Yakima County Planning Commission

Findings of Fact and Recommendation

September 5, 2018

IN THE MATTER OF CONSIDERING AMENDMENTS TO THE YAKIMA COUNTY COMPREHENSIVE PLAN – HORIZON 2040

FUTURE LAND USE MAP AND MINERAL RESOURCE OVERLAY MAP AND YCC TITLE 19 ZONING MAP; AND YCC TITLE 19 TEXT

WHEREAS, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the Yakima County Comprehensive Plan – Horizon 2040, on June 27, 2017, and adopted development regulations – Yakima County Code Title 19, on May 5, 2015; and

WHEREAS, RCW 36.70A.130 requires that Yakima County as a “fully planning” county; shall update its comprehensive plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

WHEREAS, under RCW 36.70A.130, the plan and development regulations are subject to continuing review and evaluation, but the plan may be amended no more than one time per year; and

WHEREAS, as part of its comprehensive plan and development regulations update process, the County has established a public participation program, YCC 16B.10, which sets forth minimum requirements for ensuring adequate public notification and opportunities for comment and participation in the amendment process; and

WHEREAS, the public was informed of the opportunity to submit formal applications for site-specific map amendments to Horizon 2040 and text amendments to YCC Title 19 up to January 31, 2018; and

WHEREAS, prior to the deadline, applications for three proposed site-specific map amendments (LRN2018-00001, LRN2018-00002 and LRN2018-00003) to Horizon 2040 and two proposed text amendments to YCC Title 19 (LRN2018-00004 and LRN2018-00005) were submitted to the county for consideration; and

WHEREAS, Yakima County Planning Division initiated a development regulation text amendment (LRN2018-00006) to amend portions of YCC Title 19; and

WHEREAS, two development regulation text amendments (LRN2018-00004 and LRN2018-00005) were forwarded to the Planning Commission for its docketing consideration in accordance with YCC 16B.10.040; and

FINDINGS OF FACT AND RECOMMENDATION

File Nos:

LRN2018-00001/SEP2018-00002;
LRN2018-00002/SEP2018-00004;
LRN2018-00003/SEP2018-00006;
LRN2018-00004/SEP2018-00022;
LRN2018-00005/SEP2018-00020;
LRN2018-00006/SEP2018-00023
WHEREAS, the Planning Commission considered and suggested docketing the development regulation text amendment (LRN2018-00004 and LRN2018-00005) items on April 11, 2018; and

WHEREAS, on April 13, 2018 notices of completeness, application and environmental review, and future hearing were mailed to adjacent property owners within 300 feet of the proposed amendment properties, those agencies with environmental expertise, and published in the Yakima Herald-Republic for: LRN2018-00001 (Crosier), LRN2018-00002 (Gilbert Orchards), LRN2018-00003 (Williamson/Miocene); and

WHEREAS, on or around May 7, 2018 notices of completeness, application environmental review and future public hearing were mailed to interested parties of the proposed amendments and those agencies with environmental expertise and published in the Yakima Herald-Republic for LRN2018-00004 (Durant), LRN2018-00005 (Western Building Design/Keith and Keith Funeral Home), and LRN2018-00006 (Yakima County Planning Division); and

WHEREAS, LRN2018-00001 and LRN2018-00002 site-specific map amendments to Horizon 2040 were presented to the Planning Commission for their review on May 9, 2018; and

WHEREAS, LRN2018-00003 site specific map amendment to Horizon 2040 and LRN 2018-00004, LRN2018-00005, and LRN2018-00006 text amendments to YCC Title 19, were presented to the Planning Commission for their review on June 13, 2018; and

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing on July 11, 2018, to hear testimony on the proposed map and text amendments; and

WHEREAS, the Planning Commission held their deliberations on August 8, 2018; and

WHEREAS, on August 21, 2018 Yakima County provided a 60-Day notice to the Department of Commerce, as required by RCW 36.70A.106 on the proposed comprehensive plan and development regulation amendments; and

WHEREAS, the Planning Commission, having carefully considered the staff recommendation and the written and oral testimony in its deliberations, moved to make the recommendations described below (II. FINDING OF FACT Section 9) to the Board of Yakima County Commissioners concerning the proposed map amendments to Horizon 2040 and the proposed Text Amendments to YCC Title 19; and

NOW, THEREFORE, the Yakima County Planning Commission hereby makes and enters the following:
I. REASONS FOR ACTION

The 2018 amendments before the Planning Commission are as follows:

1. Three fee-paid site-specific comprehensive map amendments that are considered part of the normal Yakima County biennial plan amendment cycle were submitted for review in 2018.

2. Two fee-paid development regulation amendments that are considered part of the normal Yakima County biennial plan amendment cycle were submitted for review in 2018.

3. The proposed staff-initiated development regulation text amendments to Yakima County Code Title 19 that are considered necessary to better implement and correct minor text errors were identified by Yakima County Planning staff.

4. The Planning Commission must hold an open record public hearing on any legislative map amendment proposal and on any Title 19 amendment proposal provide a recommendation to the Board of Yakima County Commissioners.

II. FINDINGS OF FACT

-1-
Yakima County, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the Yakima County Comprehensive Plan – Horizon 2040, on June 27, 2017, and adopted development regulations – Title 19, on May 5, 2015; and

-2-
On or around November 21, 2017, notice of availability of comprehensive plan map amendment applications was published in the Yakima Herald and Yakima County Public Services webpage and posted at the Planning Division. Applications were due to the Planning Division by 4:00 p.m. on January 31, 2018 for consideration in the 2018 amendment cycle.

-3-
The Planning Commission considered and suggested docketing the development regulation text amendments (LRN2018-00004 and LRN2018-00005) items on April 11, 2018.

-4-
Notice of completeness, application, environmental review, and future hearing for comment on the three fee-paid site-specific map amendments was published in the Yakima Herald-Republic and mailed to surrounding property owners and agencies on or around April 13, 2018.
Notice of completeness, application, environmental review, and future hearing on the three text amendments was published in the Yakima Herald-Republic and were mailed to interested parties of the proposed amendments and those agencies with environmental expertise applications on May 7, 2018.

On or around June 26, 2018 notice of the public hearing scheduled for July 11, 2018 was posted and mailed to the applicants, surrounding property owners, agencies and those commenting on the applications for LRN2018-00001, LRN2018-00002, LRN2018-00003, LRN2018-00004, LRN2018-00005 and LRN2018-00006. A combined notice of all 2018 amendments was published in the Yakima Herald on June 26, 2018.

The Planning Commission accepted oral and written comments at a properly advertised public hearing held July 11, 2018 on the proposed Horizon 2040 Land Use Plan Map Amendments and Title 19 Text Amendments.

The hearing was closed to public testimony on July 11, 2018 and the Planning Commission moved to continue the hearing process to August 8, 2018 to deliberate and make recommendations on the proposed amendments.

The findings for the proposed amendment is as follows:

- LRN2018-00001/SEP2018-00002 – Crosier Orchards. The applicant requests: (1) a change in Horizon 2040’s Future Land Use Map from Agricultural Resource to Rural Self-Sufficient; and (2) a concurrent rezone from AG to R-10/5. (See Exhibit 1 for maps.)

  Five Planning Commissioners voted to recommend APPROVAL of the application, one voted AGAINST recommending approval.

  Therefore, the Commission recommends in a 5 to 1 vote that the proposed change in Horizon 2040’s Future Land Use Map from Agricultural Resource to Rural Self-Sufficient; and concurrent rezone from AG to R-10/5, should be approved.

- LRN2018-00002/SEP2018-00004 – Gilbert Orchards. The applicant requests: (1) a change in Horizon 2040’s Future Land Use Map from Urban Residential and Urban Commercial to Urban Industrial; and (2) a concurrent rezone from R-1, SR and, B-2 to M-1. (See Exhibit 2 for maps.)

  Five Planning Commissioners voted to recommend APPROVAL of the application AS MODIFIED, one voted AGAINST recommending approval.
Therefore, the Commission recommends in a 5 to 1 vote that the change in Horizon 2040’s Future Land Use Map from Urban Residential and Urban Commercial to Urban Industrial; and concurrent rezone from R-1, SR, and B-2 to M-1 should be APPROVED, WITH THE EXCEPTION OF PARCEL # 171202-43010, which should remain in its current zone, R-1.

- LRN2018-00003/SEP2018-00006 – Williamson/Miocene, LLC. The applicant requests: a change in Horizon 2040’s Future Land Use Map to apply the Mineral Resource Overlay on a 186-acre portion or a part thereof of an approximate 610-acre parcel while retaining the underlying land use designation and zoning. (See Exhibit 3 for map.)

Four Planning Commissioners voted to recommend APPROVAL of the application AS MODIFIED by applying the Mineral Resource Overlay on the entire 610-acre parcel, one ABSTAINED, and one voted AGAINST APPROVAL of the application.

Therefore, the Commission recommends in a 4 to 1 vote that the application should be APPROVED AS MODIFIED, applying the Mineral Resource Overlay to the ENTIRE 610-ACRE PARCEL (161527-11001).

- LRN2018-00004/SEP2018-00022 – Durant. The applicant requests: a change in YCC Title 19 to remove a requirement for mini-storage facilities to be located on the frontage of urban arterials and rural collectors in the Light Industrial (M-1), Heavy Industrial (M-2) Zoning Districts. This requirement applies whether or not the facility has direct access to the arterial or collector (YCC 19.18.320(1)(a)). The Planning Commission also requested that staff consider the General Commercial (GC) zoning districts in the amendment. (See Exhibit 4 for text changes.)

Six Planning Commissioners voted to recommend APPROVAL of the application.

Therefore, the Commission recommends in a 6 to 0 vote that the proposed changes to YCC Title 19.18.320(1)(a) should be APPROVED.

- LRN2018-00005/SEP2018-00020 – Western Building Design LLC/Keith and Keith Funeral Home. The applicants requests: a development regulation text amendment to YCC Title 19 to allow for crematoriums when associated with funeral homes in the General Commercial (GC) zoning district. The proposal is to allow funeral homes with crematoriums as Type 2 uses in the RS, B-1, B-2, SCC, LCC, GC, and M-1 zones; and Type 3 uses in the SR and M-1 zones. Additionally, there was a request for the Planning Commission consider adding cemeteries as Type 3 uses in the Light Industrial (M-1) zone YCC 19.14 Table 19.14-1, because they were allowed as Type 3 uses in YCC Title 15A. (See Exhibit 5 for text changes.)

Six Planning Commissioners voted to recommend APPROVAL of the application.
Therefore, the Commission recommends in a 6 to 0 vote that the proposed changes to YCC Title 19 should be APPROVED AS MODIFIED, with the addition of allowing cemeteries as Type 3 uses in the M-1 zone.

- LRN2018-00006/SEP2018-00023 – Yakima County Public Services. Yakima County Public Services Planning Division is seeking to amend the Unified Land Development Code (YCC Title 19) to better implement the code. The proposed amendments will apply to:
  1. Automotive wrecking/dismantling yards (Table 19.14-1)
  2. Nurseries (YCC 19.01.070, Table 19.14-1 and YCC 19.18.340)
  3. Accessory Dwelling Units (YCC 19.18.020(1)(c)(vi)(A))
  4. Final Approval of Plats – Administrative Official Authorized. Revise Title 19.34.070(2)(m)(i) to allow Administrative Official to sign final plats/subdivisions per RCW 58.17.100.
(See Exhibit 6 for text changes.)

Five Planning Commissioners voted to recommend APPROVAL of the application, and one voted AGAINST the proposal, specifically changes relating to accessory dwelling units.

Therefore, the Commission recommends in a 5 to 1 vote that the proposed County-initiated text amendments to YCC Title 19 should be APPROVED.
III. RECOMMENDATION

1) By motion and vote described in II. Findings of Fact, the Planning Commission recommends that the Board of Yakima County Commissioners approve this year's proposed amendments.

Voting in favor of the findings and recommendation:

Ashley Garza, Chair

Doug Mayo, Co-Vice Chair

Doug Miller, Co-Vice Chair

Michael Shuttleworth, Co-Vice Chair

Jerry Craig

Jerry Mellen

Joe Walsh

Attest:

Thomas D. Carroll,
Secretary

Voting against the findings and recommendation:

Dated: September 5, 2018
PC Recommendation

West Valley Area
Yakima County Zoning

- Re-Zone Areas
- Urban Growth Boundary
- Streets
- Tax Lots

Yakima County Proposed Zoning

- Single Family Residential (R-1)
- Two-Family Residential (R-2)
- Suburban Residential (SR)
- Local Business (B-2)
- Light Industrial (M-1)
- Agricultural Resource (AG)
- Rural Transitional (RT)

Yakimap.com

Date: 8/31/2018

Copyright (C) 2018 Yakima County. This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product.
PC Recommendation

West Valley Area

Yakima County
Comprehensive Plan -
Land Use Designations
and Rezones

- Re-Zone Areas
- Urban Growth Boundary
- Streets
- Tax Lots
- Urban Residential
- Urban Commercial
- Urban Industrial
- Urban Public
- Urban Parks and Open Space
- Urban Tribal

Yakimap.com

Date: 8/31/2018

Copyright (C) 2018 Yakima County. This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product.
Proposed Text Amendment

Tom Durant

Outlined below is the full text amendment (blue underlined – added text, red strikethrough – deleted text, Green underlined – moved text) shown as codified.

19.18.320 Mini Storage Facilities.

1. “Mini storage facilities, as defined in Section 19.01.070, shall be subject to the following minimum requirements:
   a. Location. In all zoning districts except for M-1, and M-2 and GC, the site is shall be contiguous to a designated arterial or rural collector road, although access may or may not be directly onto such arterial or collector, as determined through the review process;
   b. Sitescreening and Landscaping. Sitescreening and landscaping consistent with the requirements of Chapter 19.21. shall be provided along all street frontages with any combination of lawn, flowers, trees, shrubs and ground cover. Along all other property lines a six-foot-high, decorative fence or wall with Standard A open area landscaping shall be installed and maintained, provided that where doors face adjacent residential areas the fence or wall shall be solid and view-obscuring;
   c. Outdoor Storage. Any outdoor storage area shall be enclosed with a six-foot-high, view-obscuring fence and/or vegetative site screening that will achieve a height of not less than six feet within three years, or the standards of Chapter 19.21, whichever are greater;
   d. Hardsurfacing Required. All access, travel surface and loading areas, building aprons shall be paved. Where appropriate other areas not covered by structures or landscaping shall be hard-surfaced;
   e. Signs. One unlighted on-premises sign identifying the storage warehouses shall be permitted. The sign shall not exceed 15 feet in height nor 40 square feet in area, or the standards of the zoning district, whichever is less;
   f. Building Heights. Building shall not exceed 18 feet;
   g. Lighting. All exterior lighting shall meet the standards of Section 19.10.040 (10);
   h. Compatibility. The Reviewing Official may require exterior modifications of structures, including use of architectural features or details, materials for siding and roofing, fencing, reduction of building mass and numbers of units when necessary to assure compatibility with adjoining residential zoning districts;
   i. Outdoor Storage. Recreational vehicles may be stored outside in the GC, M-1 and M-2 districts when appropriate sitescreening is provided.
Outlined below is the full text amendment (blue underlined – added text, red strikethrough – deleted text, Green underlined – moved text) shown as codifed.

### Proposed Changes to YCC 19.14 – Allowable Land Use Review Types

<table>
<thead>
<tr>
<th></th>
<th>AG</th>
<th>FW</th>
<th>MIN</th>
<th>R/ELDP</th>
<th>R-10/5</th>
<th>RT</th>
<th>RS</th>
<th>HTC</th>
<th>SR</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>B-1</th>
<th>B-2</th>
<th>SCC</th>
<th>LCC</th>
<th>GC</th>
<th>M-1</th>
<th>M-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemetery, crematorium, columbaria and mausoleums</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Funeral homes <em>without</em> cemetery or crematorium</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>Funeral homes <em>with</em> crematorium</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

*Note: Blue underlined text indicates added text, red strikethrough text indicates deleted text, Green underlined text indicates moved text.*
Outlined below are the full text amendments (blue underlined – added text, red strikethrough – deleted text, Green underlined – moved text) shown as codified.

1. Automotive Wrecking/Dismantling, salvage or junk yards

**Proposed Amendments to Automotive Wrecking/Dismantling, salvage or junk yard - Allowable Land Use Table YCC 19.14-1**

|                          | AG | FW | MIN | R/ELDP | R - 10/5 | RT | RS | HTC | SR | R-1 | R-2 | R-3 | B-1 | B-2 | SCC | LCC | GC | M-1 | M-2 |
|--------------------------|----|----|-----|--------|----------|----|----|-----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Auto wrecking, dismantling, salvage or junk yard |     |    |     |        | 3      |    |    |     |    |     |     |     |     |     |     |     | 2   | 1   |
2. “Nurseries”

A. Proposed Amendments to YCC 19.01 Definitions

<table>
<thead>
<tr>
<th>Nursery</th>
<th>“Nursery” means facilities used for the propagation and sale of agricultural or ornamental plants and related products. Nurseries are further classified as follows: (1) Retail nursery: A nursery that offers products to the general public including plant materials, planter boxes, fertilizer, sprays, garden tools, and related items. (2) Wholesale nursery: A nursery that raises nursery stock for sale to a retail nursery or other business. —put this use as its own in the land use table. (3) Greenhouse: A nursery facility constructed with transparent or translucent materials for indoor propagation of plants.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nursery</td>
<td>A “Nursery” means a place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates. Nurseries may supply plants for gardens, for agriculture, for forestry and for conservation biology.</td>
</tr>
<tr>
<td>Nursery, Retail</td>
<td>A “Retail nursery” means a nursery where plants and other related incidental items are sold to the general public. Retail nurseries may or may not grow plants on-site and may or may not include greenhouses.</td>
</tr>
<tr>
<td>Nursery, Wholesale</td>
<td>“Wholesale nurseries” are nurseries where plants are sold only to businesses such as retail nurseries, commercial gardeners or landscapers. Wholesale nurseries must grow plants on-site. Wholesale nurseries may or may not include greenhouses.</td>
</tr>
</tbody>
</table>

B. Proposed Amendments to YCC Title 19 Regulatory notes:

19.18.340 Nurseries:

19.18.340 Nurseries. Within the Agriculture and Rural-10/5 zoning districts, retail plant nurseries shall only be permitted when they grow the majority of their products on the premises or the same farm operation. Retail nurseries may also sell incidental related products. Wholesale nurseries may not sell incidental related products.
C. Proposed Amendments to Allowable Land Use Table YCC 19.14

<table>
<thead>
<tr>
<th></th>
<th>AG</th>
<th>FW</th>
<th>MIN</th>
<th>R/ELDP</th>
<th>R-10/5</th>
<th>RT</th>
<th>RS</th>
<th>HTC</th>
<th>SR</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>B-1</th>
<th>B-2</th>
<th>SCC</th>
<th>LCC</th>
<th>GC</th>
<th>M-1</th>
<th>M-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture*, silviculture, wholesale nurseries <strong>†, and animal feeding operations</strong>† (Excluding: concentrated animal feeding operations*, livestock auction/sale yards, rendering plants and slaughter houses)</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Nursery, Retail *</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
3. Proposed Amendments to Accessory Dwelling Units:
   19.18.020 (vi) Compatibility:

   (A) Where authorized by the Allowable Land Use Table 19.14-1 in Chapter 19.14 accessory dwelling units may be:

   1. Attached to the primary residence;
   2. Attached to or above an existing detached garage serving the primary residence; or
   3. Detached from the primary residence and/or detached garage.

   The attached or detached ADU shall be located within 100 feet from the primary residence, except for previously permitted temporary aged and infirmed residences, provided they meet all other requirements for accessory dwelling units in YCC19.18.020.

4. Proposed Amendments to YCC 19.34 Divisions of Land – Administrative Official authorized to approve final plats.

   Amend YCC 19.34.070(m)(i) to ensure consistency with RCW 58.17.170:

   19.34.070(m)(i)

   (m) Approvals, Certificates, Affidavits, Covenants, Disclaimers and Endorsements. Include the following information, if practicable, or, if not, on a separate attached statement. Any required signatures shall be in permanent black ink on the original document to be filed.

   (i) Approvals by Administrative Official for short subdivision, and upon receipt of a final plat for a subdivision meeting the requirements of YCC Title 19.34.070, the Administrative Official shall review the final plat and shall approve the final plat if determined that the final plat conforms to the conditions of preliminary plat approval and applicable state laws and meets the requirements of YCC Title 19 as they existed when the preliminary plat was approved by the chairperson of the Board of County Commissioners for subdivision;