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49 WHEREAS, Yakima County staff prepared a SEPA Threshold Determination of Non-
50 Significance which analyzed the environmental impacts of all proposed text
51 amendments and issued it on November 7, 2011; and,
52

53 WHEREAS, the Planning Commission held a deliberation meeting on the
54 proposed Linear Transmission Facilities on November 9, 2011, and after careful
55 review of each page and making revisions to the October 18, 2011 draft,
56 concluded in its Findings and Recommendations that the proposed Linear
57 Transmission Facilities text amendments will adequately address the future siting
58 and development of linear transmission facilities in Yakima County; and,; and
59

60 WHEREAS, On November 30, 2011 the Planning Commission submitted its
61 Findings and Recommendations to the Board of Yakima County Commissioners
62 for its consideration; and,
63

64 WHEREAS, the Board of Yakima County Commissioners held a properly
65 advertised open record public hearing on February 21, 2012 at 10:30 a.m. in the Yakima
66 City Hall Hearing Room, 129 N. 2nd Street Yakima, WA, for the purpose of taking
67 testimony on the proposed Linear Transmission Facilities text amendments; and,
68

69 WHEREAS the Board received and has carefully considered written and oral
70 public testimony and recommendations from staff on the proposed amendments; and,
71

72 WHEREAS, the Board is now satisfied that this legislative matter has been
73 sufficiently considered, and that the process leading to the Linear Transmission Facilities
74 text amendments has been open, and afforded opportunity to all who wanted to
75 participate or offer testimony; and,
76

77 WHEREAS, the Board has, at a properly advertised agenda, deliberated on the
78 proposed amendments, weighed the evidence presented, balanced the goals of the
79 GMA and the desires of the citizens of Yakima County in a final set of text amendments
80 to YCC Title 15 and the Comprehensive Plan; and,
81

82 WHEREAS, the Board further finds and concludes that adoption and
83 implementation of the amendments to the YCC Title 15 and the Comprehensive Plan -
84 **Plan 2015** to be in the public interest and necessary to maintain compliance with State
85 law; now, therefore,
86

87 **BE IT HEREBY ORDAINED:**
88

89 **Section 1. Findings.** The Board of Yakima County Commissioners enters the following
90 findings:
91

- 92 A. The Board finds that all statutory and County prerequisites for the review and
93 evaluation of YCC Title 15 and the Comprehensive Plan - **Plan 2015**, as well as
94 the requirements for ensuring adequate public notification and opportunities for
95 comment and participation in the amendment process, have been met.

- 96 B. The Board hereby adopts the Findings and Recommendations of the Yakima
97 County Planning Commission, dated November 30, 2011 attached hereto as
98 **Exhibit G**.
99
- 100 C. The SEPA Responsible Official has reviewed the potential adverse environmental
101 impacts of the proposed amendments in accordance with the provisions of YCC
102 Title 16, culminating in the decision to retain the *Determination of Non-*
103 *significance* issued on November 7, 2011. The Board finds that environmental
104 review is complete and adequate.
105
- 106 D. The Board of Yakima County Commissioners finds that it has fully considered the
107 evidence presented in the public process of amending YCC Title 15 and the
108 Comprehensive Plan - **Plan 2015** to fulfill the requirements of State law. The Board
109 reaffirms that it finds the record to be compelling in adoption of the Linear
110 Transmission Facilities text amendments and the balancing of the public and
111 private interests.
112
- 113 E. The following findings respond to the written and oral testimony provided for the
114 public hearing:
115 1. The Board of Yakima County Commissioners finds that the suggested text
116 change to the proposed *Linear Transmission Facility* definition (15.08.341) and
117 the proposed *Transmission Line* definition (15.08.611) submitted by John
118 Klingele in writing at the February 21st, 2012 Board hearing is necessary to
119 ensure consistency with standard electric industry terminology.
120

121 **Section 2. Adoption.** The document attached hereto as **Exhibit A** entitled *Draft Linear*
122 *Transmission Facilities Chapter 15.50 Text Changes* amending YCC Title 15, the Zoning
123 Ordinance for Yakima County, Washington, is hereby adopted. The document
124 attached hereto as **Exhibit B** entitled *Draft Plan 2015 Utility Policies Text Changes*
125 amending the Yakima County Comprehensive Plan - **Plan 2015** Utility Element, is hereby
126 adopted. The document attached hereto as **Exhibit C** entitled *Draft Land Use Table*
127 *15.18 Text Changes* amending YCC Title 15, the Zoning Ordinance for Yakima County,
128 Washington, is hereby adopted. The document attached hereto as **Exhibit D** entitled
129 *Draft Chapter 15.20 Text Changes* amending YCC Title 15, the Zoning Ordinance for
130 Yakima County, Washington, is hereby adopted. The document attached hereto as
131 **Exhibit E** entitled *Draft Linear Transmission Facilities Fee Changes* amending YCC Title 20,
132 the Fee Schedule for Yakima County, Washington, is hereby adopted. The document
133 attached hereto as **Exhibit F** entitled *Proposed changes to the YCC Title 15 Definitions*
134 *Chapter* for Yakima County, Washington, is hereby adopted. The text amendments
135 made to **Plan 2015's** Utility Element, YCC Title 15 and to YCC Title 20 shall hereafter
136 apply to all unincorporated lands under Yakima County's land use jurisdiction.
137

138 **Section 3.** Sections not modified by this ordinance remain as originally adopted in
139 Ordinance 8-1985 and codified in Yakima County Code Chapter 2.23, or as originally
140 adopted in Ordinance 1-1990 and codified in Yakima County Code Chapter 20.00,
141 together with all amendments to date.
142

143 **Section 4. Severability.** The provisions of this ordinance are declared separate and
144 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 5. Effective date. This ordinance shall be effective at 12:00 P.M. on March __, 2012.

Dated this 20 day of March 2012.



Attest:

Tiera L. Girard

Tiera Girard, Clerk of the Board

BOARD OF YAKIMA COUNTY
COMMISSIONERS

Excused

J. Rand Elliott, Chairman

[Signature]

Michael D. Leita, Commissioner

[Signature]

Kevin J. Bouchey, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

1 **EXHIBIT A – DRAFT LINEAR TRANSMISSION FACILITIES CHAPTER 15.50 TEXT CHANGES**

2
3
4 Chapter 15.50

5
6 **LINEAR TRANSMISSION FACILITIES**

7
8 Sections:

- 9
10 15.50.010 Purpose
11 15.50.020 Applicability
12 15.50.030 Application Requirements
13 15.50.040 Review Process for Linear Transmission Facility
14 15.50.050 Review Criteria
15 15.50.060 Lot Size/Right of Way
16 15.50.070 Basic Standard of Operation
17 15.50.080 Compliance with Project Conditions
18

19 15.50.010 Purpose. This chapter establishes standards and criteria for development and
20 expansion of linear transmission facilities (as defined 15.08.341) and accessory uses. The
21 purpose is to achieve a predictable but sensitive permitting process that effectively and
22 efficiently addresses project impacts. Specifically, these standards and criteria are
23 provided to:

- 24 (1) Assure that each linear transmission facility project will be subjected to
25 individualized review and the imposition of conditions will be based on site
26 specific information;
27 (2) Ensure uniform, coordinated development of linear transmission facility
28 operations and to ensure the general health, welfare and safety of the residents
29 that may be located within the impact areas of the operations developed under
30 these standards.
31

32 15.50.020 Applicability. Linear transmission facility operations, as indicated in Table
33 15.18, are subject to the requirements of this chapter in addition to the requirements of
34 the zoning districts and other provisions of this title, except as may be otherwise stated
35 herein.
36

37 15.50.030 Application Requirements. In addition to the required application contents
38 specified for Type II applications in Chapter 15.12 and this chapter, the applicant shall
39 submit a supplement to the SEPA environmental checklist and other documents as
40 follows:

- 41 (1) The supplemental checklist shall (in addition to being consistent with the SEPA
42 Checklist required under YCC Title 16) provide analysis of impacts to elements of
43 the environment as noted in the SEPA Checklist required by Title 16 and WAC
44 Chapter 197-11, and explain the mitigation proposed to minimize those impacts.
45 Site specific studies, including but not limited to, impacts to habitat/wildlife
46 (including avian impacts), a road impact assessment, cultural resource impacts,
47 and a grading and stormwater management plan complying with state best
48 management practices stormwater quality standards, shall be attached to the

supplemental checklist. All terrestrial habitat, critical area assessments, and cultural resource studies required shall be conducted within identified study corridors of sufficient width and dimension to enable comprehensive environmental assessment while allowing flexibility in the final layout.

- (2) The supplemental checklist shall include sufficient information, including a preliminary site plan, to adequately describe the proposal and its impacts, including but not limited to, information on the total square footage of buildings to be constructed, probable sources/quantities of aggregate to be used in construction, the maximum height and number of transmission towers (etc.), expected noise generation levels, the length and width of new roads and the length of power lines, sources of water (for dust suppression, concrete batch plant, etc.) and transportation impacts. Survey corridor locations shall be described and included on the site plan.
- (3) Where the applicant is required to prepare an Environmental Impact Statement (EIS), the supplemental checklist may not be required, as this information may be provided as part of the EIS.
- (4) If an EIS has been prepared under NEPA, the applicant shall document the sufficiency of that EIS's compliance with the requirements of this title and YCC Title 16. Nothing in this section shall preclude the SEPA Responsible Official from requiring additional studies or supplemental documentation to describe or mitigate potentially significant adverse environmental impacts.
- (5) An application for review under this chapter shall not be deemed complete until the identified reports are provided. Upon a clear showing by the applicant that a study is not applicable or is unnecessary, the Administrative Official/SEPA Responsible Official may waive specific application requirements. Such a determination shall be documented in writing in the project file.

15.50.040 Review Process for Linear Transmission Facilities.

The review process for linear transmission facilities shall be as listed in Chapter 15.18 and as follows:

- (1) Pre-application conference required. A pre-application conference as described in YCC Title 16B of this code is required prior to submitting an application for linear transmission facilities. Pre-application conferences for linear transmission facilities are required prior to the community meeting described in subsection 2 below. The submittal requirements for pre-application conferences shall include a site plan of the entire project, a written narrative describing the proposal, draft environmental checklist, other information as specified by the Administrative Official, and any additional information that the applicant wishes to provide.
- (2) Community meeting required.
 - (a) Prior to application submittal for linear transmission facilities, the applicant shall conduct a community meeting to discuss the proposal to ensure that potential applicants pursue early and effective citizen participation in conjunction with their proposal, giving the project proponent the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood and ensure that the citizens and property owners of the area have an adequate opportunity to learn about the proposal that may affect them and to work with project proponents to

- 1 resolve concerns at an early stage of the application process. The
2 community meeting may be combined with other required public meetings.
3 The community meeting shall meet the following requirements:
- 4 (i) Notice of the community meeting shall be provided by the applicant by
5 first-class mail or postcard and shall include the date, time and location
6 of the community meeting and a description of the project, zoning of
7 the property, site and vicinity maps and the land use applications that
8 would be required.
 - 9 (ii) The notice shall be provided at a minimum to property owners of real
10 property, as listed on the most current Yakima County assessor records,
11 located 660 feet from each side of the exterior limits of the Linear
12 Transmission Facility, to interested or affected public agencies with
13 jurisdiction, to affected Indian tribes, to cities and towns affected by the
14 proposal, and to the Yakima County Planning Division.
 - 15 (iii) The notice for linear transmission facility proposals must be placed as a
16 display ad in the Yakima Herald-Republic.
 - 17 (iv) The notice shall be postmarked 10 to 14 days prior to the community
18 meeting.
 - 19 (v) The community meeting shall be held within the geographic boundary
20 of Yakima County.
 - 21 (vi) The community meeting shall be held anytime between the hours of 5:30
22 and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m.
23 and 9:00 p.m. on weekends.
 - 24 (vii) The community meeting agenda shall cover the following items: (a)
25 introduction of community meeting organizer (i.e., developer, property
26 owner, etc.); (b) description of proposed project; (c) listing of permits
27 that are anticipated for the project; (d) description of how comments
28 made at the community meeting are used; (e) provide meeting
29 attendees with the County's contact information; and (f) provide a sign-
30 up sheet for attendees.
- 31 (b) The applicant shall provide to the Planning Division a written summary of the
32 community meeting prior to application submittal. The summary shall include
33 the following:
- 34 (i) A copy of the mailed and published notice of the community meeting
35 with a mailing list of property owners who were notified.
 - 36 (ii) Who attended the meeting (list of persons and their addresses).
 - 37 (iii) A summary of concerns, issues, and problems expressed during the
38 meeting.
 - 39 (iv) A summary of concerns, issues, and problems the applicant is unwilling
40 or unable to address and why.
 - 41 (v) A summary of proposed modifications, or site plan revisions, addressing
42 concerns expressed at the meeting.
- 43 (c) The applicant shall post online and send electronically the summary of the
44 community meeting to those who attended the community meeting, signed
45 in and provided a legible email address and provide Yakima County with
46 proof of the web posting and a list of email recipients. Attendees without
47 email access may request the summary of the meeting by mail.

(3) Review of applications for linear transmission facilities shall be according to the procedures for Type II review as provided by Chapters 15.12, 15.18 and Section 16B.03.030 of this code and as follows:

(a) Following a pre-application conference and a community meeting the applicant may apply in accordance with this chapter and this code.

(b) Notice of the proposal shall be sent to all property owners located 660 feet from either side of the exterior limits of Linear Transmission Facility.

(c) Type II review of an application may be conducted in conjunction with SEPA. The Administrative Official shall require necessary safeguards, conditions and SEPA mitigation to ensure the project complies with comprehensive plan policy, this title and other regulations.

(4) Micro-siting. Actual final locations of all applicable linear facilities shall be established during the micro-siting process, occurring after project permit approval and prior to or during actual construction. During the micro-siting process (when the final, exact locations of the applicable facilities and other project elements and equipment are determined) the applicant shall provide information regarding a number of technical and engineering factors, including, as applicable:

(a) Limitations imposed by the terrain, feasibility of access, setbacks (internally established or based on permit requirements),

(b) Geotechnical considerations (subsurface conditions),

(c) Environmental restrictions (avoidance of sensitive habitat),

(d) Inadvertent Discovery Plan, in accordance with 15.50.070(12),

(d) On-site Health and Safety Plan and Spill Prevention/Emergency Cleanup Plan, in accordance with 15.50.070(15),

(e) Road Impact Assessment, in accordance with 15.50.070(16),

(f) Cultural/archaeological restrictions,

(g) Telecommunications constraints (line of sight microwave paths),

(h) FAA requirements, and

(i) Other site-specific studies as determined by the Administrative Official.

The Administrative Official shall review final project lay-out prior to ~~issuance of a Certificate of Zoning Review, which must be completed before construction~~ activities occur. If the linear transmission facility extends beyond the initial corridors approved in the preliminary approval, before completing review, the Administrative Official shall provide at least two weeks' notice to parties who have requested notice with respect to the project. The lay-out must be consistent with the permit conditions and all other applicable County requirements.

(5) Minor Revisions. The Administrative Official may approve minor revisions, as defined in Section 15.08.426, to the Type II decision text or project area. Minor revisions include the addition of property to a project which does not realign the corridor or increase the permitted project area by ten percent. A survey may be required to confirm the acreage. Any minor revision that involves expansion or realignment of the project area which may impact wildlife/habitat values shall include WDFW consultation.

1 | (6) ~~Certificate of Zoning~~ Final Operational Layout Review Required.

- 2 | (a) It is the affirmative duty of a project permit holder and the land owner to
3 | comply with the any safeguards and conditions made a part of the terms
4 | under which the approval of a project permit was granted as authorized by
5 | this Title.
- 6 | (b) The Administrative Official shall review final linear facility operational layout
7 | prior to issuance of ~~a Certificate of Zoning Review~~ authorizing issuance of
8 | building permits to ensure compliance with permit conditions. When the
9 | safeguards and conditions of the project permit have been met within the
10 | timeframe specified by the decision and any subsequent extension
11 | authorized by this Title, the Administrative Official shall issue a ~~Certificate of~~
12 | ~~Zoning Review~~ to letter documenting operational layout review
13 | compliance.
- 14 | (c) No development permit may be issued without ~~a the prior issuance of a~~
15 | ~~Certificate of Zoning Review~~ by the Administrative Official for the proposed
16 | development or modification to development indicating that the proposal
17 | has been through the review procedures of this ordinance and conforms to
18 | its requirements. ~~The Certificate of Zoning~~ final operational layout Review
19 | review issued by the Administrative Official ~~shall which may~~ include by
20 | reference or otherwise, any terms and conditions of approval for the
21 | project together with any approved final site plan. No linear transmission
22 | facility shall be entitled to a development permit until and unless the
23 | Administrative Official approves a final site plan ~~and authorizes issuance of~~
24 | ~~a Certificate of Zoning Review~~. ~~The Certificate of Zoning~~ final operational
25 | layout Review is not a building or development permit and does not by
26 | itself authorize the construction or occupancy of any use or structure.

27 |
28 | 15.50.050 Review Criteria.

- 29 | (1) The Reviewing Official shall only approve applications for linear transmission
30 | facilities that meet all of the following criteria. Linear transmission facilities shall:
- 31 | (a) Be designed to serve a broader community or regional area or to
32 | increase reliability or capacity to customers;
- 33 | (b) Accommodate the anticipated type and level of traffic for the
34 | construction and maintenance of the linear transmission facility project by
35 | ensuring state and local transportation systems and private access and
36 | service road(s) are adequate;
- 37 | (c) Be compatible with existing or planned land use patterns in the area.
- 38 | (d) Demonstrate the need for the particular location proposed to the
39 | satisfaction of the Administrative Official, including a full accounting of
40 | alternative locations and sites;
- 41 | (e) Certify compliance with all Federal Energy Regulatory Commission (FERC)
42 | requirements and the National Electrical Safety Code (NESC)
43 | requirements;
- 44 | (f) Comply with the requirements of Section 15.50.070, Basic Standards of
45 | Operations; and
- 46 | (g) Incorporate measures identified through environmental review to mitigate
47 | impacts as follows:

- (i) The applicant shall evaluate the physical, economic and aesthetic impacts of such facilities, and measures to mitigate these impacts provided and implemented;
- (ii) Incorporate project specific mitigation measures and conditions to mitigate adverse project impacts. The conditions and mitigation measures shall be based on site specific studies provided by the applicant and other relevant environmental review.
- (iii) Conditions shall be designed to address each element of the environment discussed in the supplement to the environmental checklist (or EIS), including but not limited to surface/groundwater; plants; habitat/ wildlife (including avian impacts); cultural resources; health and safety; and traffic/ transportation.

15.50.060 Lot size/Right of Way. Minimum lot size or right of way for establishing a linear transmission facility operation shall be sufficient to demonstrate the following:

- (1) The linear transmission facilities shown on the site plan and allowed by this chapter may be accommodated on the lot, or contiguous lots;
- (2) The applicant shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the linear transmission facility.
- (3) Sufficient right of way is acquired to accommodate the linear transmission facility in order to maintain minimum National Electrical Safety Code (NESC) and Federal Energy Regulatory Commission (FERC) clearances.
- (4) Where practical and feasible, developers should use common/adjacent transmission easements and facilities.

15.50.070 Basic Standards of Operation. All linear transmission facilities authorized by this chapter must conform to the following standards:

- (1) Site Plan: Linear transmission facility operations shall be conducted in accordance with an approved site plan as indicated in the application requirements in Section 15.50.030 and conditions of permit approval. The site plan shall indicate the following:
 - (a) Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
 - (b) The location of proposed transmission towers, underground and overhead conductors (including the depth of underground conductors), access roads (including width), substations and accessory structures;
 - (c) Excluded areas resulting from critical area buffers or other setbacks and other requirements of local, state or federal law that may impact the proposal.
 - (d) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the County to accommodate construction vehicles, equipment or other deliveries, caused by construction of the linear transmission facility operation;
 - (e) Engineering and design information concerning construction of the facility and its foundation;
 - (f) Anticipated construction schedule; and

(g) Description of operations, including anticipated regular and unscheduled maintenance.

(2) Responsible Party: The owner and operator of the facilities shall be held responsible for compliance with this Title. The owner and operator of the facilities shall be required to maintain in the County's file a designated agent residing within Washington State to receive notice in compliance matters and to address complaints.

(3) Water Quality: Linear transmission facility operations shall be operated in compliance with all applicable local, state and federal water quality regulations.

(4) Air Quality: Linear transmission facility operations shall be operated in compliance with all applicable local, state and federal air quality regulations.

(a) Re-vegetate any disturbed areas that are not permanently occupied by the project features.

(b) Maintain a water truck on-site during construction for dust-suppression.

(c) Control, to the greatest extent practicable, the emission of gases or matter that are odorous at any point beyond the property line of the use emitting the odor shall be controlled to the greatest extent practicable, as may be usual and customary for the specific use or industry.

(d) Comply with the requirements of the Washington State Department of Ecology or Yakima Regional Clean Air Agency requirements.

(5) Noise:

(a) Maintain sound levels at project boundaries that are under the maximum levels for the adjacent receiving properties based on the receiving properties' environmental designation for noise abatement per WAC 173-60.

(b) Comply with applicable state and federal noise control regulations and YCC Title 6.28.

(6) Vegetation and Wildlife:

(a) Limit construction disturbance by flagging the limits of construction and conduct ongoing environmental monitoring during construction to assure that flagged areas are avoided.

(b) Projects located within agricultural areas must develop and utilize a reseedling/restoration and weed management plan in consultation with the Washington State or Yakima County Noxious Weed Control Board during construction of the project.

(c) Overhead collector lines and transmission lines (see definition 15.08.171 and 15.08.611) should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for raptor protection on power lines (including minimum conductor spacing and the use of anti-perch guards).

(7) Critical Areas and Shorelines: Structural foundations and towers shall be designed in accordance with National Electrical Safety Code (NESC), YCC Title 16C and, as applicable, YCC Title 16D.

(8) Water Resources: Water availability shall be demonstrated as needed for the project. For all projects, water required for onsite use shall be obtained in accordance with state and local requirements.

(9) Cultural Resources:

- 1 (a) Complete a cultural resource survey of areas of the project site that will be
2 disturbed temporarily or permanently. The cultural resource survey shall be
3 submitted to the County Planning Division and the Washington State
4 Department of Archaeology and Historic Preservation for review at least 60
5 days prior to any kind of land disturbing activities.
- 6 (b) During construction, flag and avoid cultural resources, and monitor
7 construction activities to ensure that all cultural properties are avoided.
- 8 (c) An approved Inadvertent Discovery Plan (IDP) shall be prepared for each
9 project. The IDP will outline the procedures to be followed in the case of
10 inadvertent archaeological finds and/or human remains. The IDP shall
11 include training for construction workers on the need to avoid cultural
12 properties and procedures to follow if previously unidentified cultural
13 properties, including Indian graves, are encountered during construction.
- 14 (d) If any previously unidentified cultural resource properties are encountered
15 during construction, cease construction activities in the immediate vicinity
16 of the site pending evaluation by a professional archeologist and
17 consultation with the County Planning Division and the Washington State
18 Department of Archaeology and Historic Preservation to identify
19 appropriate mitigation measures such as avoidance or scientific data
20 recovery.

21 (10) Setbacks:

- 22 (a) Linear transmission facilities shall observe the minimum setbacks allowed
23 through the National Electrical Safety Code (NESC) and the Federal Energy
24 Regulatory Commission (FERC).
- 25 (i) Additional setback distance may be required for the purpose of
26 addressing public safety or based upon other project impacts as
27 determined by the reviewing official as a result of the environmental
28 review. Substations, transformers, and other components of linear
29 transmission facilities shall be subject to greater setbacks as
30 determined necessary to provide compatibility with existing uses.
- 31 (b) Especially Sensitive Land Uses shall observe the following minimum setbacks.
- 32 (i) Construction or expansion of Especially Sensitive Land Uses shall be
33 setback a minimum of 25 feet from the edge of the linear transmission
34 facility easement.
- 35 (ii) Additional setback distance may be required for Especially Sensitive
36 Land Uses for the purpose of addressing public safety or based upon
37 project impacts as determined by the reviewing official as a result of
38 the application review.
- 39 (iii) The Administrative Official may reduce the setback due to site-specific
40 conditions and an applicant's demonstration that the purpose of this
41 section will be met.
- 42 (iv) If the Administrative Official reduces the setback, the following applies:
- 43 (1) The setback shall be a minimum of 30 feet from the nearest linear
44 transmission facility and shall comply with applicable National
45 Electrical Safety Code (NESC) and Federal Energy Regulatory
46 Commission (FERC) setback requirements.
- 47 (2) The setback shall be measured from the nearest edge of the
48 linear transmission facility.

- (3) Applicants shall show the location of a linear transmission facility and setback on site plans and subdivision plats.
- (v) Setback Protection. Setbacks shall be identified and protected during construction of Especially Sensitive Land Uses by placement of a temporary barricade and on-site notices. Barricades and on-site notices are subject to review by the Building Official.
- (vi) As a condition of any relief granted under this section, the applicant shall be required to a declarative covenant notifying all subsequent purchasers of the fact that a lesser setback from the linear transmission facility has been approved and of any and all conditions placed on the grant of relief.
- (11) Height Limits:
Height limits are not set for utility towers and transmission lines. However, the County may place reasonable limitations on height (or impose other alternative mitigation) if necessary to mitigate impacts to existing uses or if necessary to address impacts to public safety.
- (12) Public Safety:
(a) The applicant shall develop and maintain an On-Site Health and Safety Plan that informs and trains employees and others on site what to do in case of emergencies, including the locations of fire extinguishers and nearby hospitals, telephone numbers for emergency responders, first aid techniques, and other safety procedures and information.
(b) For projects in which hazardous substances are stored or used, a Spill Prevention and Emergency Cleanup Plan will be designed to assist on-site workers with accidental releases. Any large spill will require emergency response through the local fire department or designated contractor.
(c) Signs warning of electrical dangers with emergency contact numbers (e.g. phone numbers of emergency responders) must be posted in compliance with all applicable standards.
- (13) Roads:
(a) When required, a Road Impact Assessment shall be prepared by an independent qualified consultant selected by Yakima County and paid for by the applicant for roads to be used by the project. The Assessment shall include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning (i.e. traffic volumes, weights, frequency, time of year of use, etc.); the Plan shall include an assessment of existing road conditions (e.g. pavement width, intersection designs, subgrade condition, surface conditions, existing traffic use/volumes). The Assessment should also address project-related developments of new surface aggregate mines and batch plants necessary for road construction.
(b) A Road Haul Agreement addressing impacts to county-maintained roads may be prepared in consultation with the County Engineer and approved prior to preliminary approval.
- (14) Requirements for Land Use Compatibility within Pipeline Corridors:
(a) Especially Sensitive Land Uses. New and expanded Especially Sensitive Land Uses, as defined in 15.08.240, proposed for location within 500 feet of a pipeline corridor shall at a minimum be designed by a qualified design

professional to avoid increasing the level of risk in the event of a pipeline failure, and where feasible, reduce the risk compared to the existing development (see Section 15.20.080).

(b) Other Development.

(i) Applicants for the following types of new or expanded development in Urban Growth Areas, RT and RS zoning districts shall use appropriate mitigation measures to help reduce adverse public safety impacts in the event of a pipeline failure:

(1) Commercial or Industrial.

(2) Especially Sensitive Land Uses proposed for locations not covered by 15.50.070(17)(a) above.

(3) Other uses developments as required by the Administrative Official that, because of proximity to a pipeline corridor, pose a safety concern due to characteristics of the occupants, development, or site.

(ii) Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to:

(1) Site and building design techniques such as maximizing the distance between new or expanded development and anticipated flow paths for leaking hazardous materials and controlling ignition sources.

(2) Emergency procedures such as emergency plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem.

(a) Applicants shall consult with the Fire Marshal regarding the level of emergency planning and procedures appropriate for the proposed development. Based on the nature, occupancy, or location of a proposed development, the Yakima County Fire Marshal may require emergency plans and procedures for any occupancy classifications.

(b) Emergency plans and procedures shall be consistent with the Yakima County Fire Code and shall be approved by the Yakima County Fire Marshal.

15.50.080 Compliance with Project Conditions

(1) ~~Compliance with project conditions and code requirements is required, prior to issuance of a Certificate of Zoning Review. In addition to such other remedies available under law, any County division or other decision maker issuing any decision, environmental determination (such as a mitigated determination of non-significance), approval, authorization, or other determination, including a determination on the conditions to apply to a particular project under this chapter ("authorization"), shall have the authority to rescind or expire such authorization for failure to substantially comply with any required conditions, mitigation, or code requirement.~~

- 1 (2) A written request may be filed with the Administrative Official prior to the
2 expiration date for extension of the time period specified in the project permit as
3 set forth in YCC 15.12.040(3).
- 4 (3) A request to transfer a linear transmission facility development authorization to a
5 new permit holder requires confirmation of compliance with project conditions,
6 and may require re-execution of agreements or other documents entered into
7 during and after project permitting to address impacts or related issues.

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10 | G:\Long Range\Linear Transmission Facilities\Drafts\Final_BOCC_Docs\Yakima County Linear Facilities_tc-
11 | 4_pcdelib_editsacctpt_final_2_8_12editshown.docx

EXHIBIT B - DRAFT PLAN 2015 UTILITY ELEMENT POLICY CHANGES

UT 2.3

Assist and facilitate the siting of linear transmission facilities and utility-related infrastructure in a manner consistent with *Plan 2015* through land use planning and development review policies and procedures.

UT 2.4

~~Develop and adopt an Energy Resources Element no later than 2010. The new Element would evaluate the natural energy resources of the County and establish goals and policies for accessing and utilizing wind, solar, geothermal, biomass, natural gas and other petroleum-based energy resources consistent with Plan 2015. Identify and designate a Wind Energy Overlay for those areas of the County that would be appropriate for windfarms. Establish review criteria through development of the programmatic Environmental Impact Statement and subsequent amendment of County Code. Encourage energy resource development in locations within Yakima County that take advantage of the County's energy resources, existing infrastructure, and also are sited to minimize environmental impacts.~~

Exhibit C - Draft YCC Title 15 Land Use Table Text Changes

Table 15.18 Allowable Land Uses

UTILITIES																
	AG	FW	MR	VR	R/EL	RT	R1	R2	R3	RS	B1	B2	C	HC	I	MIN
Impoundment of water, including dams and frost ponds	I	I	II	II	I	II	II			II					I	II
<u>Linear Transmission Facility*</u>	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II
Power generating facilities	III	III	III	III	III								III	III	III	III
Sewage treatment plants	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III
(substations, reservoirs, etc.), when no building or series of buildings exceeds 120 sq. ft. and the SEPA	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
(substations, reservoirs, etc.), when the building or series of buildings exceeds 120 sq. ft. or the SEPA	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II
Wastewater lagoons and sprayfields*	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III	III

LEGEND:

1. (*) refers to a definition in Chapter 15.08.
2. A higher level of review may be required if the use is in an overlay district, in which case refer to the overlay chapter.
3. In limited situations, Type II uses may be subject to a public hearing before the Hearing Examiner, see 15.12.020(6)
4. Indented listings are subsections of a group.

I= Type I Use, see Chapter 15.12

II=Type II Use, see Chapter 15.12

III=Type III Use, see Chapter 15.12

IV=Type IV Uses, See

Chapter 15.12

where the use is listed
elsewhere in the table.

☐ =Not permitted

{REV. ORD. 9-2003 August 5, 2003} Mining Update 2005

{REV. ORD. 15-2007 Dec. 31, 2007} 2015 Update

{REV.ORD. 1-2009 June 2,
2009} ORV

1 EXHIBIT D - DRAFT CHAPTER 15.20 TEXT CHANGES

2
3 Chapter 15.20

4
5 GENERAL ZONING DISTRICT REGULATIONS

6
7 Sections:

- 8
9
10 15.20.033 Requirements for uses near pipeline corridors in
11 UGAs, Rural Transitional and Rural Settlement
12 zoning districts
13 15.20.080 Review Criteria for Especially Sensitive Land
14 Uses

15
16
17 A new Section 15.20.033 of the Yakima County Code is hereby created to
18 read as follows:

19
20 15.20.033 Requirements for uses near pipeline corridors in Urban
21 Growth Areas, RT and RS zoning districts. All uses in Urban Growth
22 Areas, Rural Transitional (RT) and Rural Settlement (RS) zoning
23 districts shall be reviewed in accordance with Section 15.50.070(17).
24

25
26 The existing text of Section 15.20.080 of the Yakima County Code,
27 adopted by Ordinance 1-2000, is amended to read:

28
29 15.20.080 Review Criteria for Especially Sensitive Land Uses.
30 Proposals for especially sensitive land uses, as defined in Section
31 15.08.240, shall be reviewed as provided in this section.
32

33 (1) Especially Sensitive Land Uses, other than the first dwelling to
34 be located on a lot in an AG or FW zone, shall be reviewed
35 according to the following criteria:
36

37 ~~(1)-(a)~~ (a) The proposal will not adversely impact, or interfere
38 with accepted farm, forest or mining practices on adjacent or
39 nearby AG or FW zoned land, or mineral resource designated land,
40 respectively. Consideration shall include the type of
41 agricultural, forest or mining activities that are in the area
42 and the relative susceptibility to nuisance complaints;
43

44 ~~(2)-(b)~~ (b) The proposal uses mitigation measures to effectively
45 reduce the potential for land use conflicts and separate the site
46 from active agricultural, forest or mining activities, such as:
47 landscape buffers; special setbacks; screening; site design using
48 physical features such as rock outcrops, ravines, roads,
49 irrigation canals or critical areas; or proximity to established
50 dwellings, small lots or other especially sensitive land uses;

51
52 ~~(3)~~ (c) In addition, when located in an AG zone, the
53 especially sensitive land use should generally be located on the
54 least productive portion of the property.
55

56 (2) Especially Sensitive Land Uses proposed or located near pipeline
57 corridors shall be reviewed in accordance with Section
58 15.50.070(14).

Exhibit E – DRAFT LINEAR TRANSMISSION FACILITIES FEE CHANGES

Section 4. Fee schedule. Yakima County Code Section 20.00.010, adopted by Ordinance No. 1-1990, and amended by Ordinance No. 1-2010, is amended as follows. Much of the existing text is unchanged, but omitted in the presentation for this ordinance for clarity. Notes following tables and subsection headings in brackets in this section shall not be inserted into the text of the County Code:

20.00.010 Schedule of Fees.

The schedule of fees and charges adopted by the Board of County Commissioners and established in this chapter for the processing of the numerous and variety of applications required by the county, pursuant to the Yakima County Code, may be altered or amended only by the Board of County Commissioners.

No application shall be accepted, processed or approved unless or until such fees and charges listed in this title have been paid in full.

(D) YAKIMA COUNTY CODE TITLE 15 - ZONING ORDINANCE

(8)	<u>Linear Transmission Facilities</u>	<u>\$10,000 minimum deposit plus 100% processing and regulatory costs, plus 100% fee charged by Hearing Examiner for review, if applicable</u>
<u>* "Processing and regulatory costs" means actual costs, including, but not necessarily limited to, staff wages, benefits, review, regulatory inspections, overhead, consultant services or other expenses incurred during the review of the project. The hourly costs include, but are not necessarily limited to, wages, benefits, review, regulatory inspections, and overhead for planning, managerial, licensing, enforcement and clerical staff, and are assessed based on the time expended by Yakima County staff only. Processing and regulatory costs accrued by the County will be drawn from the deposit. When the initial deposit is below \$2,000, the applicant shall be notified by the Administrative Official that an additional deposit not to exceed \$10,000 is required to continue processing the project review. Any remaining funds not billable to the project will be refunded to the applicant once the project review is complete and any appeals have been resolved.</u>		

[Note: The remainder of the table is unchanged, omitted here for clarity.]

**(F) YAKIMA COUNTY CODE
TITLE 16 - SEPA**

Environmental Checklists with DNS	\$ 220.00
Environmental Checklists with MDNS, Environmental Impact Statement (DS), and County Completed Environmental Checklists (Sections <u>16.04.280</u> & <u>16.04.120</u>)	100% Processing Cost*
Planning Department Processing Costs (EIS)	\$ 45.00/hr
Hearing Examiner Conducted SEPA Public Meeting on Scoping, DEIS, SEIS or FEIS (in addition to Planning <u>Division</u> (Department)) processing <u>and regulatory costs</u>)	HE Contract Fee
<p><u>Processing and regulatory costs" means actual costs, including, but not necessarily limited to, staff wages, benefits, review, regulatory inspections, overhead, consultant services or other expenses incurred during the review of the project. The hourly costs include, but are not necessarily limited to, wages, benefits, review, regulatory inspections, and overhead for planning, managerial, licensing, enforcement and clerical staff, and are assessed based on the time expended by Yakima County staff only.* Processing and regulatory costs accrued by the County will be drawn from the deposit. When the initial deposit is below \$2,000, the applicant shall be notified by the Administrative Official that an additional deposit not to exceed \$10,000 is required to continue processing the project review. Any remaining funds not billable to the project will be refunded to the applicant once the project review is complete and any appeals have been resolved. "Processing cost" means actual costs including but not limited to staff wages, benefits, overhead, consultant services or other expenses incurred in the processing of the review of the project subject to an MDNS or EIS. The hourly rate listed below includes wages, benefits, and overhead for planning, managerial, and clerical staff, and is assessed based on the time expended by the project planner only.</u></p>	
Appeals	See subsection (I)

1 Exhibit F - Proposed changes to the YCC Title 15 Definitions Chapter

2
3
4
5 Chapter 15.08
6 DEFINITIONS

7
8 Sections:

9 15.08.171 Collector Lines
10 15.08.240 Especially sensitive land uses
11 15.08.341 Linear transmission facility
12 15.08.426 Minor Revision
13 15.08.611 Transmission Lines
14 15.08.630 Utility Services
15
16

17 C

18
19
20 15.08.171 Collector Lines. "Collector lines" means
21 electrical lines necessary to deliver power from a commercial
22 energy resource facility to electric substations or
23 interconnection facilities associated with existing or proposed
24 transmission lines.
25

26 E

27
28 15.08.236 Energy resource facility. "Energy resource
29 facility" means those land uses involved in the production,
30 distribution and sale of energy products by utilizing either
31 renewable or nonrenewable energy resources such as; wind, solar,
32 hydroelectric, geothermal, biomass, coal, oil or natural gas.
33

34
35 15.08.240 Especially sensitive land uses. "Especially
36 sensitive land uses" mean those which are, by their nature,
37 especially sensitive to farm, forest or mineral resource, linear
38 transmission facilities and management practices. These land
39 uses include dwellings, schools, day care facilities, medical
40 facilities such as hospitals, clinics and convalescent care
41 facilities, outdoor recreational facilities and similar uses.
42
43

44 15.08.241 External property line. "External property line"
45 means the boundary along legal lot lines surrounding the
46 project, which encompasses all property within the project. A
47 project's internal lot lines are those property or lot lines
48 which are inside the project's boundaries, and which do not abut
49 property located outside the project area.
50

L

15.08.341 Linear Transmission Facility. "Linear transmission facility" consists of those physical facilities necessary for the distribution of energy resources to serve a broader community or regional area, including but not limited to:

- (1) Electrical transmission lines ~~115~~150 kV, or greater;
- (2) Pipelines for petroleum or petroleum products with an inside diameter of six (6) inches or greater and exceeding five (5) miles in length;
- (3) Pipelines for natural gas, synthetic natural gas, or liquid propane gas with an inside diameter of twelve (12) inches or greater and exceeding five (5) miles in length;
- (4) Underground gas storage facilities with capacity exceeding 100×10^6 standard cubic feet per day; and
- (5) Other similar utility or energy facilities not meeting the definition of "Utility Services" (15.08.630).

M

15.08.426 Minor Revision. "Minor revision" means revisions which are within the scope of previous environmental review, are generally consistent with permit conditions, and do not constitute a major deviation from the permit. If multiple requests for minor revisions to the same project are submitted, they shall be considered cumulatively.

T

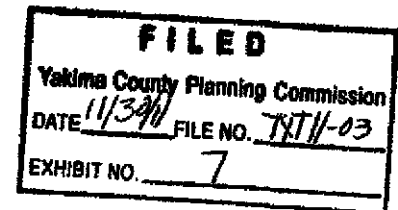
15.08.611 Transmission Lines. "Transmission lines" means ~~115~~150 kV or greater electric voltage lines, carry the bulk transfer of electrical energy, from generating power plants (in this case, the energy resource facilities) to substations.

U

15.08.630 Utility services. "Utility services" means electric substations, gas metering stations, sewer lift stations, telephone and communications relay or switching stations, municipal/public water works (including pumping stations and reservoirs), power booster or conversion plants, and similar utility facilities, all with their necessary

1 buildings, apparatus or appurtenances thereto. For purposes of
2 this title, "Utility services" does not include linear
3 transmission facilities, local transmission and collection
4 lines, pipes, conductors, or utilities located underground.
5 Utility services are not subject to the minimum lot size
6 requirements of the zoning district in which they are located
7 (except as required for domestic water, sewage disposal and soil
8 percolation rates), provided that they meet all other
9 requirements of the zoning district in which they are located.
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**Yakima County Planning Commission
Findings of Fact and Recommendation
November 30, 2011**



IN THE MATTER OF CONSIDERING TEXT AMENDMENTS TO PLAN 2015 AND YAKIMA COUNTY CODE TITLE 15 – ZONING ORDINANCE))))	FINDINGS OF FACT AND RECOMMENDATION File No: TXT11-03/SEP11-30/PRJ11-733
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Pursuant to RCW 36.70.400, RCW 36.70.500, RCW 36.70.600, and RCW 36.70.610, the Planning Commission makes the following statements and recommendations:

I. REASONS FOR ACTION

The Yakima County Planning Division submitted for Planning Commission consideration a proposed new chapter and definition changes to Yakima County Code (YCC) Title 15 – Zoning Ordinance and two utility policy text amendments to the Yakima County Comprehensive Plan - **Plan 2015** regarding Linear Transmission Facilities. Following public testimony and deliberations the Planning Commission has determined which of the proposed amendments are needed to correct errors, address deficiencies or more closely correspond to the goals, policies and intent of **Plan 2015**.

II. FINDINGS OF FACT

1. 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.
2. Yakima County Planning Division submitted for Planning Commission consideration a proposed new chapter and definition changes to YCC Title 15 - Zoning Ordinance and two utility policy changes to **Plan 2015** both regarding Linear Transmission Facilities.
3. On June 1, July 13, August 10 and September 14, 2011 the Planning Commission conducted study sessions to consider the proposed Linear Transmission Facilities text amendments.
4. On September 20, 2011, a Notice of Public Hearing and Notice of Environmental Review were mailed to interested parties and agencies with environmental expertise on the proposed Linear Transmission Facilities text amendments.
5. A legal notice was published in the Yakima Herald-Republic on September 30, 2011 informing the public of the opportunity to submit written comments on the proposed text amendments to **Plan 2015** and YCC Title 15 up to the date of the scheduled

Planning Commission public hearing, which also included an opportunity for verbal comments.

6. The Planning Commission conducted a properly advertised public hearing on October 18, 2011 at the Yakima Convention Center to hear testimony on the proposed text amendments. The Planning Commission received and accepted two written comments. Minutes of the hearings were taken and are on file.
7. Yakima County staff prepared a SEPA Threshold Determination of Non-Significance which analyzed the environmental impacts of all proposed text amendments and issued it on November 7, 2011.
8. The Planning Commission held a deliberation meeting on the proposed Linear Transmission Facilities on November 9, 2011, and after careful review of each page and making revisions to the October 18, 2011 draft as follows:
 - a. The Planning Commission voted 5 to 0 to amend the draft Linear Transmission Facilities language in section 15.50.040(2)(a)(ii) from a 1 mile property notification distance to 660 feet on each side of the facility. The change is based on the comments received from PacifiCorp that 1 mile was too onerous and a comment from Williams Natural Gas stating that the Federal Standard is only 660 feet and that should apply.
 - b. The Planning Commission voted 5 to 0 to amend the draft Linear Transmission Facilities language in section 15.50.040(3)(b) regarding email notification process to also include an option of a general mailing to those property owners without email services.
 - c. The Planning Commission voted 5 to 0 to delete the draft Linear Transmission Facilities language in section 15.50.070(3) pertaining to visual impacts because the existing language was primarily intended to address visual impacts associated with wind towers and that the environmental process will adequately consider those impacts.
 - d. The Planning Commission voted 5 to 0 to delete the draft Linear Transmission Facilities language in section 15.50.070(9)(a)(b)(c) regarding stormwater because the existing language was primarily intended to address stormwater impacts associated with wind towers and that the stormwater concerns will be handled through the environmental process.
 - e. The Planning Commission voted 5 to 0 to amend the draft Linear Transmission Facilities language in section 15.50.070(10)(vi) regarding the recording of an "instrument against the title" to now read "declarative covenant" because the County standard process is termed "declarative covenant."
 - f. The Planning Commission voted 5 to 0 to delete the draft Linear Transmission Facilities language in section 15.50.080 regarding the reference to the right of entry provision to avoid duplication because it is already listed in YCC 15.84.

- g. The Planning Commission voted 5 to 0 to amend the draft Linear Transmission Facilities definition (15.08.341) to delete "or larger" and replace with "or greater."

III. FACTORS CONSIDERED AT AND AFTER THE PUBLIC HEARING

The following comments were provided at the public hearing on October 18, 2011 and considered by the Planning Commission:

9. Written comments provided by PacifiCorp recommended numerous edits to the proposed Linear Transmission Facility chapter and definitions and were addressed during deliberations.
10. Written comment provided by the US Department of Army recommended a minor text change to reflect that the operator of the linear transmission facility should be held responsible for permit compliance, not both the landowner and operator of the facility.
11. Oral testimony provided at the hearing recommended numerous edits to the proposed Linear Transmission Facility language and were addressed during deliberations.

IV. ANALYSIS OF FINDINGS CONSIDERED TO BE CONTROLLING

The Planning Commission considers that the following findings regarding to the proposed Linear Transmission Facilities and **Plan 2015** text amendments to be controlling:

12. The proposed new Linear Transmission Facilities chapter and text amendments to YCC Title 15, attached as **Exhibit A**, will adequately address the future siting and development of linear transmission facilities in Yakima County.
13. The two minor utility policy amendments to **Plan 2015**, attached as **Exhibit B**, are needed to provide adequate policy guidance for the implementation of the new Linear Transmission Facility chapter to YCC Title 15.

V. RECOMMENDATION

14. The Yakima County Planning Commission, in view of the above Reasons for Action, Findings of Fact, Factors Considered at and after the Public Hearing, and Analysis of Findings Considered to be Controlling, is satisfied that these matters have been sufficiently considered, and has made many changes to the October 18, 2010 draft text amendments. The Planning Commission hereby recommends as follows:
15. Adoption, by the Board of Yakima County Commissioners, of the Linear Transmission Facilities and **Plan 2015** text amendments as approved by the Planning Commission on November 9, 2011.

VI. MOTION

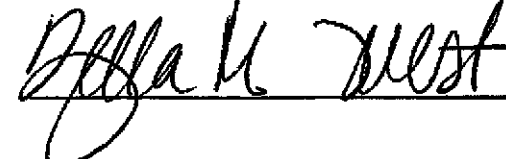
16. By motion and vote described in Section II. Findings of Fact, the Planning Commission recommends that the Board of Yakima County Commissioners approve the proposed Linear Transmission Facilities chapter and associated text amendment to YCC Title 15 and the two utility policy amendments to **Plan 2015**.

Voting in favor of the findings and recommendation:

Ed Burns,
Chair



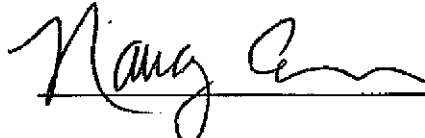
Zella West



Patrick Rawn

Absent

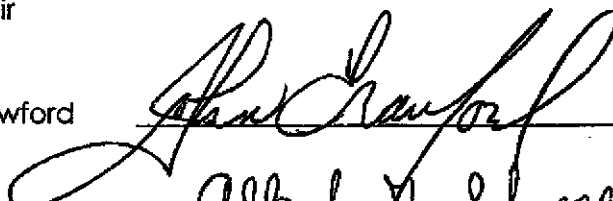
Nancy Charron



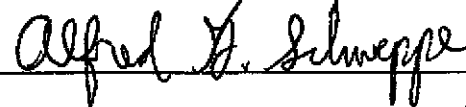
Michael Aquilino,
Vice Chair

Excused absence

John Crawford



Al Schweppe



Attest:


Steven M. Erickson,
Secretary

Voting against the findings and recommendation:

Dated: November 30, 2011