

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 ~~stricken~~ text and to delete the ~~strikethrough~~ 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 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 1.12, 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, ~~setbacks~~ ~~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, 12/03}

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


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



Ronald F. Gamache, Chairman

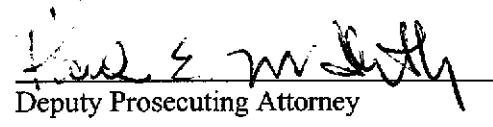


J. Rand Elliott, Commissioner


Michael D. Leita, Commissioner

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

Approved as to Form:


Michael S. McMurtry
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
44

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
47

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
51

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
55

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,
60

61 NOW, THEREFORE, the Yakima County Planning Commission hereby makes and
62 enters the following
63

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*.
77
78

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.
87

-2-

89 In April 2008, notice of availability of comprehensive plan map amendment applications was
90 published in the Yakima Herald and Yakima County Public Services webpage. Applications
91 were due to the Planning Division by May 30, 2008 for consideration in the 2008 amendment
92 cycle.

-3-

95 The Planning Commission reviewed suggested docket items at public meetings on June 11, July
96 9 and Aug 13, 2008. Seven map amendments, one plan policy and two zoning text amendments
97 were added to the 5 fee-paid map amendments being considered.

-4-

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

-5-

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

-6-

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

-7-

113 On August 22, 2008 notice of the first public hearing scheduled for September 10, 2008 was
114 posted and mailed to the applicant, surrounding property owners, agencies and those
115 commenting on the applications. Notice was published in the Yakima Herald on August 25,
116 2008. On September 8, 2008 notice of the second public hearing scheduled for September 24,
117 2008 was posted and mailed to the applicant, surrounding property owners, agencies and those
118 commenting on the applications. Notice was also published in the Yakima Herald on September
119 10, 2008.

-8-

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

-9-

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

-10-

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

- 11 -

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

136
137 **ZON08-002: Clyde Armititend/Durant Development Services.** The applicant requests to
138 amend the Yakima County Comprehensive Plan - *Plan 2015* Future Land Use Map, and to
139 rezone the Subject Property (Parcels 23093013003 and 23093023002) approximately 203 acres).
140 The request is to change the land use designation on the subject property from Remote
141 Rural/Extremely Limited Development Potential to Agricultural Resource and rezone subject
142 property from Remote/Extremely Limited Development Potential (R/ELDP) to Agriculture
143 (AG). The staff report recommended modification of the request. For the record, the Planning
144 Commission noted that the land use change and rezone should follow the actual parcel lines and
145 not those represented on GIS.
146

147 Five Planning Commissioners voted to recommend APPROVAL (West, Padorr, Charron, Biehl,
148 and Foster - *Rawn and Burns absent*) of the application based upon the findings contained in the
149 Staff Report.
150

151 **Therefore, the Commission recommends in a 5 to 0 vote that the current land use**
152 **designation of Remote Rural/Extremely Limited Development Potential be changed to the**
153 **proposed Agricultural Resource designation on parcel 23093013003 and a concurrent**
154 **rezone from R/ELDP to Agriculture also be approved. The proposed re-designation for**
155 **Parcel 23093023002 to Agricultural Resource should be denied.**
156

157
158 **ZON08-003: Dot Green/Hordan Planning Services.** The applicant requests to amend the
159 Yakima County Comprehensive Plan - *Plan 2015* Future Land Use Map, and to rezone on the
160 Subject Property (Parcel 15151112404 approximately 22.59 acres). The request is to change the
161 land use designation on the subject property from Remote Rural/Extremely Limited
162 Development Potential (RR/ELDP) to Rural Self Sufficient and rezone subject property from
163 Rural/Extremely Limited Development Potential (R/ELDP) to Mountain Rural (MR). The staff
164 report recommended approval.
165

166 Five Planning Commissioners voted to recommend APPROVAL (West, Padorr, Charron, Biehl,
167 and Foster - *Rawn and Burns absent*) of the application based upon the findings contained in the
168 Staff Report.
169

170 **Therefore, the Commission recommends in a 5 to 0 vote that the current land use**
171 **designation of Remote Rural/Extremely Limited Development Potential remain in the**
172 **upper portion (hillside) of parcel 15151112404 as outlined on the map in the application**
173 **and the lower portion of said parcel be changed to the proposed Rural Self-Sufficient**
174 **designation and a concurrent rezone from R/ELDP to Mountain Rural also be approved.**
175

176
177 **ZON08-004: Rowe and West/Hordan Planning Services.** The applicant requests to amend the
178 Yakima County Comprehensive Plan - *Plan 2015* Future Land Use Map, and to rezone on the
179 Subject Property (Parcels 17131011409, 17131012403 and 17131012404 approximately 62.63
180 acres). The request is to change the land use designation on the subject property from
181 Agricultural Resource to Rural Self Sufficient and rezone subject property from Agriculture to
182 Valley Rural (VR). The staff report recommended approval of the request.
183

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

187

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

191

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

195

196

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

204

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

208

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

216

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

220

221

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

231
232 Four Planning Commissioners voted to recommend APPROVAL (West, Charron, Biehl, and
233 Foster - *Rawn and Burns absent*) and one vote for DENIAL (Padorr) of the application based
234 upon the findings contained in the Staff Report and the following factors:

235

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

240
241 Therefore, the Commission recommends in a 4 to 1 vote that the current land use
242 designation of Remote Rural/Extremely Limited Development Potential is changed to the
243 proposed Rural Self-Sufficient designation on parcel 15161744003 and a concurrent rezone
244 from R/ELDP to Mountain Rural also be approved.

245
246
247 **ZON08-09: City of Yakima – “Summitview” UGA Expansion.** The applicant requests
248 changes to the *Plan 2015* designation and zoning on the Subject Property (approximately 418
249 acres). The requested land use designation change is from Rural Self-Sufficient and Rural
250 Transitional to Urban Growth Area; and a concurrent rezone from Valley Rural and Rural
251 Transitional to Single Family Residential (R-1). The staff report recommended modification of
252 the request. For the record, the Planning Commission noted that the City of Yakima does not
253 need additional land based upon the Urban Growth Area analysis conducted last year as part of
254 the 2006 *Plan 2015* update.

255
256 Five Planning Commissioners voted unanimously to recommend Denial (West, Padorr, Charron,
257 Biehl, and Foster - *Rawn and Burns absent*) of the application based upon the findings contained
258 in the Staff Report and the following factors:

259

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

265
266 Therefore, the Commission recommends in a 5 to 0 vote that the applicant's request to
267 expand the Urban Growth Area be denied.

268
269
270 **ZON08-010: Yakima Dust Dodgers Motorcycle and ATV Club/Mark Watson.** The
271 applicant requests to amend the Yakima County Zoning Ordinance to allow Off-Road Vehicles
272 as a Type 1 use in R/ELDP, Rural Transitional, Valley Rural, Mountain Rural, Mining and
273 Forest Watershed zoning districts and to add definitions as they pertain to Off-Road Vehicles and
274 Off-Road Vehicle Facilities and to provide methods of enforcement of these uses. The staff
275 report recommended modification of the request.

276

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

281

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

311

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

317

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

324
325 Two Planning Commissioners voted to recommend APPROVAL (Charron, Biehl) and three
326 commission members voted to recommend DENIAL (West, Padorr and Foster - *Rawn and Burns*
327 *absent*) of the application based upon the findings contained in the Staff Report and the
328 following factors:

329

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

334
335 **Therefore, due to a vote of less then a majority 2 to 3 (4 votes for approval or denial needed
336 for a recommendation), the Planning Commission moves forward to the Board of Yakima
337 County Commissioners NO RECOMMENDATION.**

338
339
340 **ZON08-012: Bill Robins.** The applicant requests (1) that *Plan 2015*'s future land use map be
341 amended from Rural Self-Sufficient (RSS) to Rural Transitional (RT), and (2) that the zoning
342 map be amended from Valley Rural (VR) to Rural Transitional (RT). Subject Property: parcels:
343 181434-32409, 181434-32006, 181434-33006, 181434-33007, $\frac{1}{4}$ mile west of Selah on Selah
344 Heights Rd., approximately 12 acres. The staff report recommended approval of the request.

345
346 Five Planning Commissioners voted unanimously to recommend APPROVAL (West, Padorr,
347 Charron, Biehl, and Foster - *Rawn and Burns absent*) of the application based upon the findings
348 contained in the Staff Report.

349
350 **Therefore, the Commission recommends that the current land use designation of Rural
351 Self-Sufficient be changed to the proposed Rural Transitional designation on parcels
352 18143433007 and 18143433006 a concurrent rezone from VR to RT also be approved.**

353
354
355 **ZON08-013: Staff-initiated (Buffalo Road).** Staff requests to amend (1) that *Plan 2015*'s
356 future land use map be amended from Rural Transitional (RT) to Rural Remote/Extremely
357 Limited Development Potential (RR/ELDP) on parcel 191418-24003 (290 acres) and (2) that the
358 zoning map be amended from Rural Transitional (RT) to Remote/Extremely Limited
359 Development Potential (R/ELDP) on parcel 191418-24003. The Subject Property is located 2
360 miles north of Selah, south of Buffalo Road, along Wenas Creek. The staff report recommended
361 approval of the request.

362
363 Five Planning Commissioners voted unanimously to recommend APPROVAL (West, Padorr,
364 Charron, Biehl, and Foster - *Rawn and Burns absent*) of the application based upon the findings
365 contained in the Staff Report and the following factors:

366

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

368
369 **Therefore, the Commission recommends in a 5 to 0 vote that the current land use
370 designation of Rural Transitional be changed to Remote Rural/Extremely Limited**

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

374

375

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

383

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

387

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

389

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

397

398

399 **ZON08-015: Mark Roy.** The applicant requests (1) that *Plan 2015*'s future land use map be
400 amended from Rural Remote/Extremely Limited Development Potential (RR/ELDP) to Rural
401 Self-Sufficient (RSS), and (2) that the zoning map be amended from Remote/Extremely Limited
402 Development Potential (R/ELDP) to Valley Rural (VR). Subject Property: parcels 201320-
403 12001, 201320-11002, 201320-14001, 201320-13001, 201320-41001, 201320-42001, 201320-
404 44001, 201320-43001, two miles northeast of Moxee, on Reed Lane, 317.6 acres. The staff
405 report recommended denial of the request.

406

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

410

411 • Planning Commissioner Padorr voiced concerns with development next to military
412 reservations and that approval of this proposal would send the wrong message to
413 other property owners with land adjacent to the Yakima Firing Center.
414 Commissioner Padorr also stated that there is no need for this change due to the
415 adequate amount of existing vacant Rural Self-Sufficient land in the County.

416 • Planning Commissioner Biehl does not agree with the staff report and believes that
417 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.

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

467
468 Five Planning Commissioners voted to recommend approval of staff's modification of the
469 applicant's proposal with a recommendation to the Board to eliminate the Type I and Type II
470 application fee (West, Charron, Biehl, Foster and Rawn - *Burns absent*) and one Planning
471 Commission member voted against the motion (Padorr).

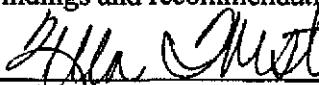
472
473 **Therefore, the Commission recommends by a 5 to 1 vote to approve staff's**
474 **recommendation and to recommend to the Board that the application fees for Type I and**
475 **Type II reviews for Ham Radio uses be waived, due to it's importance as an emergency**
476 **management service.**

III. RECOMMENDATION

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

484
485 Voting in favor of the findings and recommendation:

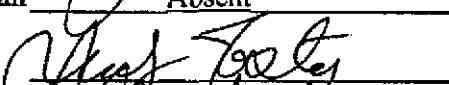
486 Zella West, Chair



487 Ed Burns, Vice Chair


Absent

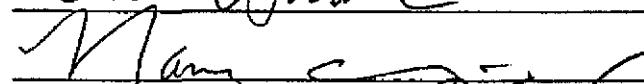
488 Judy Foster



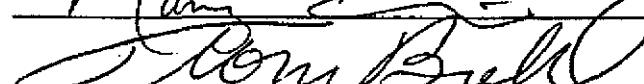
489 Chuck Padorr



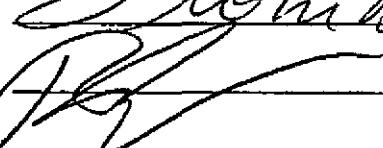
490 Nancy Charron



491 Tom Biehl



492 Patrick Rawn



493 Attest:



Steven M. Erickson,
Secretary

504
505
506 Voting against the findings and recommendation:

507

508 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 Amendments	1999 Amendments	2000 Amendments	2001 Amendments*	2002 Emergency (Wal-Mart)	2003 Amendments**	2005 Amendments	2007 Amendments	2008 Amendments	1998-2008 Total
Agribusiness 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 Transition										
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
Net change in areas designated RT	+88.3	+24.8	+190.2					-2	-324.23	-303.81
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 Areas										
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/Extreme Limited Development Locations										
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	+.96	-305.73	-724.27	
Minor 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

YAKIMA COUNTY
GEOGRAPHIC INFORMATION SERVICES

Clive Armistead

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

Plan Designation: AR
Zone: AG

101455

2024 RELEASE UNDER E.O. 14176

Tax Lots

Map showing land parcels and easements. Key features and labels include:

- LOT 1, 39.81** (top right): 39.81 acres, bounded by 100ft and 110ft roads.
- LOT 2, 39.83** (top center): 39.83 acres, bounded by 100ft and 110ft roads.
- LOT 3, 39.85** (left center): 39.85 acres, bounded by 100ft and 110ft roads.
- LOT 4, 30.25** (center): 30.25 acres, bounded by 100ft and 110ft roads.
- LOT 5, 30.25** (center): 30.25 acres, bounded by 100ft and 110ft roads.
- LOT 6, 29.25** (center): 29.25 acres, bounded by 100ft and 110ft roads.
- LOT 7, 28.50** (bottom left): 28.50 acres, bounded by 100ft and 110ft roads.
- LOT 8, 28.50** (bottom center): 28.50 acres, bounded by 100ft and 110ft roads.
- BONNEVILLE POWER EASEMENT** (bottom center): A large area with a grid pattern, spanning approximately 100ft by 110ft.
- GRAT ROAD** (bottom left): A road running parallel to the easement area.
- YARDWALL ROAD** (left side): A road running vertically along the left boundary.
- 100ft** and **110ft** (multiple locations): Labels indicating property boundaries.
- 30** (left side): A large number indicating a specific property or section.
- 231002** and **160.89** (top left): Reference numbers for the property.
- STATE 200-173** (top left): Reference number for the state.

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

2001-02-03

Map showing the location of Lot 5, 2.50 and Lot 4, 22.25. The map includes a river labeled "YAKIMA RIVER" and a dam labeled "BONNEVILLE POWER EASMENT". The lots are outlined and labeled with their respective names and acreages. A scale bar indicates distances up to 1/4 mile.

LOT 5, 2.50

LOT 4, 22.25

YAKIMA RIVER

BONNEVILLE POWER EASMENT

4.0001

4.0001

4.0002

4.0003

1/4 MILE

ROAD
LOT 1, 33.75



YakimaMap.com

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County cannot accept responsibility for any errors.
Therefore, there are no warranties for this product.

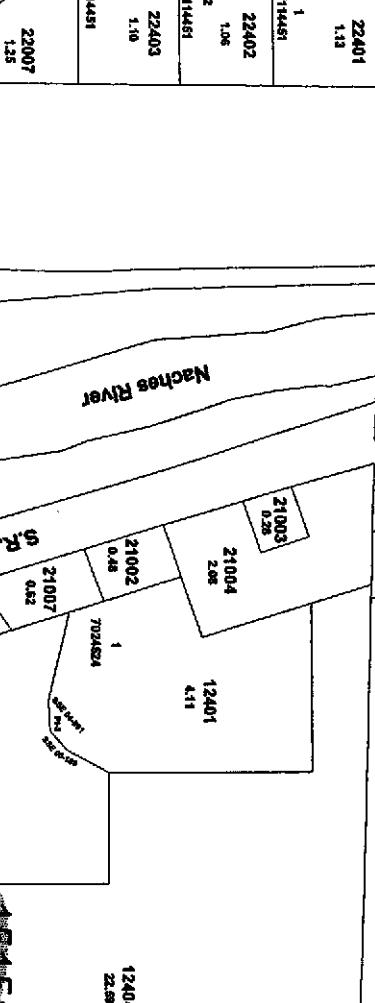
Exhibit 3
ZON08-03

Dot Green

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

■ Plan Designation: RSS
Zone: MR

1140
22.14



22.07
1.25

22.06
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22.05
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22.04
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22.11
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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

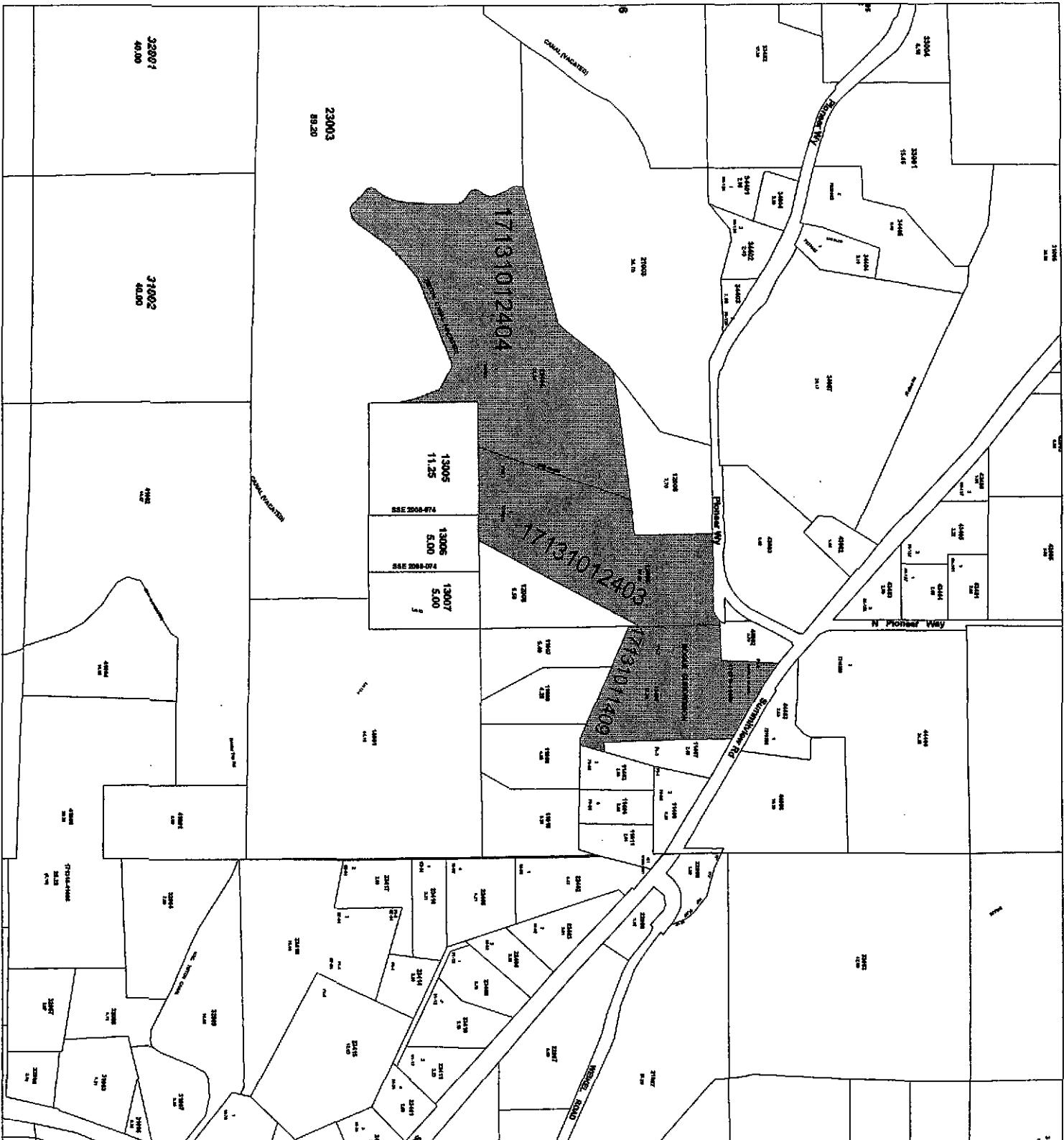
 Tax Lots

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

0 400 800 1200 Feet
1" = 800 feet

32001 40.00
32002 40.00

23003
88.20



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44002
28.2233001
28.89

SS&#007-075

3

NACHES - WENAS ROAD

752413

2

NACHES - WENAS ROAD

752413

37.24

LOT 1, 35.44

LOT 4, 35.20

21002

9.31

LOT 3, 36.09

24002

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21003

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42007
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42003
1.45
42001
1.45
41002
10.00
41003
1.21

42002
17.57
43001
1.00
43003
0.96

44001
10.22

44007
1.56

44008
3.00

44004
2.80

44006
9.90

NACHES RIVER

11002
4.10

22003
19.08

22401
5.52

1
7125391

22402
5.20

2
7125391

22403
4.86

3
7125391

22404
4.49

4
7125391

15-51744003

44001
11.25

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0 200 400 600
1"=400 feet

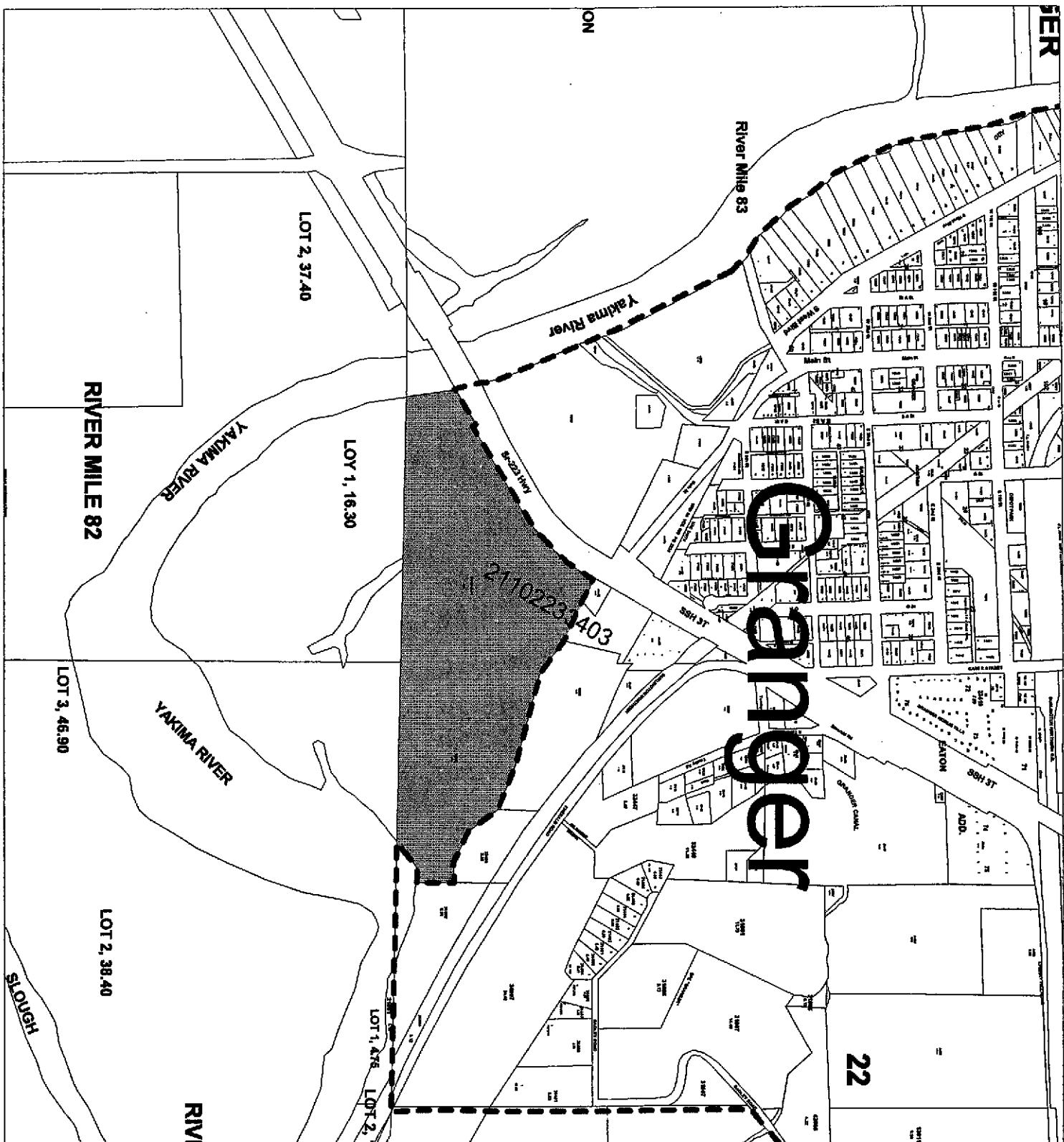
Plan Designation: RSS
Zone: MR

Exhibit 3
ZON08-06
Norval Sheppard
Change the Plan Designation
and Zoning on the shaded
area as indicated below.



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Therefore, there are no warranties for this product.



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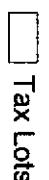
**Exhibit 3
ZON08-14**

Granger

Change the Zoning
on the shaded area
as indicated below:



Urban Growth Boundary



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only. Do not use for legal purposes.

0 400 800 1200 Feet
1" = 800 feet



Yakimap.CAP

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**Exhibit 3
ZON08-15**

Mark Roy

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

21
USA

Plan Designation: RSS
Zone: VR

Tax | 105

20132043001 20132044001

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1" = 1200 feet



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USA

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