

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE NO. 7-2008

IN THE MATTER OF AMENDING THE YAKIMA COUNTY COMPREHENSIVE PLAN (*PLAN 2015*) AND THE YAKIMA COUNTY ZONING ORDINANCE (YCC TITLE 15) PERTAINING TO GROWTH MANAGEMENT PLANNING AND IMPLEMENTATION.

WHEREAS, the Growth Management Act, RCW 36.70A.130(2)(a), allows counties to amend their comprehensive plans no more frequently than once a year; and,

WHEREAS, pursuant to YCC 16B.10, Yakima County provides the process for considering amendments to *Plan 2015* and development regulations on an annual basis; and,

WHEREAS, in accordance with YCC 16B.10, fifteen (15) proposals were docketed for consideration in the 2008 round of amendments; and,

WHEREAS, the Yakima County Planning Commission considered each proposed amendment in light of Planning Division staff recommendations and public and agency comments received in writing and at duly advertised public hearings held on September 10, 15, and 24, 2008; and,

WHEREAS, after deliberating on the proposed amendments the Planning Commission issued to the Board of Yakima County Commissioners (the Board) its *Findings of Fact and Recommendation*, dated November 19, 2008 (Exhibit 1 attached hereto); and

WHEREAS, the Board held duly advertised public hearings on December 8 and 9, 2008 on the 13 proposals that involve amendments to the comprehensive plan and to the Official Zoning Map of Yakima County; and

WHEREAS, the SEPA Responsible Official reviewed the potential environmental impacts of the proposals, issued a *Notice of Adoption of Existing Environmental Documents and Mitigated Determination of Non-Significance* on November 21, 2008 for comment, and after considering all comments received, retained said notice and MDNS on December 10, 2008; and

WHEREAS, the Board deliberated on the said 13 proposed amendments on December 11, 2008 after considering all written comments received, the testimony at its public hearings, the Planning Commission's findings and recommendations, and Planning Division staff recommendations; now, therefore,

BE IT HEREBY ORDAINED BY THE BOARD OF YAKIMA COUNTY COMMISSIONERS:

Section 1. Findings. The Board hereby adopts the *Findings of Fact and Recommendation* of the Planning Commission (Exhibit 1 attached hereto) except for ZON08-10 (Yakima Dust Dodgers Motorcycle and ATV Club/Mark Watson), TXT08-06 (Ray Gregg), the zoning ordinance portion of TXT08-05 (Bill Hordan), and except as follows:

- A. ZON08-02 (Clyde Armistead). The Board adopts the findings and recommendations of the Planning Division to approve Agricultural Resource plan designation and Agriculture zoning on only the upper parcel. In addition, the Board finds that misapplied lot lines may exist on the subject property and that the Planning Official has indicated that they will not prevent the property owner from creating a new small residential parcel around the existing home on the upper parcel when it is rezoned to Agriculture. If a boundary line adjustment is required, the plan amendment and rezone hereby approved by the Board will conform to the revised parcel lines.
- B. ZON08-03 (Dot Green). The Board adopts the findings and recommendations of the Planning Division to approve Rural Self-Sufficient plan designation and Mountain Rural zoning on only the lower portion of the parcel.
- C. ZON08-04 (Rowe and West). The Board adopts the findings and recommendations of the Planning Division to approve Rural Self-Sufficient plan designation and Valley Rural zoning on the entire subject property, noting that the Planning Commission made no recommendation.
- D. ZON08-05 (Vic Gabbard). The Board adopts the findings and recommendations of the Planning Division to change the upper portion to Rural Self-Sufficient plan designation and Valley Rural zoning and to change to lower portion to Rural Remote/Extremely Limited Development Potential plan designation and Remote/Extremely Limited Development Potential zoning, noting that the Planning Commission made no recommendation.
- E. ZON08-06 (Norval Sheppard). The Board adopts the findings and recommendations of the Planning Commission to change the parcel to Rural Self-Sufficient plan designation and Mountain Rural zoning. The Board agrees with the consideration the Planning Commission gave to the development improvements that had been made by the property owner pursuant to a prior short plat's preliminary approval. These improvements are a distinction such that the Board's approval does not set a general precedent for similar changes to other parcels in the vicinity.
- F. ZON08-09 (City of Yakima, UGA). The Board adopts the findings and recommendations of the Planning Commission to deny the requested UGA expansion, noting that the area is yet not ripe for urban development due to lack of infrastructure and capital facilities planning; and that the County is currently engaged with the City in discussions about better ways of doing business for mutual benefit concerning development issues in the West Valley.
- G. ZON08-11 (John Naiden). The Board adopts the findings and recommendations of the Planning Division to make no change, noting that the Planning Commission made no recommendation.
- H. ZON08-12 (Bill Robins). The Board adopts the findings and recommendations of the Planning Commission to change the plan designation and zoning to Rural Transitional on all four parcels.
- I. ZON08-13 (Buffalo Road). The Board adopts the findings and recommendations of the Planning Commission to change the large parcel's plan designation to Rural Remote/Extremely Limited Development Potential and to change its zoning to

Remote/Extremely Limited Development Potential. The Board also adopts the findings and recommendations of the Planning Division to change the plan designation on the 11 small parcels to Rural Self-Sufficient, noting that the Planning Commission made no recommendation on the small parcels.

- J. ZON08-14 (Granger). The Board rejects the findings and recommendations of the Planning Commission and Planning Division and instead empathizes with the owners of the parcels in their desire to not limit the development potential of these parcels. Accordingly, the Board makes no changes to the smaller parcel; and in recognition of the existing inconsistency between the large parcel's plan designation and zoning finds that the zoning should be changed to Valley Rural.
- K. ZON08-15 (Mark Roy). The Board adopts the findings and recommendations of the Planning Commission to change the plan designation of the subject property to Rural Self-Sufficient and its zoning to Valley Rural. The Board notes that these changes create a more logical boundary for the plan designation and zoning pattern in the area, which is a distinction such that the Board's approval does not set a general precedent for similar changes to other parcels in the vicinity.
- L. ZON08-16 (Terry Burger). The Board adopts the findings and recommendations of the Planning Commission and Planning Division to deny this request.
- M. TXT08-05 (Bill Hordan). The Board adopts the findings and recommendations of the Planning Commission to approve the new text in *Plan 2015*.
- N. State Environmental Policy Act (SEPA). The SEPA Responsible Official has reviewed the potential adverse environmental impacts of the proposed amendments in accordance with the provisions of YCC 16, culminating in a Final Determination on December 10, 2008 to retain his *Adoption of Existing Environmental Documents and a Mitigated Determination of Non-significance* issued on November 21, 2008. The Board finds that environmental review is complete and adequate.
- O. Analysis of Cumulative Impacts. The cumulative impacts of the amendments to *Plan 2015* and Yakima County Zoning Ordinance have been considered as part of the review process in reaching the decisions in this ordinance. These impacts are set forth in Exhibit 2 attached hereto.

Section 2. Comprehensive Plan Amendment – Policy Plan Map. The Policy Plan Map (Figures I-1A, I-1B, and I-1C) of *Plan 2015*, as adopted by Ordinance No. 4-1997 and subsequently amended, is hereby amended as depicted by the maps in Exhibit 3 attached hereto.

Section 3. Comprehensive Plan Text Amendments. The text of *Plan 2015* is hereby amended to add the ~~added~~ text and to delete the ~~strikes through~~ text in Policies LU-ER-AG 1.9 and LU-ER-AG 1.15 as indicated below:

LU-ER-AG 1.9 Establish a single agricultural zone with a minimum parcel size of one quarter-quarter section (i.e., 40 acres less rights-of-way), in order to allow reasonable and economic agricultural use and discourage the conversion of agricultural lands to residential use. ~~Allow for the creation of parcels less than forty (40) acres in size where required to encompass agriculturally-related industrial uses. (Amended 12/08)~~

LU-ER-AG 1.15 Provide a special exception process to review farm and non-farm residential density allocations and small lot divisions to ensure that the proposed development or division does not adversely impact farming on the residual parcel or on nearby or adjoining agriculturally designated lands. Special exception criteria include:

1. Use of physical features related to the farming of the property (irrigation canals, deep draws, wetlands, rocky outcrops or other factors that physically separate the non-farm use or small lot from the active farming areas);
2. Proximity to other non-farm uses;
3. Lack of irrigation shares or rights where irrigated agriculture is the norm;
4. Non-agricultural soils.

All special exceptions shall be subject to site review for their impact on adjacent or nearby farming operations. New small lot requests made prior to expiration of the fifteen-year time frame of Policy LU-ER-AG 1.15.2, or that would exceed the average density for the agricultural category, must conclusively demonstrate that:

the small lots or residential development will not significantly interfere with accepted farming practices on the residual parcel, nearby and adjacent farming operations; and,

that the residential uses are located on land that is generally unsuitable for farming, taking into account the factors set forth above.

Concerns presented by adjoining land owners regarding the adverse impact on farming by the proposed residential development will be given substantial weight. Any use or small lot division approved as a special exception shall meet agricultural buffering, setback, adjustment and farm use disclosure requirements.

Maximum density resulting from use of the special exception process should be discretionary, considering factors such as location of other non-farm dwellings, location of active agriculture in the area, average density in adjoining rural and agricultural areas, the type of agriculture predominant in the area, topography, and access. {Amended 12/98, 12/08}

Section 4. YCC Title 15 Zoning Map Amendment. The official zoning map, adopted by YCC 15.16.010 (1) and subsequently amended, is hereby amended as depicted by the maps in Exhibit 3 attached hereto.

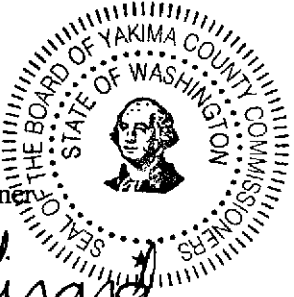
Section 5. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, sections, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7. Effective Date. This ordinance shall be effective at 11:59 PM on December 31, 2008.


ADOPTED this 16th day of December, 2008.

Attest: Christina Steiner

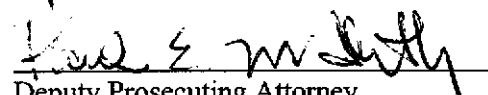

Tiera L. Girard
Clerk of the Board
Tiera L. Girard
Deputy Clerk of the Board


Ronald F. Gamache, Chairman


J. Rand Elliott, Commissioner


Michael D. Leita, Commissioner
*Constituting the Board of County
Commissioners for Yakima County,
Washington*

Approved as to Form:


Deputy Prosecuting Attorney

Attachments:

- Exhibit 1: Planning Commission's *Findings of Fact and Recommendation*, dated November 19, 2008
- Exhibit 2: Cumulative Impacts Analysis
- Exhibit 3: Maps depicting adopted plan amendments and rezones

Yakima County Planning Commission
Findings of Fact and Recommendation
November 19, 2008

IN THE MATTER OF CONSIDERING
AMENDMENTS TO *PLAN 2015* AND
DEVELOPMENT REGULATIONS

) FINDINGS OF FACT AND
) RECOMMENDATION
) File No: ZON08-02, ZON08-03,
) ZON08-04, ZON08-05, ZON08-06,
) ZON08-09, ZON08-10, ZON08-11,
) ZON08-12, ZON08-13, ZON08-14,
) ZON08-15, ZON08-16, TXT08-05 and
) TXT08-06

WHEREAS, in compliance with the Washington State Growth Management Act, Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the comprehensive plan, *Plan 2015*, on May 20, 1997, and adopted development regulations on February 8, 2000; and subsequently amended the comprehensive plan, land use map, and zoning map on December 15, 1998, December 28, 1999, December 11, 2001, February 5, 2002, March 18, 2003, and December 15, 2005, December 18, 2007; and,

WHEREAS, RCW 36.70A.130(4) requires that Yakima County, 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 map amendments to *Plan 2015* up to May 30, 2008 and the annual meeting of the Yakima County Planning Commission (Planning Commission) was held on May 5, 2008 which included an opportunity to suggest items for docketing; and

WHEREAS, prior to the deadline, applications for 5 proposed map amendments to *Plan 2015* and YCC Title 15 and a number of docket items were submitted to the county for consideration; and

WHEREAS, on June 11, 2008, July 9, 2008 and August 13, 2008 the Planning Commission conducted meetings to consider approval of the non-fee paid docketed items for further review by staff and determined that seven of the map amendments, one policy amendment and two of the development regulation amendments on the docket warranted further review; and

41 WHEREAS, Yakima County staff prepared a SEPA Mitigated Determination of Non-
42 Significance which analyzed the environmental and growth management impacts of all proposed
43 actions and included individual reports on each of the proposed amendments; and
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45 WHEREAS, the Planning Commission conducted two properly advertised public
46 hearings on September 10 and 24, 2008 to hear testimony on the proposed amendments; and
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48 WHEREAS, the Planning Commission received and accepted numerous written
49 comments up to the close of the first public hearing on September 12, 2008 and the second
50 public hearing on September 26, 2008; and
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52 WHEREAS, the Planning Commission has reviewed the changes to the *Plan 2015* and
53 implementing development regulations, and held deliberations on these changes on October 1,
54 2008, October 6, 2008 and November 12, 2008; and
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56 WHEREAS, the Planning Commission, having carefully considered the applicant's
57 justification, the staff recommendation, and the written and oral testimony in its deliberations,
58 moved to accept, reject, or forward to the Board of County Commissioners without
59 recommendation, each of the proposed amendments to *Plan 2015* and YCC Title 15; and,
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61 NOW, THEREFORE, the Yakima County Planning Commission hereby makes and
62 enters the following
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64 I. REASONS FOR ACTION 65

66 As part of the 2006 Yakima County Comprehensive Plan - *Plan 2015* update process, various
67 non-fee paid map and text change requests were proposed by citizens and staff. Due to time
68 constraints, all non-fee paid and non-update related changes were postponed until the 2008
69 annual amendment cycle. During the 2008 *Plan 2015* amendment process, five fee-paid
70 applications for map amendments were received and docketed along with the various map and
71 text changes were proposed by citizens and staff carried over from the update. Staff reports for
72 the fifteen docketed amendments requests were provided to the Planning Commission that
73 identified specific issues and recommended approval, modification or denial of the proposed
74 amendments. Following public testimony and deliberations the Planning Commission has
75 determined which of the proposed amendments are needed to correct errors, address deficiencies
76 or more closely correspond to the goals, policies and intent of *Plan 2015*.
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79 II. FINDINGS OF FACT 80

81 -1-

82 Yakima County adopted *Plan 2015* on May 20, 1997. The plan was designed to integrate SEPA
83 and GMA consistent with the provisions of WAC 197-11- 210 through 197-11-235. *Plan 2015's*
84 Volume 1, Chapter I, the Policy Plan and Chapter III, the Environmental Analysis Element along
85 with Volume 3 Appendices, along with the individual threshold determinations, provide the
86 environmental evaluation and documentation required under SEPA.
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In April 2008, notice of availability of comprehensive plan map amendment applications was published in the Yakima Herald and Yakima County Public Services webpage. Applications were due to the Planning Division by May 30, 2008 for consideration in the 2008 amendment cycle.

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The Planning Commission reviewed suggested docket items at public meetings on June 11, July 9 and Aug 13, 2008. Seven map amendments, one plan policy and two zoning text amendments were added to the 5 fee-paid map amendments being considered.

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Notice of applications and requests for comment on the fee paid map amendments were mailed to surrounding property owners and agencies on August 14, 2008.

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Notice of environmental review and requests for comment on the fee paid map amendments were mailed to surrounding property owners and agencies on August 14, 2008.

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Yakima County staff prepared a SEPA Mitigated Determination of Non-Significance which analyzed the environmental and growth management impacts of all proposed actions and included individual reports on each of the proposed amendments.

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On August 22, 2008 notice of the first public hearing scheduled for September 10, 2008 was posted and mailed to the applicant, surrounding property owners, agencies and those commenting on the applications. Notice was published in the Yakima Herald on August 25, 2008. On September 8, 2008 notice of the second public hearing scheduled for September 24, 2008 was posted and mailed to the applicant, surrounding property owners, agencies and those commenting on the applications. Notice was also published in the Yakima Herald on September 10, 2008.

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On September 2 and September 8, 2008, the Planning Commission and staff traveled to view the fee-paid map amendment sites; notice of the special meeting was posted at the Planning Division.

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The Planning Commission conducted public hearings on the proposed amendments on September 10 and 24, 2008. Minutes of the hearings were taken and are on file.

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The hearings were continued to October 1, October 6 and November 12, 2008 to deliberate and make recommendations on the proposed amendments.

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The findings follow the three amendment types beginning with the fee paid amendments.

ZON08-002: Clyde Armititend/Durant Development Services. The applicant requests to amend the Yakima County Comprehensive Plan - *Plan 2015* Future Land Use Map, and to rezone the Subject Property (Parcels 23093013003 and 23093023002) approximately 203 acres). The request is to change the land use designation on the subject property from Remote Rural/Extremely Limited Development Potential to Agricultural Resource and rezone subject property from Remote/Extremely Limited Development Potential (R/ELDP) to Agriculture (AG). The staff report recommended modification of the request. For the record, the Planning Commission noted that the land use change and rezone should follow the actual parcel lines and not those represented on GIS.

Five Planning Commissioners voted to recommend APPROVAL (West, Padorr, Charron, Biehl, and Foster - *Rawn and Burns absent*) of the application based upon the findings contained in the Staff Report.

Therefore, the Commission recommends in a 5 to 0 vote that the current land use designation of Remote Rural/Extremely Limited Development Potential be changed to the proposed Agricultural Resource designation on parcel 23093013003 and a concurrent rezone from R/ELDP to Agriculture also be approved. The proposed re-designation for Parcel 23093023002 to Agricultural Resource should be denied.

ZON08-003: Dot Green/Hordan Planning Services. The applicant requests to amend the Yakima County Comprehensive Plan - *Plan 2015* Future Land Use Map, and to rezone on the Subject Property (Parcel 15151112404 approximately 22.59 acres). The request is to change the land use designation on the subject property from Remote Rural/Extremely Limited Development Potential (RR/ELDP) to Rural Self Sufficient and rezone subject property from Rural/Extremely Limited Development Potential (R/ELDP) to Mountain Rural (MR). The staff report recommended approval.

Five Planning Commissioners voted to recommend APPROVAL (West, Padorr, Charron, Biehl, and Foster - *Rawn and Burns absent*) of the application based upon the findings contained in the Staff Report.

Therefore, the Commission recommends in a 5 to 0 vote that the current land use designation of Remote Rural/Extremely Limited Development Potential remain in the upper portion (hillside) of parcel 15151112404 as outlined on the map in the application and the lower portion of said parcel be changed to the proposed Rural Self-Sufficient designation and a concurrent rezone from R/ELDP to Mountain Rural also be approved.

ZON08-004: Rowe and West/Hordan Planning Services. The applicant requests to amend the Yakima County Comprehensive Plan - *Plan 2015* Future Land Use Map, and to rezone on the Subject Property (Parcels 17131011409, 17131012403 and 17131012404 approximately 62.63 acres). The request is to change the land use designation on the subject property from Agricultural Resource to Rural Self Sufficient and rezone subject property from Agriculture to Valley Rural (VR). The staff report recommended approval of the request.

Two Planning Commissioners voted to recommend APPROVAL (Charron and Biehl), three recommended DENIAL (West, Padorr and Foster - *Rawn and Burns absent*) of the application based upon the findings contained in the Staff Report and the following factors:

- Three Planning Commissioners were not convinced that portions of the property adequately satisfied the Ag De-designation Criteria, therefore not ready at this time for residential development.

Therefore, due to a vote of less than a majority 2 to 3 (4 votes for approval or denial needed for a recommendation), the Planning Commission moves forward to the Board of Yakima County Commissioners NO RECOMMENDATION.

ZON08-005: Vic Gabbard/Hordan Planning Services. The applicant requests to amend the Yakima County Comprehensive Plan - *Plan 2015* Future Land Use Map, and to rezone on the Subject Property (Parcels 17140311002 and 17140222003 approximately 97.61 acres). The request is to change the land use designation on the subject property from Agricultural Resource to Rural Self Sufficient and rezone subject property from Agriculture to Valley Rural (VR). The staff report recommended a modification of the request by split designating the property to avoid the sloped areas and utilize the flat upper portion of the property.

Three Planning Commissioners voted to recommend APPROVAL (Charron, Biehl, and Foster) and two votes for DENIAL (West and Padorr - *Rawn and Burns absent*) of the application based upon the findings contained in the Staff Report and the following factors:

- Three Planning Commissioners felt that the property is not appropriate for a resource designation and should not have been designated Agricultural Resource originally. No history of farming on the subject property, no water rights and over 75% of the property is located on oversteepened slopes.
- Two Planning Commissioners were not convinced that portions of the property adequately satisfied the Ag De-designation Criteria, therefore not ready at this time to be removed from Agricultural Resource designation.

Therefore, due to a vote of less than a majority 3 to 2 (4 votes for approval or denial needed for a recommendation), the Planning Commission moves forward to the Board of Yakima County Commissioners NO RECOMMENDATION.

ZON08-006: Norval Sheppard/Hordan Planning Services. The applicant requests to amend the Yakima County Comprehensive Plan - *Plan 2015* Future Land Use Map, and to rezone on the Subject Property (Parcel 15161744003 approximately 12.81 acres). The request is to change the land use designation on the subject property from Remote Rural/Extremely Limited Development Potential (RR/ELDP) to Rural Self Sufficient and rezone subject property from Rural/Extremely Limited Development Potential (R/ELDP) to Mountain Rural (MR). The staff report recommended denial of the request. For the record, the Planning Commission noted that the infrastructure improvements; such as new well, interior access road and septic approval already competed on the property should be taken into consideration.

Four Planning Commissioners voted to recommend APPROVAL (West, Charron, Biehl, and Foster - *Rawn and Burns absent*) and one vote for DENIAL (Padorr) of the application based upon the findings contained in the Staff Report and the following factors:

- Planning Commission member Padorr was concerned about approving this proposal because of the message it sends to all property owners who own similar types of land in remote areas of the County. If the County approves this property it would be difficult to deny others in the future.

Therefore, the Commission recommends in a 4 to 1 vote that the current land use designation of Remote Rural/Extremely Limited Development Potential is changed to the proposed Rural Self-Sufficient designation on parcel 15161744003 and a concurrent rezone from R/ELDP to Mountain Rural also be approved.

ZON08-09: City of Yakima – “Summitview” UGA Expansion. The applicant requests changes to the *Plan 2015* designation and zoning on the Subject Property (approximately 418 acres). The requested land use designation change is from Rural Self-Sufficient and Rural Transitional to Urban Growth Area; and a concurrent rezone from Valley Rural and Rural Transitional to Single Family Residential (R-1). The staff report recommended modification of the request. For the record, the Planning Commission noted that the City of Yakima does not need additional land based upon the Urban Growth Area analysis conducted last year as part of the 2006 *Plan 2015* update.

Five Planning Commissioners voted unanimously to recommend Denial (West, Padorr, Charron, Biehl, and Foster - *Rawn and Burns absent*) of the application based upon the findings contained in the Staff Report and the following factors:

- Planning Commissioner Charron stated that there was testimony opposing the proposal, sewer is over a mile away and that the UGA analysis from the update clearly showed no need for additional land.
- Planning Commissioner Padorr stated that absence of a Capital Facilities Plan showing how the area will be served by the city, expansion should not be considered.

Therefore, the Commission recommends in a 5 to 0 vote that the applicant's request to expand the Urban Growth Area be denied.

ZON08-010: Yakima Dust Dodgers Motorcycle and ATV Club/Mark Watson. The applicant requests to amend the Yakima County Zoning Ordinance to allow Off-Road Vehicles as a Type 1 use in R/ELDP, Rural Transitional, Valley Rural, Mountain Rural, Mining and Forest Watershed zoning districts and to add definitions as they pertain to Off-Road Vehicles and Off-Road Vehicle Facilities and to provide methods of enforcement of these uses. The staff report recommended modification of the request.

Three Planning Commissioners voted to re-open the hearing on the issue (West, Padorr, and Foster) and three Planning Commissioners voted not to re-open the hearing (Charron, Biehl, and Rawn - *Burns absent*) based upon the findings contained in the Applicant's materials, Staff Report and the following factors:

- Planning Commissioner Padorr voiced concerns on a number of key issues. The possible need for additional input from the public along with the inclusion of new information obtained by staff may require the Planning Commission to re-open the hearing. His comments also addressed the review process currently in effect and proposed by staff. In his opinion Type III review may be excessive for this type of use; a Type II review may provide an adequate level of review. Mr. Padorr wanted the issue of "de-criminalizing" those who are found non-complaint explored by the Board. The lack of specific language addressing impacts such as dust, jump height is also of concern, the addition of this information into the definition chapter as a regulatory note may be required.
- Planning Commissioner Rawn felt that the proposals, neither the applicant's nor staff's, are adequate. Applicant's proposal is too open ended and would create numerous problems throughout the County, whereas, staff's proposal fails to solve the problem currently. Mr. Rawn also expressed concerns about whether the Planning Commission will be able to effectively deliberate on this issue until additional proposals are worked out.
- Planning Commissioner Biehl expressed concerns over the Planning Commission being able to reach a decision on the proposal the way it is presented.
- Planning Commissioner Foster agreed with Mr. Rawn's assessment of material presented to Planning Commission and stated that additional information may be needed to address the proposal.
- Planning Commissioner Charron felt that staff's proposal is effective and that the addition of the Ag, Rural Transitional and Mining zones as a Type III review is adequate and means that thousands and thousands of acres are now potentially open for ORV uses. Ms. Charron noted that neighbors should have a right to comment and have a say on what is going to be allowed next to them.
- Planning Commission Chair Zella West voiced concerns on whether the Planning Commission will be able to provide the Board a recommendation on this matter with the views presented by the commission.

Therefore, due to a lack of a motion to approve or deny and a vote of less then a majority 3 to 3 (4 votes for approval or denial needed for a recommendation) to re-open a hearing, the Planning Commission moves forward to the Board of Yakima County Commissioners NO RECOMMENDATION. A motion to move the ORV matter to the Board of Yakima County Commissioners with NO RECOMMENDATION in a vote 6 to 0.

ZON08-011: John Naiden. The applicant requests to amend the Yakima County Comprehensive Plan - *Plan 2015* Future Land Use Map, and to rezone on the Subject Property (Parcel 18143334004 approximately 27.89 acres). The request is to change the land use designation on the subject property from split-designated Rural Self-Sufficient and Rural Transitional to Rural Transitional and rezone subject property from Valley Rural (VR) to Rural Transitional (RT). The staff report recommended denial of the request.

Two Planning Commissioners voted to recommend APPROVAL (Charron, Biehl) and three commission members voted to recommend DENIAL (West, Padorr and Foster - *Rawn and Burns absent*) of the application based upon the findings contained in the Staff Report and the following factors:

- Planning Commission chair Zella West stated that there was no need for the additional Rural Transitional land in the County.
- Planning Commissioner Padorr stated that the Rural Transitional zone is intended to stop urban sprawl and therefore not appropriate to be expanded.

Therefore, due to a vote of less than a majority 2 to 3 (4 votes for approval or denial needed for a recommendation), the Planning Commission moves forward to the Board of Yakima County Commissioners NO RECOMMENDATION.

ZON08-012: Bill Robins. The applicant requests (1) that *Plan 2015's* future land use map be amended from Rural Self-Sufficient (RSS) to Rural Transitional (RT), and (2) that the zoning map be amended from Valley Rural (VR) to Rural Transitional (RT). Subject Property: parcels: 181434-32409, 181434-32006, 181434-33006, 181434-33007, ¼ mile west of Selah on Selah Heights Rd., approximately 12 acres. The staff report recommended approval of the request.

Five Planning Commissioners voted unanimously to recommend APPROVAL (West, Padorr, Charron, Biehl, and Foster - *Rawn and Burns absent*) of the application based upon the findings contained in the Staff Report.

Therefore, the Commission recommends that the current land use designation of Rural Self-Sufficient be changed to the proposed Rural Transitional designation on parcels 18143433007 and 18143433006 a concurrent rezone from VR to RT also be approved.

ZON08-013: Staff-initiated (Buffalo Road). Staff requests to amend (1) that *Plan 2015's* future land use map be amended from Rural Transitional (RT) to Rural Remote/Extremely Limited Development Potential (RR/ELDP) on parcel 191418-24003 (290 acres) and (2) that the zoning map be amended from Rural Transitional (RT) to Remote/Extremely Limited Development Potential (R/ELDP) on parcel 191418-24003. The Subject Property is located 2 miles north of Selah, south of Buffalo Road, along Wenas Creek. The staff report recommended approval of the request.

Five Planning Commissioners voted unanimously to recommend APPROVAL (West, Padorr, Charron, Biehl, and Foster - *Rawn and Burns absent*) of the application based upon the findings contained in the Staff Report and the following factors:

- Planning Commissioner Padorr motioned to accept staff's amended recommendation.

Therefore, the Commission recommends in a 5 to 0 vote that the current land use designation of Rural Transitional be changed to Remote Rural/Extremely Limited

Development Potential on parcel 19141824003 and a concurrent rezone from the split-zoned Valley Rural (VR) and Remote/Extremely Limited Development Potential to Remote/Extremely Limited Development Potential (R/ELDP) also be approved.

ZON08-014: Staff-initiated (Granger). Staff requests (1) that *Plan 2015's* future land use map be amended from Rural Self-Sufficient (RSS) to Rural Remote/Extremely Limited Development Potential (RR/ELDP) on parcel 211027-11003 (9.65 acres) and on the unincorporated portion of parcel 211022-33403 (45 acres), and (2) that the zoning map be amended from Valley Rural (VR) to Remote/Extremely Limited Development Potential (R/ELDP) on parcel 211027-11003. The Subject Property is located south of Granger within 0.3 miles of the city limits, on Emerald Rd. and State Route 223. The staff report recommended approval of the request.

Five Planning Commissioners voted to recommend APPROVAL (West, Padorr, Charron, Biehl, and Foster - *Rawn and Burns absent*) of the application based upon the findings contained in the Staff Report and the following factors:

- Planning Commissioner Padorr motioned to accept staff's amended recommendation.

Therefore, the Commission recommends in a 5 to 0 vote that the current land use designation of Urban and Rural Self-Sufficient be changed to split designated Urban and Remote Rural/Extremely Limited Development Potential on parcel 21102233403 and change the land use designation of parcel 21102711003 from Rural Self-Sufficient to Remote Rural/Extremely Limited Development Potential and a concurrent rezone from Valley Rural (VR) to Remote/Extremely Limited Development Potential (R/ELDP) also be approved.

ZON08-015: Mark Roy. The applicant requests (1) that *Plan 2015's* future land use map be amended from Rural Remote/Extremely Limited Development Potential (RR/ELDP) to Rural Self-Sufficient (RSS), and (2) that the zoning map be amended from Remote/Extremely Limited Development Potential (R/ELDP) to Valley Rural (VR). Subject Property: parcels 201320-12001, 201320-11002, 201320-14001, 201320-13001, 201320-41001, 201320-42001, 201320-44001, 201320-43001, two miles northeast of Moxee, on Reed Lane, 317.6 acres. The staff report recommended denial of the request.

Four Planning Commissioners voted to recommend APPROVAL (West, Charron, Biehl, and Foster - *Rawn and Burns absent*) and one for denial (Padorr) of the application based upon the findings contained in the Staff Report and the following factors:

- Planning Commissioner Padorr voiced concerns with development next to military reservations and that approval of this proposal would send the wrong message to other property owners with land adjacent to the Yakima Firing Center. Commissioner Padorr also stated that there is no need for this change due to the adequate amount of existing vacant Rural Self-Sufficient land in the County.
- Planning Commissioner Biehl does not agree with the staff report and believes that impacting adjacent property owners with unnecessary buffers and restrictions is a

travesty and that if the Yakima Firing Center wants a buffer around their property they should have to purchase it from the property owner.

Therefore, the Commission recommends in a 4 to 1 vote that the current land use designation of Remote Rural/Extremely Limited Development Potential be changed to the proposed Rural Self-Sufficient land use designation and a concurrent rezone from R/ELDP to Valley Rural also be approved.

ZON08-016: Terry Burger. The applicant requests to amend the Yakima County Comprehensive Plan - *Plan 2015* Future Land Use Map, and to rezone on the Subject Property (Parcel 16153611407 approximately 19.95 acres). The request is to change the land use designation on the subject properties from Rural Remote/Extremely Limited Development Potential (RR/ELDP) to Rural Self Sufficient (RSS) and rezone subject property from Rural/Extremely Limited Development Potential (R/ELDP) to Valley Rural (VR). The staff report recommended denial of the request.

Five Planning Commissioners voted unanimously to recommend DENIAL (West, Padorr, Charron, Biehl, and Foster - *Rawn and Burns absent*) of the application based upon the findings contained in the Staff Report.

Therefore, the Commission recommends in a 5 to 0 vote to accept staff's recommendations that the current land use designation of Remote Rural/Extremely Limited Development Potential remain the same on parcel 23093013003 and a concurrent rezone from R/ELDP to Valley Rural be denied.

TXT08-05: Bill Hordan - The applicant requests to amend the Yakima County Comprehensive Plan to permit lots greater than 3 acres in size, and to amend the Special Exception Lot, in the Agricultural Resource designation and Agriculture zoning district. The staff report recommended modification of the request.

Four Planning Commissioners (Charron, Biehl, Foster and Rawn - *Burns absent*) voted for APPROVAL of staff's modified proposal and two Planning Commissioners (West and Padorr) vote for DENIAL.

Therefore, the Commission recommends in a 4 to 2 vote in favor of staff's modified proposal to remove the word "existing" from staff's initial proposed change (underlined text below) to the applicant's proposed text change. Staff's modified proposal would state - *LU-ER-AG 1.9 Establish a single agricultural zone with a minimum parcel size of one quarter-quarter section (i.e., 40 acres less rights-of-way), in order to allow reasonable and economic agricultural use and discourage the conversion of agricultural lands to residential uses. Allow for the creation of parcels less than forty (40) acres in size where required to encompass existing agriculturally-related industrial uses.*

TXT08-06: Ray Gregg - The applicant proposed to amend the Yakima County Zoning Ordinance to regulate HAM radio towers separately from Communication Towers. The staff report recommended modification of the request.

Five Planning Commissioners voted to recommend approval of staff's modification of the applicant's proposal with a recommendation to the Board to eliminate the Type I and Type II application fee (West, Charron, Biehl, Foster and Rawn - *Burns absent*) and one Planning Commission member voted against the motion (Padorr).

Therefore, the Commission recommends by a 5 to 1 vote to approve staff's recommendation and to recommend to the Board that the application fees for Type I and Type II reviews for Ham Radio uses be waived, due to it's importance as an emergency management service.

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 years proposed amendments.

Voting in favor of the findings and recommendation:

Zella West, Chair

Ed Burns, Vice Chair

Absent

Judy Foster

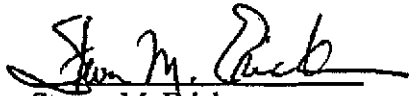
Chuck Padorr

Nancy Charron

Tom Biehl

Patrick Rawn

Attest:


Steven M. Erickson,
Secretary

Voting against the findings and recommendation:

Dated: November 19, 2008

CUMULATIVE IMPACTS ANALYSIS

The Growth Management Act requires that jurisdictions consider the cumulative impacts of all proposed plan amendments. Table 1. below summarizes the overall proposed changes in land use designations considered by the Board of Yakima County Commissioners for the Proposed Action Alternative, Staff's Recommended Alternative and the Planning Commission (PC) Recommended Alternative. The Board's final decision is reflected on the Table 2.

Table 1. Map Amendments Acreage by Land Use Designation			
Proposed Change in Land Use Designation	Proposed Action Alternative in Acres	Staff Recommended Alternative in Acres	PC Recommended Alternative in Acres
Agricultural Resource			
New Areas	203	42.32	42.32
Areas Removed	160.24	82.63	0
Rural Transitional			
New Areas	37.59	9.7	9.7
Areas Removed	0	314.51	314.51
Rural Self Sufficient			
New Areas	360.36	22.59	340.41
Areas Removed	37.59	9.7	9.7
Urban Growth Areas			
New Areas	418	0	0
Areas Removed	0	0	0
Mineral Resource Overlay			
New Areas	0	0	0
Areas Removed	0	0	0
Rural Remote/ Extremely Ltd. Dev.			
New Areas	0	441.11	374.11
Areas Removed	521.04	42.32	42.32

The cumulative impacts of the combined Proposed Action Alternative are relatively insignificant when compared to the total land area of the county. However, localized impacts are likely to occur due to changes in both rural and agricultural land uses being replaced by more dense rural uses. In addition, if the yearly trend continues of property owners applying to amend the Future Land Use Map's agricultural resource lands designation a significant amount of resource lands could lose protection over time.

Page I-6 of Plan 2015 outlines the general assumptions that were used in drafting the land use plan. Approximately 75% of additional growth is to be accommodated within the urban growth boundaries and 25% in the rural areas. Table VII-10 of the plan indicates that there are approximately 8,100 vacant parcels in designated rural lands, which can accommodate a greater population than the projected total non-urban population projection for the year 2015 (Table V-4 of Plan 2015). In addition, the 8,100 parcels do not include the development potential in rural lands nor does it include the potential and existing vacant lots within the resource districts. Adding additional rural designations and lots will only exacerbate this oversupply and be contrary to accommodating the majority of the population in the urban areas of the county. These are issues the Board of Yakima County Commissioners must consider during their review for 2008 annual amendments.

Table 2. County-wide Land Use Designation Changes 1998-2008*

Adopted Changes in <i>Plan 2015</i> Land Use Designations (in acres)	1998 Amend-ments	1999 Amend-ments	2000 Amend-ments	2001 Amend-ments*	2002 Emergency (Wal-Mart)	2003 Amend-ments**	2005 Amend-ments	2007 Amend-ments	2008 Amend-ments	1998-2008 Total
Agricultural Resource										
New areas designated AR		+110	+28.4	+250		+79.22			+42.32	+509.32
Areas removed from AR	-90.4	-305.6	-436.8	-1,911	-12.6	-3,500	-189	-830	-118.26	-7,393.26
Net change in areas designated AR	-90.4	-195.6	-408.4	-1,661		-3,421	-189	-830	-75.94	-6,883.94
Rural Transitional										
New areas designated RT	+88.3	+34.6	+190.2						+12.0	+325.10
Areas removed from RT		-9.8					-2	-324.23	-315.81	-651.84
Net change in areas designated RT	+88.3	+24.8	+190.2				-2	-324.23	-303.81	-326.74
Rural Self-Sufficient										
New areas designated RSS		+237.1	+432.3	+1538		+3500		+370	+405.87	+6482.87
Areas removed from RSS	-15.9							-298	-12	-325.90
Net change in areas designated RSS	-15.9	+237.1	+432.3	+1538		+3500		+72	+393.87	+6156.97
Urban Growth Area										
New areas designated UGA	+18	+9.8	+94.8	+373	+12.6		+243	+1,907		+2,658
Areas removed from UGA		-110	-28.4	-250				-814		-1,202
Net change in areas designated UGA	+18	-100.2	+66.4	+123			+243	+1,093		+1,456
Rural Settlement										
New areas designated RS		+33.9	+7.8							+41.7
Areas removed from RS								-11.13		-11.13
Net change in areas designated RS		+33.9	+7.8					-11.13		+30.57
Remote Rural/Extremely Limited Development Potential										
New areas designated RR								+9.54	+67.00	+76.54
Areas removed from RR			-288.3			-79.22	-52	-8.58	-372.73	-800.81
Net change in areas designated RR			-288.3			-79.22	-52	+9.6	-305.73	-724.27
Mineral Resources Overlay										
New areas designated MRO		+341	+680			119	79	+8,991		+10,210
Areas removed from MRO						-99		-23		-122
Net change in areas designated MRO		+341	+680			+20	+79	+8,968		+10,088

*Note: County-wide changes in land use designations approved by the Board of Yakima County Commissioners from 1998-2008.

Exhibit 3

ZON08-02

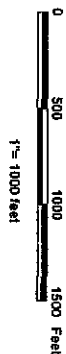
Clyde Armistead

Change the Plan Designation and Zoning on the shaded area as indicated below:

Plan Designation: AR
Zone: AG

Tax Lots

Parcel Lot lines are for visual display only. Do not use for legal purposes.



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Plot date: Dec 15, 2008; ZON08-02 Armistead

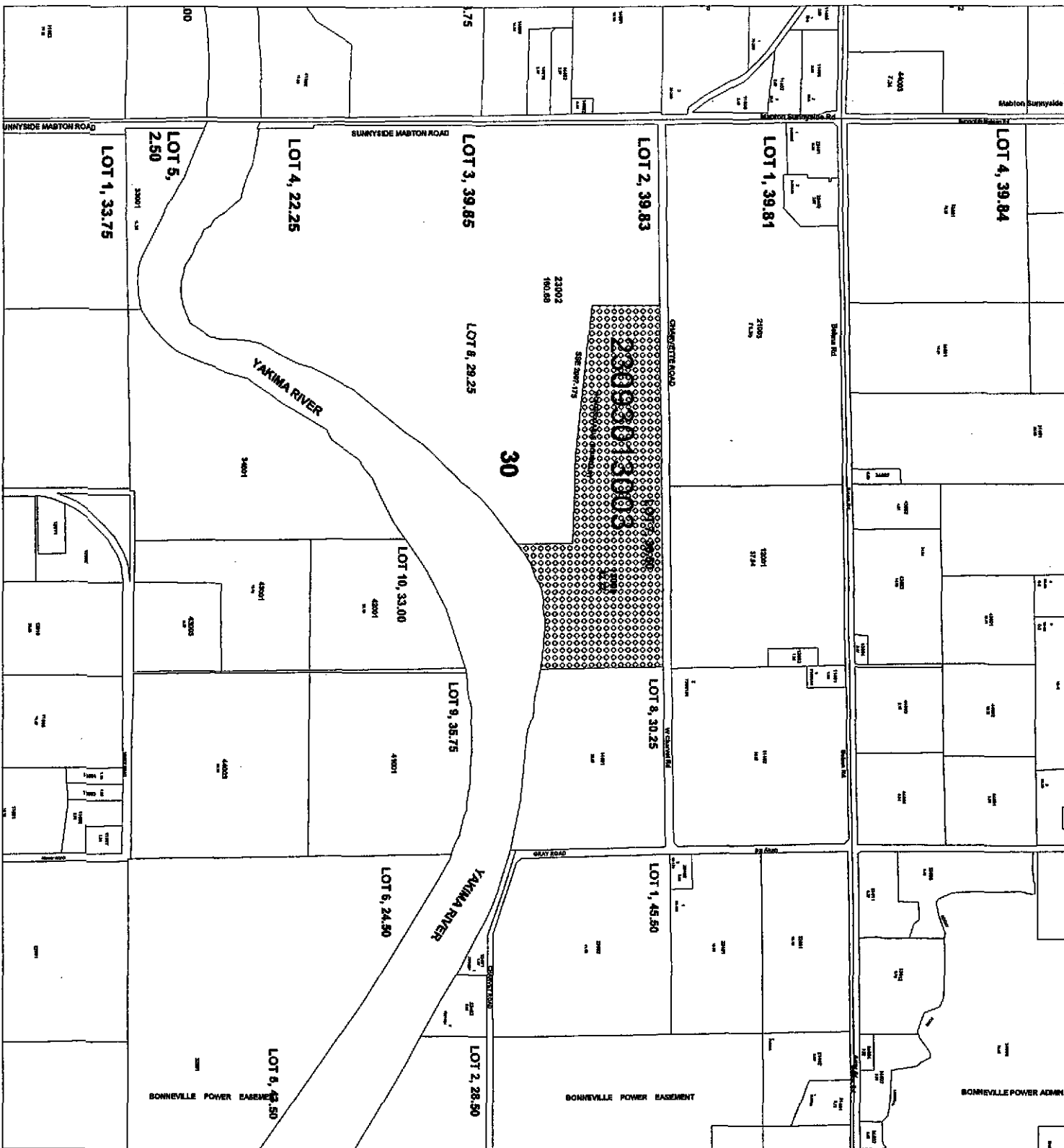
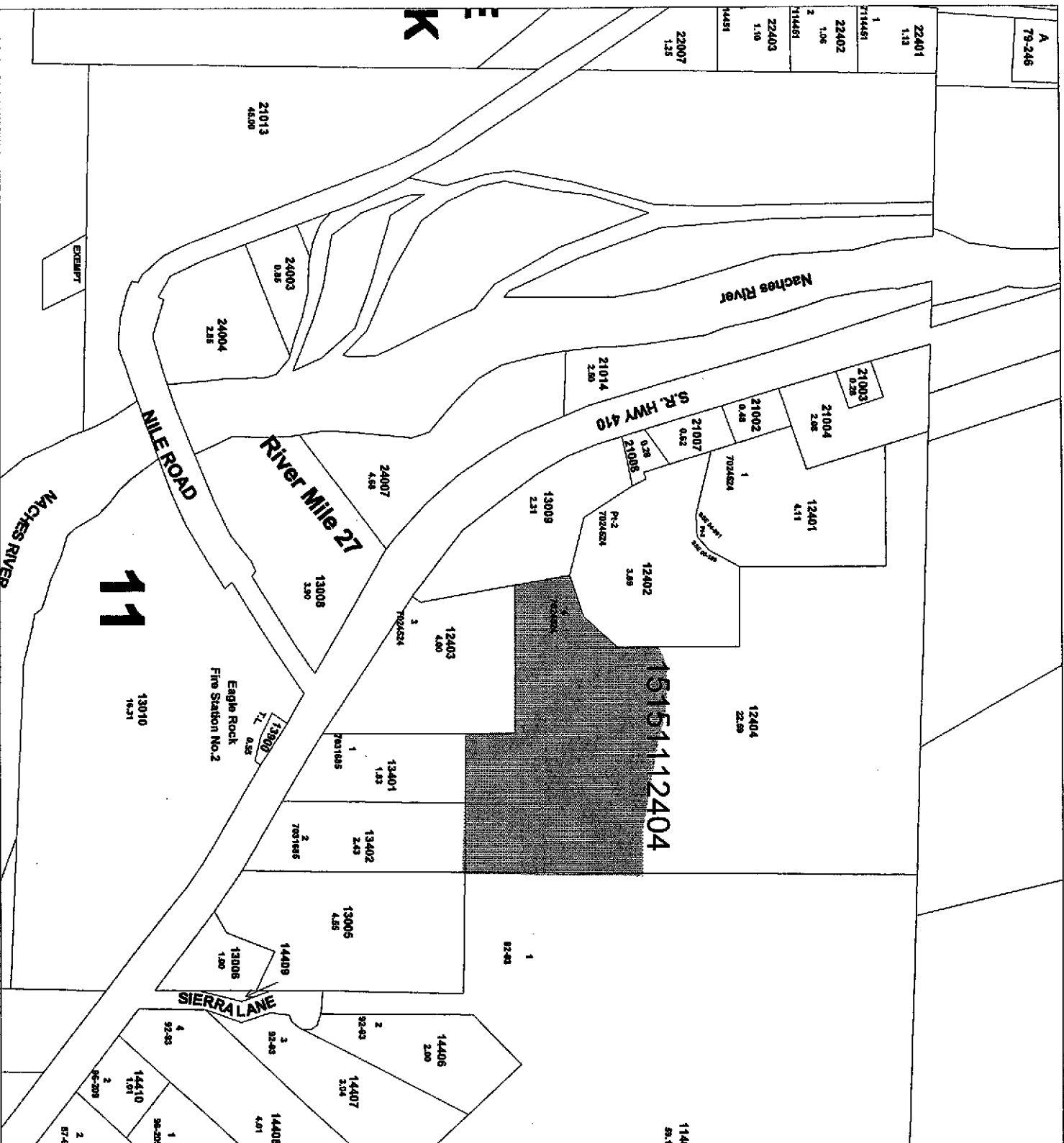


Exhibit 3
ZON08-03
Dot Green

Change the Plan Designation and Zoning on the shaded area as indicated below:

Plan Designation: RSS
Zone: MR



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Yakimov, S.

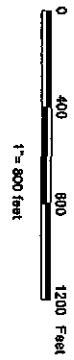
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Exhibit 3 ZON08-04 Rowe & West

Change the Plan Designation and Zoning on the shaded area as indicated below:

Plan Designation: RSS
Zoning: VR

Tax Lots



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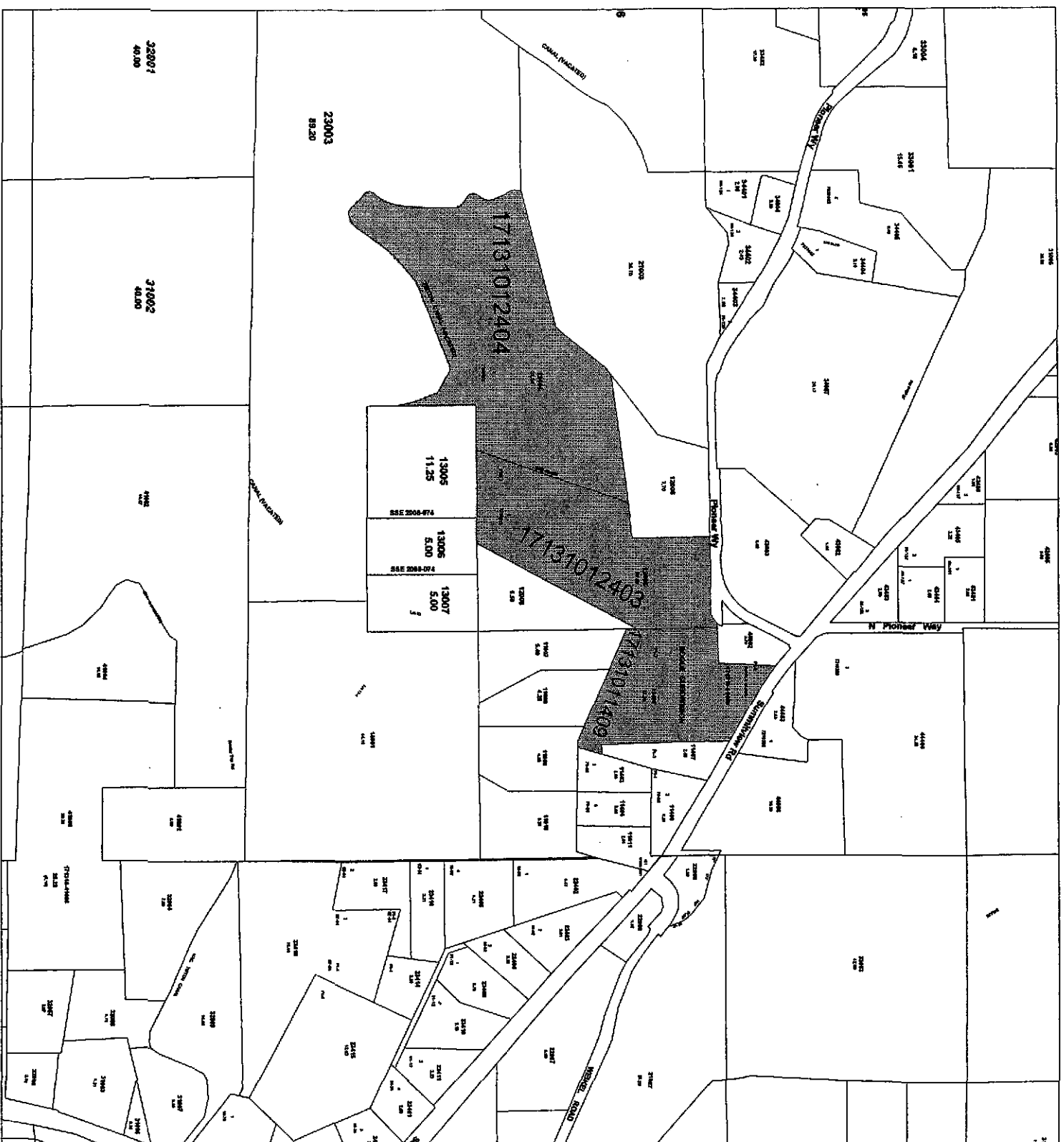


Exhibit 3 ZON08-05

Vic Gabbard

Change the Plan Designations
and Zoning on the shaded
area as indicated below.

Plan Designation: RR/ELDP
Zone: R/ELDP
Plan Designation: RSS
Zone: VR

Tax Lots

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0 400 800 Feet
1" = 600 feet



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Plot date: Dec 15, 2008; ZON08-05 Gabbard

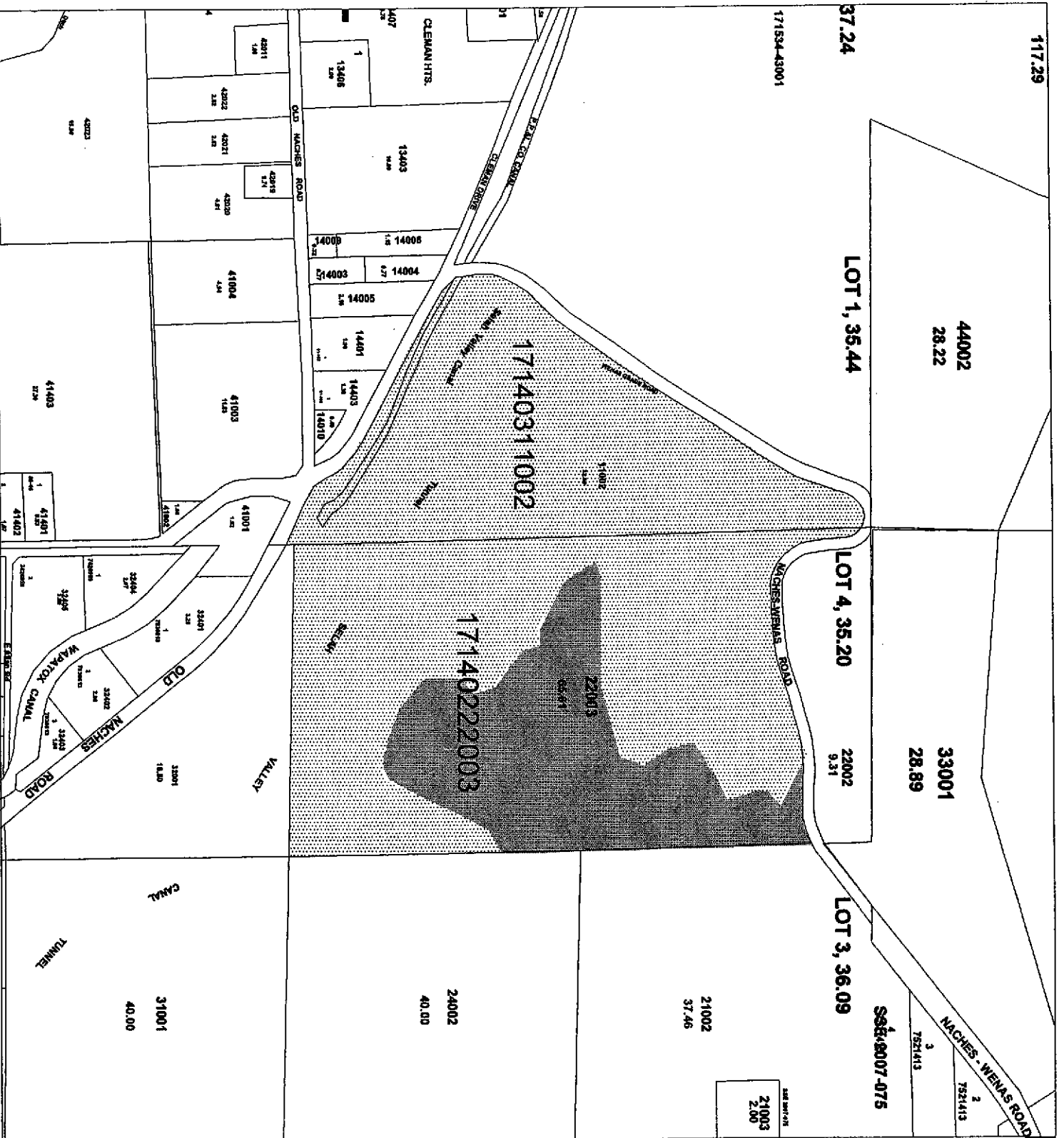
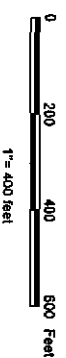


Exhibit 3 ZON08-06 Norval Sheppard

Change the Plan Designation and Zoning on the shaded area as indicated below.

Plan Designation: RSS
Zone: M/R

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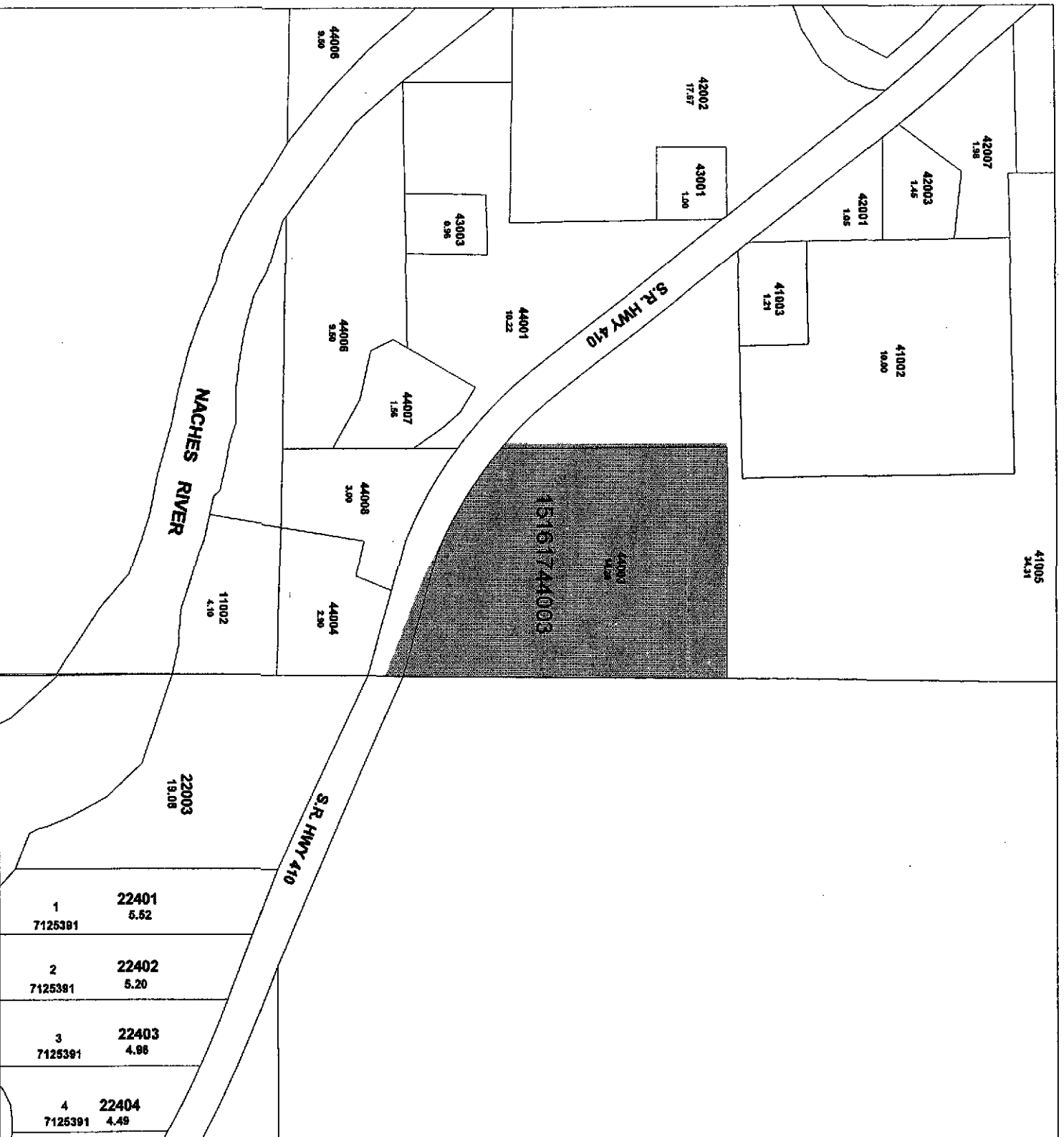


Exhibit 3 ZON08-13

Buffalo Road

Change the Plan Designation and Zoning on the shaded area as indicated below:

Plan Designation: RR/ELDP
Zone: R/ELDP
Plan Designation: RSS

Tax Lots



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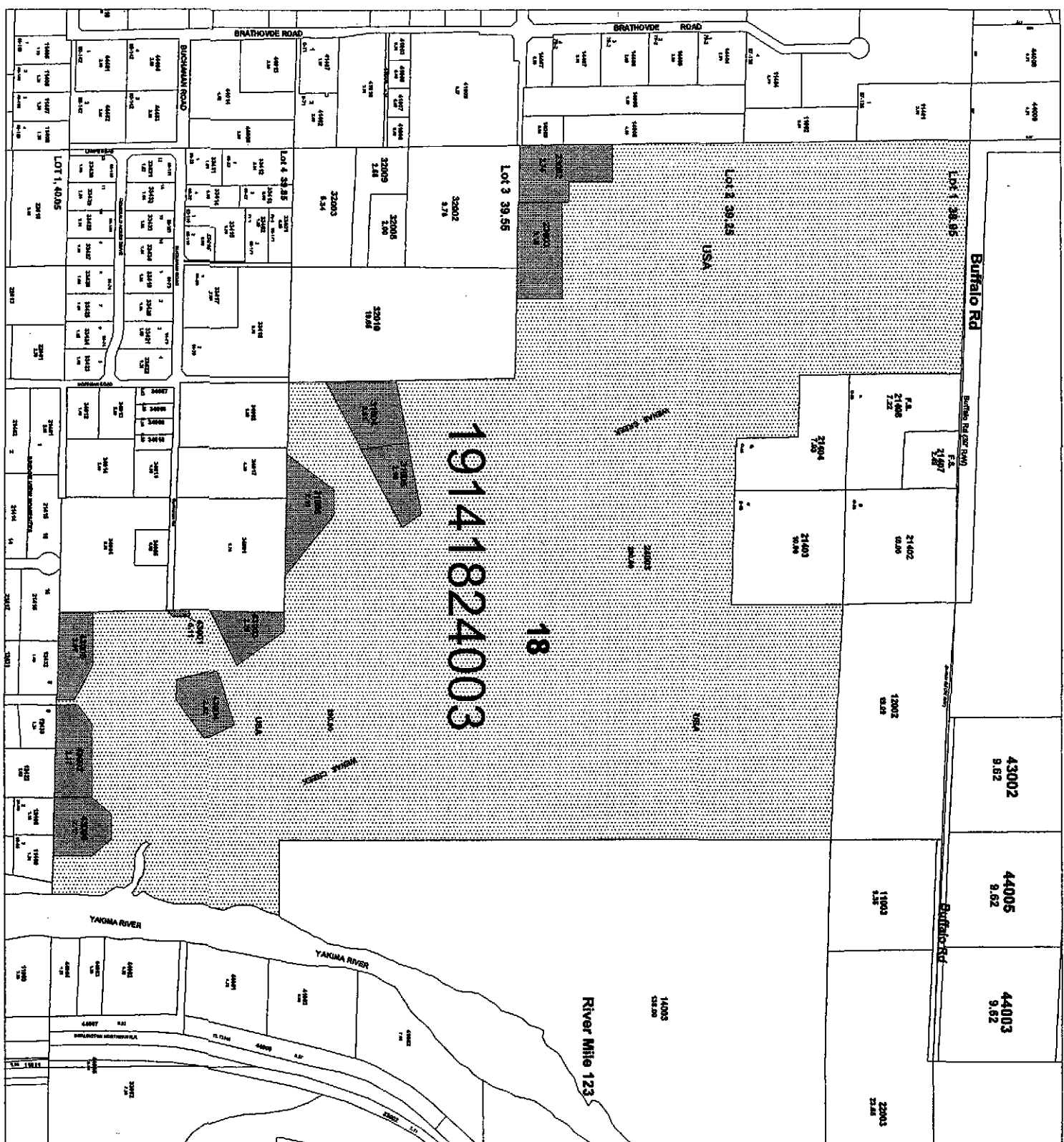



Exhibit 3 ZON08-14

Granger

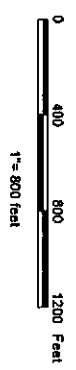
Change the Zoning
on the shaded area
as indicated below:

 Zone: VR

 Urban Growth Boundary

 Tax Lots

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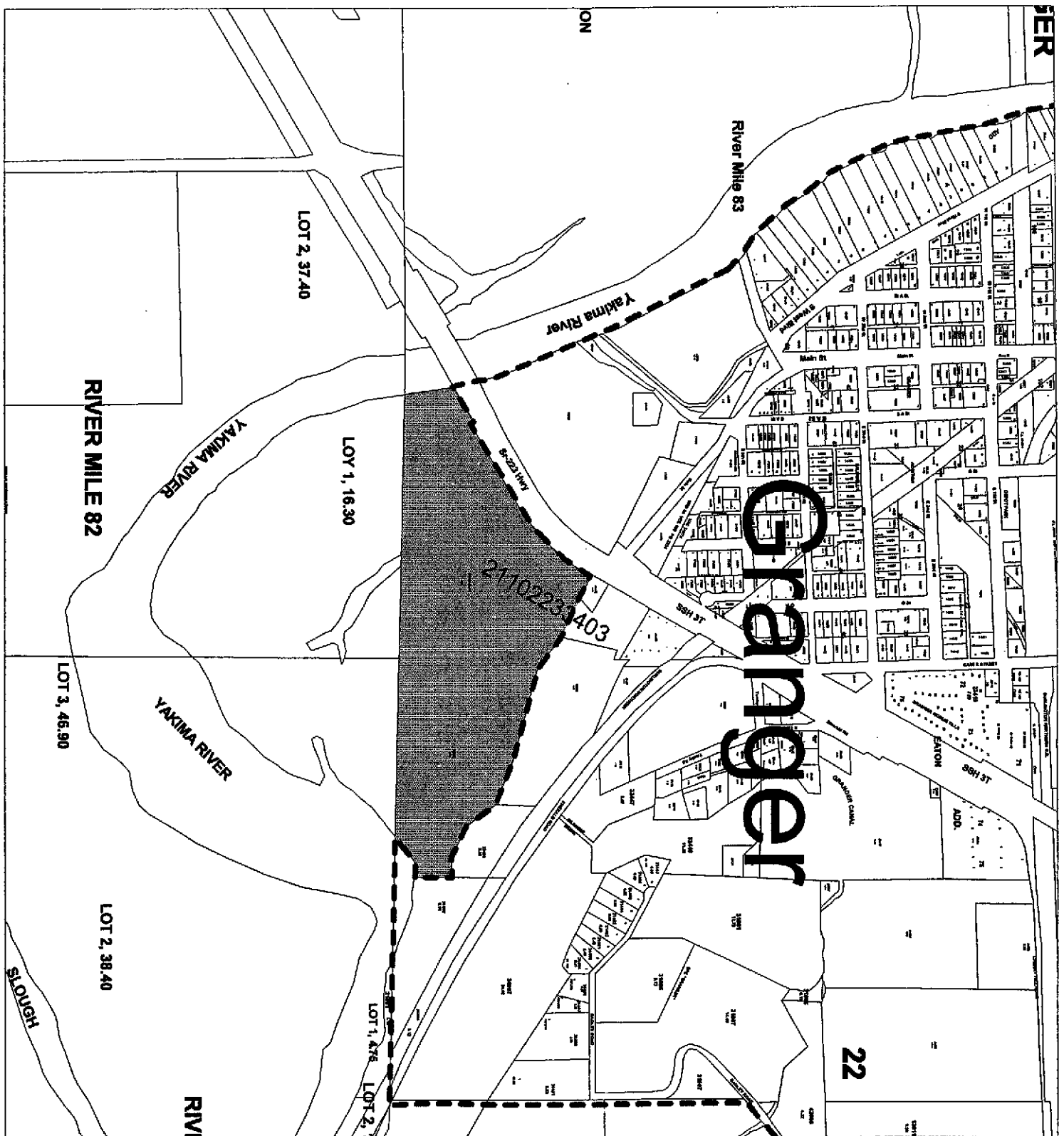


Exhibit 3 ZON08-15

Mark Roy

Change the Plan Designation
and Zoning on the shaded
area as indicated below:

Plan Designation: RSS
Zone: VR

☐ Tax Lots

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0 500 1000 1500 Feet
 1" = 1200 feet



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