintain the rural character of the County.
- Policy LU-R 1.3: Where parcelization (*sic*) has already occurred, encourage reconfiguration that allows the same number of lots with a design that will have less impact on surrounding lands.
- Goal LU-R 2: Recognize agriculture as an important economic activity within designated rural areas.

The rezone will allow reconfiguration of property to support efficient agricultural use of the larger parcel owned by Roy Farms, Inc., and does not compromise the rural quality of the area or increase parcellation. It is appropriately consistent with *Plan 2015*. There is no indication that the rezone would be inconsistent with the intent of Title 19 YCC.

(e) The adequacy and availability of public facilities, such as roads, sewer, water and other required public services:

The 1.18 acres of property that is being merged into the approximate 20-acre parcel will be served with all necessary infrastructure needed for agriculture activities. The overall property is served with access from Mieras Road, a hard-surfaced county maintained roadway and lies within the Roza Irrigation District, East Valley Fire District and is served by the Yakima County Sheriff's Office. Since the rezoned property would be used for agricultural purposes, no other infrastructure is needed, thus, public facilities and services are adequate for the property.

(f) The compatibility of the proposed zone change and associated uses with neighboring land uses: The relatively small subject parcels within the Rural-10/5 zoning district

are surrounded to the west and south by other smaller parcels within the Rural-10/5 zoning district. Most of these Rural-10/5 parcels are single-family home sites with small tract agricultural production in existence on some of them. The larger subject parcel that is within the AG zoning district is abutted to the north and east by other relatively large AG zoned parcels that are either in agricultural production or fallow. Merging a total 1.18 acres from the Rural-10/5 zoning district to be included in the AG zoning district would appear to be compatible with the associated neighboring land uses.

(g) *The public need for the proposed change:* Agricultural use is an allowable use within both the current zoning and the proposed rezone to agriculture. The straightening and squaring of the property boundaries for the large Roy Farms parcel provides a more efficient configuration and parcel size for commercial agriculture, which is consistent with *Plan 2015* agricultural policies. The rezone is in the public interest since it would avoid the split zoning of the property and thereby allow agricultural use efficiency.

(h) *Whether substantial changes in circumstances exist to warrant an amendment to the current designation or zone:* Agriculture-zoned land can be subdivided in Yakima County via the small lot provision under Title 19.11.010(4) causing a severe fragmentation of viable larger tracts of AG zoned land into smaller and smaller tracts with new houses. This has been occurring in the county, which constrains the expansion of farm operations and related economic growth. The proposed rezone offsets this effect by making the single-family residence lots smaller while making the AG zoned lot larger, as is consistent with the public need.

9. BLA REVIEW.

BLAs must meet the criteria contained in YCC 19.34.020. All lots involved in this BLA application are contiguous and appear to be legally created. The BLA will not create additional lots, nor does it alter rights of way or easements. It will not produce new conformance with lot size requirements. It will harmonize lot lines and zoning boundaries based on its relationship to the rezone. No parcel access will be affected. No agency comments reflect public health or safety concerns. The divisibility of the final resulting lots will not be affected, and the adjustment is expected to benefit existing long-term commercial agricultural resource use. The proposal therefore appears to meet all the applicable review criteria.

10. CONSISTENCY WITH CHAPTER 16B.06 YCC CRITERIA.

As part of project review, the reviewing official will determine if a proposed project is consistent with Yakima County's applicable development regulations or, in the absence of applicable regulations, the adopted Yakima County Comprehensive Plan. Consistency should be determined in the project review process by considering four factors found in applicable plans and regulations (RCW 36.70B.040). They are set out and analyzed as follows:

(a) *The type of land use:* The two residential lots will retain enough acreage to meet setback requirements and drainfield requirements in the Rural-10/5 zoning district. The proposal

will satisfy applicable criteria necessary for rezone approval and meet compliance with Yakima County's development regulations, so the rezone is consistent with this factor.

(b) *The level of development, such as units per acre or other measures of density:* No development is being proposed or permitted with this rezone, and no density effects are anticipated.

(c) *Infrastructure, including public facilities and services needed to serve the development:* The parcels are within the Roza Irrigation District, and the existing homes are serviced by existing individual wells and septic systems. No public facilities are required to serve either the existing residential lots or the reconfigured agricultural lot.

(d) *The characteristics of the development, such as development standards:* No land uses will be approved by this application. Future uses will be required to meet the standards of the county's development regulations.

From the foregoing findings, the Hearing Examiner makes the following

IV. CONCLUSIONS.

1. The Hearing Examiner has jurisdiction to conduct an open record hearing on the consolidated application for a minor rezone and a boundary line adjustment, and to make a recommendation to the Board of County Commissioners.
2. The subject property is suitable for the uses permitted under the proposed zoning.
3. No governmental entities have recommended denial of the requested minor rezone.
4. The requested rezone complies with *Plan 2015* and does not deviate from the intent of Title 19 YCC.
5. Existing public services and facilities are adequate to support the uses that would be permitted under the proposed zoning.
6. The proposed zone change and associated uses appear to be compatible with neighboring land uses, and the compatibility of specific uses can be determined in the future upon appropriate application for review of those specific uses.
7. The proposed rezone meets the public need for supporting commercially viable use of agricultural resource lands.
8. The proposed boundary line adjustment complies with applicable boundary line adjustment approval standards.

9. Any finding in this recommendation that should be more properly considered a conclusion should be construed as such, and any conclusion or other information in this recommendation that should properly be considered a finding should be construed as such.

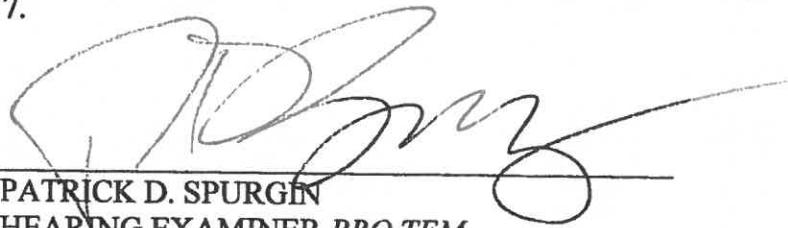
Based on the foregoing Findings and Conclusions, the Hearing Examiner makes the following

V. RECOMMENDATION.

The application to rezone the subject property under Yakima County File No. ZON2016-00004 as proposed in the application materials request should be APPROVED.

The application to adjust, in the manner described in the application materials included in Yakima County File No. SSE2016-070, the boundaries of Yakima County Assessor's parcel numbers 201329-33004, 201329-33003 and 201329-33407, as configured as of the date of this Recommendation, should be APPROVED.

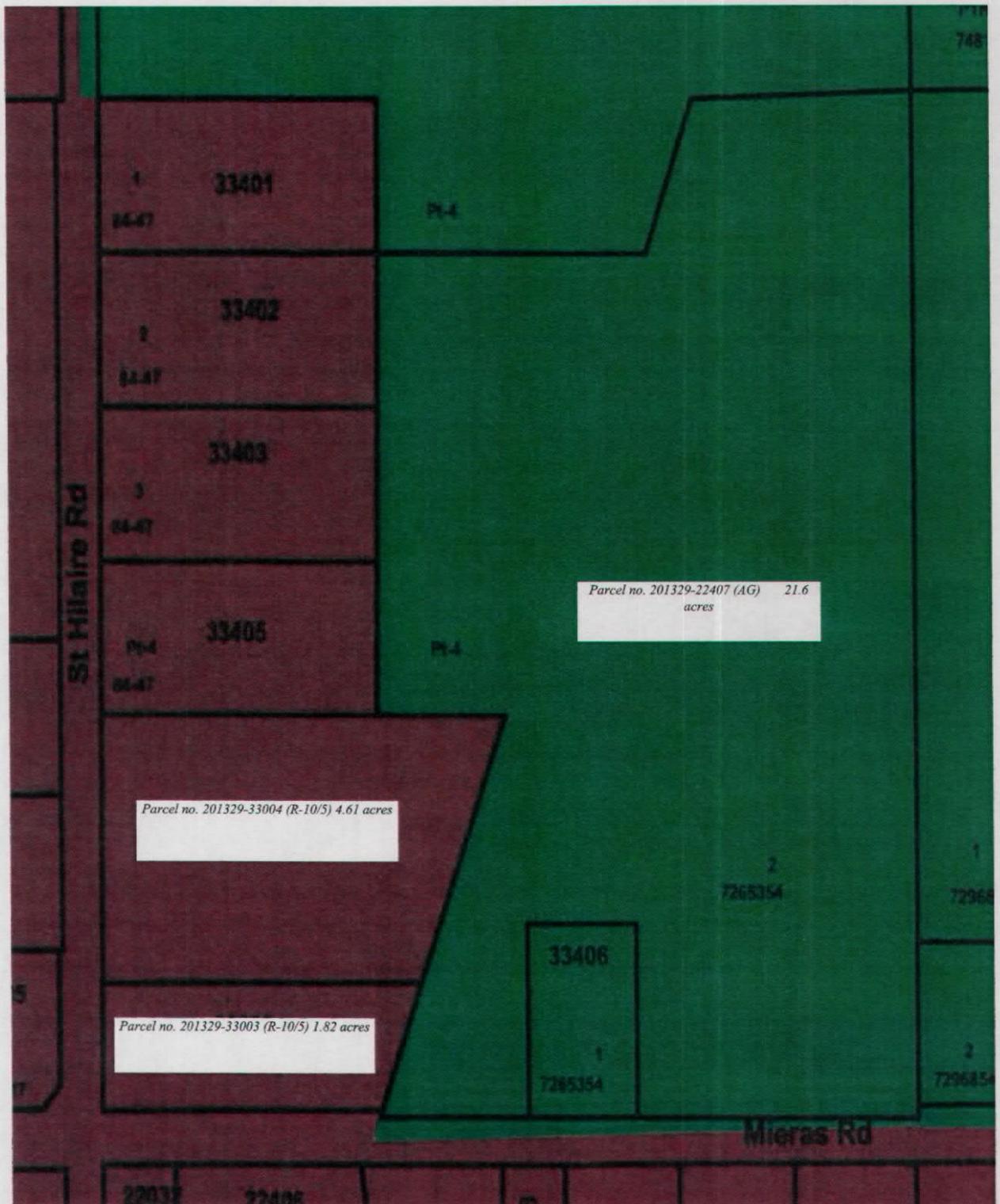
DATED THIS 30th DAY OF MARCH, 2017.



PATRICK D. SPURGIN
HEARING EXAMINER PRO TEM

Current Zoning Map

Green: AG zoning district
Red: Rural-10/5 zoning district



Proposed Zoning Map

Green: AG zoning district
Red: Rural-10/5 zoning district

