

Yakima County Planning Commission Findings of Fact and Recommendation April 10, 2023

IN THE MATTER OF CONSIDERING THE) **FINDINGS OF FACT AND**
TOWN OF NACHES EMERGENCY URBAN) **RECOMMENDATION**
GROWTH AREA (UGA) AMENDMENT TO)
THE YAKIMA COUNTY COMPREHENSIVE) File Nos: LRN2021-00001/SEP2021-00010
PLAN – **HORIZON 2040** FUTURE LAND USE)
MAP AND TO THE COUNTY'S OFFICIAL)
ZONING MAP ESTABLISHED BY YAKIMA)
COUNTY CODE (YCC) TITLE 19)

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

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

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

WHEREAS, YCC 16B.10.040(5) establishes that applications for amendments to UGA boundaries will only be considered at 5-year intervals and the most recent UGA boundary amendments were adopted by the Board in December 2016 and 2017; **and**,

WHEREAS, Section II.E.1.a. of the Master Interlocal Agreement for Growth Management Act Implementation in Yakima County, last revised on December 29, 2015, by the Board and the County's 14 Cities and Towns, provides for Cities and Towns opportunities to request amendments to UGA boundaries outside of the 5-year schedule by requesting the emergency amendment process allowed under RCW 36.70A.130(2)(b); **and**,

Naches Original UGA Amendment Request

WHEREAS, on March 3, 2021, the Town of Naches submitted a UGA amendment request to add 40.17 acres to their UGA, urgently insisting; that the lack of vacant developable residential land in their town limits, financial commitment of upgrades to their wastewater treatment plant, and improvements constitutes an emergency and needs to be considered by the County prior to the next county 5-year review scheduled to take place in 2022; **and**,

1 **WHEREAS**, the Board, after considering the Naches proposal, adopted Resolution
2 085-2021 on March 30, 2021, finding that an emergency exists and directed the
3 Planning Division to initiate consideration of the Naches request (LRN2021-
4 00001/SEP2021-00010) as soon as possible in accordance with RCW 36.70A.130(2)(b);
5 **and**,

6
7 **WHEREAS**, as part of its comprehensive plan and development regulations
8 amendment process, the County has established a public participation program under
9 YCC 16B.10, which sets forth minimum requirements for ensuring adequate public
10 notification and opportunities for comment and participation in the amendment
11 process; **and**,

12
13 **WHEREAS**, in accordance with said public participation program, a combined
14 Notice of Environmental Review and Future Public Hearing was mailed on August 2,
15 2021, to property owners within 300 feet of the proposed UGA amendment properties
16 and to agencies with environmental expertise; **and**,

17
18 **WHEREAS**, on August 2, 2021, Yakima County submitted a 60-Day Notice of Intent
19 to Adopt Amendment to the Department of Commerce (Commerce), as required by
20 RCW 36.70A.106 on the proposed UGA amendment; **and**,

21
22 **WHEREAS**, LRN2021-00001/SEP2021-00010 was presented to the Planning
23 Commission on August 11, 2021, for a Study Session and their review; **and**,

24
25 **WHEREAS**, the Planning Commission conducted a properly advertised and
26 noticed public hearing on September 8, 2021, and October 13, 2021, to hear testimony
27 on the proposed UGA amendment; **and**,

28
29 **WHEREAS**, the Planning Commission held their deliberations on October 13, 2021,
30 immediately after the close of the open record public hearing; **and**,

31
32 **WHEREAS**, the Planning Commission, having carefully considered the staff
33 recommendation, written, and oral testimonies in its deliberations, recommended to
34 APPROVE by a 4 to 1 vote to add proposed Areas 1 and 2 for a total of 17.1 acres (as
35 shown in Exhibit 1) and recommended to NOT APPROVE by a 3 to 2 vote to add Area 3
36 for a total of 23.07 acres (Diener's properties) (as shown in Exhibit 1). The
37 recommendation for the Diener's properties, however, is a NO RECOMMENDATION to
38 the Board according to the Yakima County Planning Commission "Rules of Procedure,"
39 Section IX: Voting, 9.3, which states in the absence of a majority vote (4 out of 7) of the
40 total Planning Commission members must be obtained to make an official
41 recommendation to the Board; **and**,

42
43 **WHEREAS**, the Planning Commission's Findings of Fact and Recommendations
44 were presented to the Board on December 2, 2021, and February 8, 2022, for Work
45 Sessions and their review; **and**,

46
47 **WHEREAS**, the Board conducted a properly advertised and noticed public
48 hearing on February 15, 2022, to hear testimony on the proposed UGA amendment;
49 **and**,

WHEREAS, the Board held their deliberations on March 22, 2022, and made no motion to approve, modify, or deny the Naches UGA amendment based on the Planning Commission's recommendation; **and**,

Naches Modified UGA Amendment Request

WHEREAS, on June 2, 2022, the Town of Naches submitted a modified proposal for a land swap, referred to as the “net zero swap,” to add Diener’s three properties for a total of 23.07 acres (Area 3 from the original request) and remove Huck’s 28.23-acre parcel (see Exhibit 2) for a net zero increase the town’s years of growth; **and**,

WHEREAS, on September 8, 2022, Yakima County submitted a 60-Day Notice of Intent to Adopt Amendment to Commerce, as required by RCW 36.70A.106 on the proposed UGA amendment; **and**,

WHEREAS, the modified amendment request was presented to the Planning Commission on September 14, 2022, for a Study Session and their review; **and**,

WHEREAS, Commerce submitted a comment letter on October 3, 2022, concerning the Town of Naches “net zero swap,” citing new language in RCW 36.70A.130(3)(c), effective on June 9, 2022, restricting the swapping of lands for UGA amendments that have been designated or previously designated agricultural, forest, or mineral resource lands of long-term commercial significance; **and**,

WHEREAS, in accordance with said public participation program, a Notice of Open Record Public Hearing was mailed on October 7, 2022, to property owners within 300 feet of the proposed UGA amendment properties; **and**,

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing on October 19, 2022, to hear testimony on the proposed UGA amendment; **and**,

WHEREAS, the Yakima County Planning Division submitted an official letter to the Planning Commission and entered it as an exhibit, during the open record public hearing, reversing its recommendation against the Naches proposal from approve to deny to be compliant with the new RCW 36.70A.130(3)(c) language; **and**,

WHEREAS, the Town of Naches requested the Planning Commission to continue the hearing until they have had time to address Commerce's letter and RCW 36.70A.130(3); **and**,

WHEREAS, the Planning Commission voted 3 to 2 in favor of continuing the hearing until a future date has been scheduled; **and**,

Naches Third UGA Amendment Request

WHEREAS, on February 21, 2023, the Town of Naches submitted another modified proposal, referred to as the “no swap” proposal, to only add Diener’s three properties (Area 3 from the original request); **and**,

WHEREAS, in accordance with said public participation program, a continued public hearing notice was mailed on February 24, 2023, to property owners within 300 feet of the proposed UGA amendment properties and parties of record; **and**,

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing on March 8, 2023, a continuation of the October 19, 2022 hearing, to hear testimony on the modified UGA amendment; **and**,

WHEREAS, planning staff presented an overview of the town's proposals; **and**,

WHEREAS, planning staff stated that if the Planning Commission was willing to consider the latest "no swap" proposal, they would make a recommendation of approval to the Planning Commission and document it in the Planning Commission's – Findings of Fact and Recommendation; since the proposal was no longer in violation of RCW 36.70A.130(3), and their land capacity analysis (see Exhibit 3) reported the town's growth within GMA's 20-year planning horizon requirement due to the new population projections; **and**,

WHEREAS, the Planning Commission held their deliberations on March 8, 2023, immediately after the close of the open record public hearing; **and**,

WHEREAS, the Planning Commission, having carefully considered the staff recommendation, written, and oral testimonies in its deliberations, moved to make the recommendation described below (III. RECOMMENDATION) to the Board of Yakima County Commissioners concerning the "no swap" UGA amendment to **Horizon 2040** and YCC Title 19; **and**,

NOW, THEREFORE, the Yakima County Planning Commission hereby makes and enters the following:

I. REASONS FOR ACTION

1. The Town of Naches submitted two additional requests on June 2, 2022, and February 21, 2023, modifying the original UGA amendment proposal submitted on March 3, 2021, to Yakima County to reconsider additions to the Naches Urban Growth Area prior to the 5-year UGA review cycle.
2. Staff reports for the original and modified “net zero swap” proposals were provided to the Planning Commission that included a land capacity analysis, major rezone review criteria, and AG De-designation review criteria.

3. An updated land capacity analysis that included the original, "net zero swap," and "no swap" proposals with the new 2040 population, based on the 2020 Census, and new years of growth, were provided to the Planning Commission for comparison and consideration (see Exhibit 3).
4. RCW 36.70.580, YCC 16B.10, and YCC 19.36.040 requires the Planning Commission to hold an open record public hearing on the proposed amendments to the comprehensive plan and zoning map that are contingent upon legislative approval of a comprehensive plan amendment before providing a recommendation to the Board of Yakima County Commissioners.
5. Following public testimony and deliberations, the Planning Commission made recommendations on the latest proposed amendment.

II. FINDINGS OF FACT

- 1 -

The Board, after considering Naches' original proposal, adopted Resolution 085-2021 on March 30, 2021, finding that an emergency exists and directed the Planning Division to initiate consideration of the Naches request (LRN2021-00001/SEP2021-00010) as soon as possible in accordance with RCW 36.70A.130(2)(b).

-2-

Yakima County must periodically review and, if needed, revise its comprehensive plan and development regulations to ensure that they comply with the GMA, as per the schedule provided in RCW 36.70A.130. This review also requires Yakima County to evaluate the County's fourteen designated UGAs by using the Washington State Office of Financial Management's population forecasts, the County's 20-year population allocations, and a detailed land capacity analysis process.

-3-

YCC 19.36.040 provides that amendments to the zoning map that are contingent upon legislative approval of a comprehensive plan amendment shall be considered a major rezone; and YCC 16B.10.090 requires that major rezones shall be reviewed against the approval criteria as for plan amendments in Section 16B.10.095.

-4-

Yakima County staff prepared a SEPA Threshold Determination and issued a Final Determination of Non-Significance (DNS) (SEP2021-00010) to include the parcels from the original, “net zero swap,” and “no swap” requests which analyzed the environmental impacts of the proposed actions.

-5-

The Diener agriculture designated parcels did not meet the minimum requirements of the **Horizon 2040** Agricultural Resource (AG) De-designation Analytical Process to be de-designated from Agriculture.

-6-

2 Yakima County staff submitted a 60-Day Notice of Intent to Adopt Amendment to
3 Commerce on September 8, 2022, for the modified “net zero swap” proposed
4 amendment.

-7-

7 On September 14, 2022, the Yakima County Planning Commission held a Study Session
8 on the proposed modified changes to the Naches UGA boundary.

-8-

11 On October 3, 2022, Commerce submitted a comment letter stating that the "net zero
12 swap" is in violation of the Growth Management Act.

-9-

15 On October 7, 2022, a Notice of Public Hearing was mailed to property owners within
16 300 feet of the proposed UGA amendment properties.

- 10 -

19 On October 19, 2022, the Planning Commission held a properly advertised public
20 hearing to accept oral and written comments on the proposed "net zero swap."

- 11 -

23 On October 19, 2022, planning staff submitted an official recommendation to the
24 Planning Commission reversing its recommendation from approve to deny based on
25 Commerce's comment letter.

-12-

28 On October 19, 2022, the applicant requested to the Planning Commission a
29 continuance of the hearing to provide time to address Commerce's comment letter
30 and RCW 36.70A.130(3)(c), and approved by a vote of 3 to 2.

-13-

33 On February 21, 2023, the Town of Naches submitted another modified proposal, the
34 "no swap" proposal, to only add Diener's three properties (Area 3 from the original
35 request).

-14-

38 On February 24, 2023, a Notice of Public Hearing was mailed to property owners within
39 300 feet of the proposed UGA amendment properties and parties of record.

-15-

42 On March 8, 2023, the Planning Commission held a properly advertised public hearing
43 to accept oral and written comments on the proposed “net zero swap.”

-16-

46 During the March 8, 2023 hearing, planning staff made a verbal statement that they
47 would recommend to the Planning Commission approval on the latest Naches "no
48 swap" proposal, to only add Diener's properties, if the Planning Commission was willing
49 to consider it.

-17-

2 During the March 8, 2023 hearing, the Planning Commission voted 5 to 0 in favor of
3 dismissing the “net zero swap,” which was on the table for their consideration, and with
4 another 5 to 0 vote voted in favor of forwarding the “no swap” proposal, to only add
5 Diener’s properties, to the Board for their consideration.

-18-

8 Naches latest “no swap” request proposes that Yakima County add the following three
9 Diener properties to their UGA:

- a. Parcel nos. 171403-42004, 171403-42005, and 171403-42023 for a total of 23.07 acres,
- b. Change the comprehensive plan designations of parcel nos. 171403-42004, 171403-42005, and 171403-42023 from Agricultural Resource (AR) to Urban Residential (UR), and
- c. Rezone parcel nos. 171403-42004, 171403-42005, and 171403-42023 from Agriculture (AG) to Single-Family Residential (R-1).

-19-

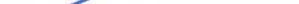
19 The hearing was closed on March 8, 2023, and the Planning Commission immediately
20 moved to deliberate and made the following recommendation on the latest proposed
21 amendment.

III. RECOMMENDATION

26 Therefore, the Planning Commission recommended to NOT APPROVE by a 3 to 2 vote to
27 add Diener's three properties to the town's UGA as identified in their latest request (as
28 shown in Exhibit 4). However, according to the Yakima County Planning Commission
29 "*Rules of Procedure*," Section IX: Voting, 9.3, a majority vote (4 of 7) of the total Planning
30 Commission members must be obtained to make an official recommendation to the
31 Board. In the absence of obtaining this majority, the recommendation of the Planning
32 Commission to the Board for the "no swap" proposal is a NO RECOMMENDATION for or
33 against the proposal.

35 Voting in favor of the accuracy of the findings and recommendations:

Doug Mayo, Chair Approved via email

Michael Shuttleworth, Vice Chair _____ 

Jerry Craig

Holly Castle }

Robert Tree

Sergio Gómez 

1 Attest:

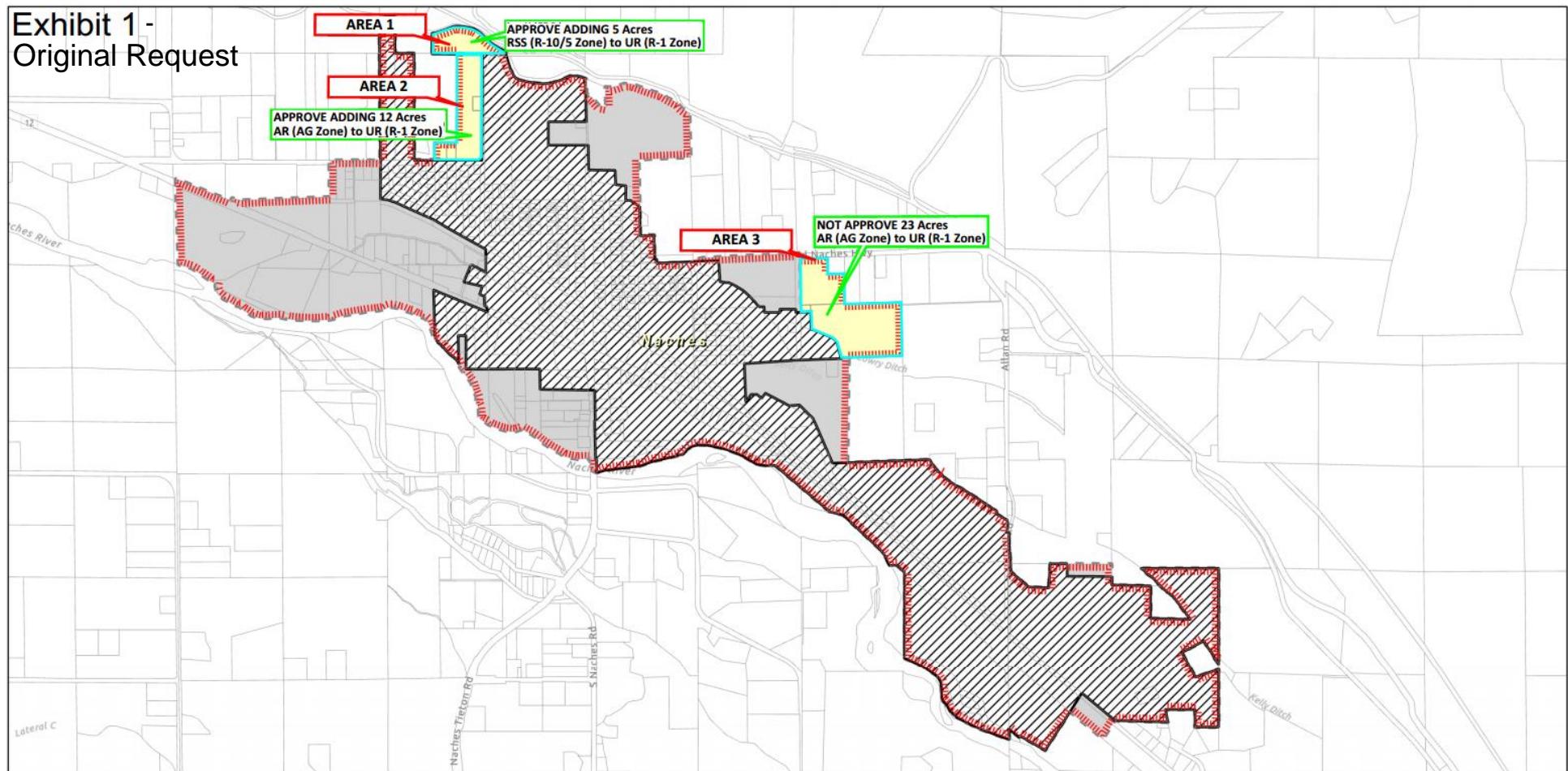


2
3
4
5
6 Thomas D. Carroll, Secretary

7
8 Dated: April 10, 2023

9 Exhibits: 1 - Planning Commission Recommendation Map - Original Naches Request
10 2 - Naches "Net Zero Swap" Proposal Map - Modified Request
11 3 - Naches Proposals Land Capacity Analyses Comparison
12 4 - Naches "No Swap" Proposal Map - Third Request

**Exhibit 1 -
Original Request**



YAKIMA COUNTY

GEOGRAPHIC INFORMATION SYSTEM

**Naches UGA (LRN21-001/SEP21-010)
PC Recommendation**

Note: The changes are to the UGA boundary,
to comp plan designations, and to zoning.

- Naches City Limits
- Urban Growth Boundary
- Proposed Urban Growth Boundary
- Proposed Changes to Urban Growth Area
- Parcels

0 0.25 0.5 1 1.5 2 Miles



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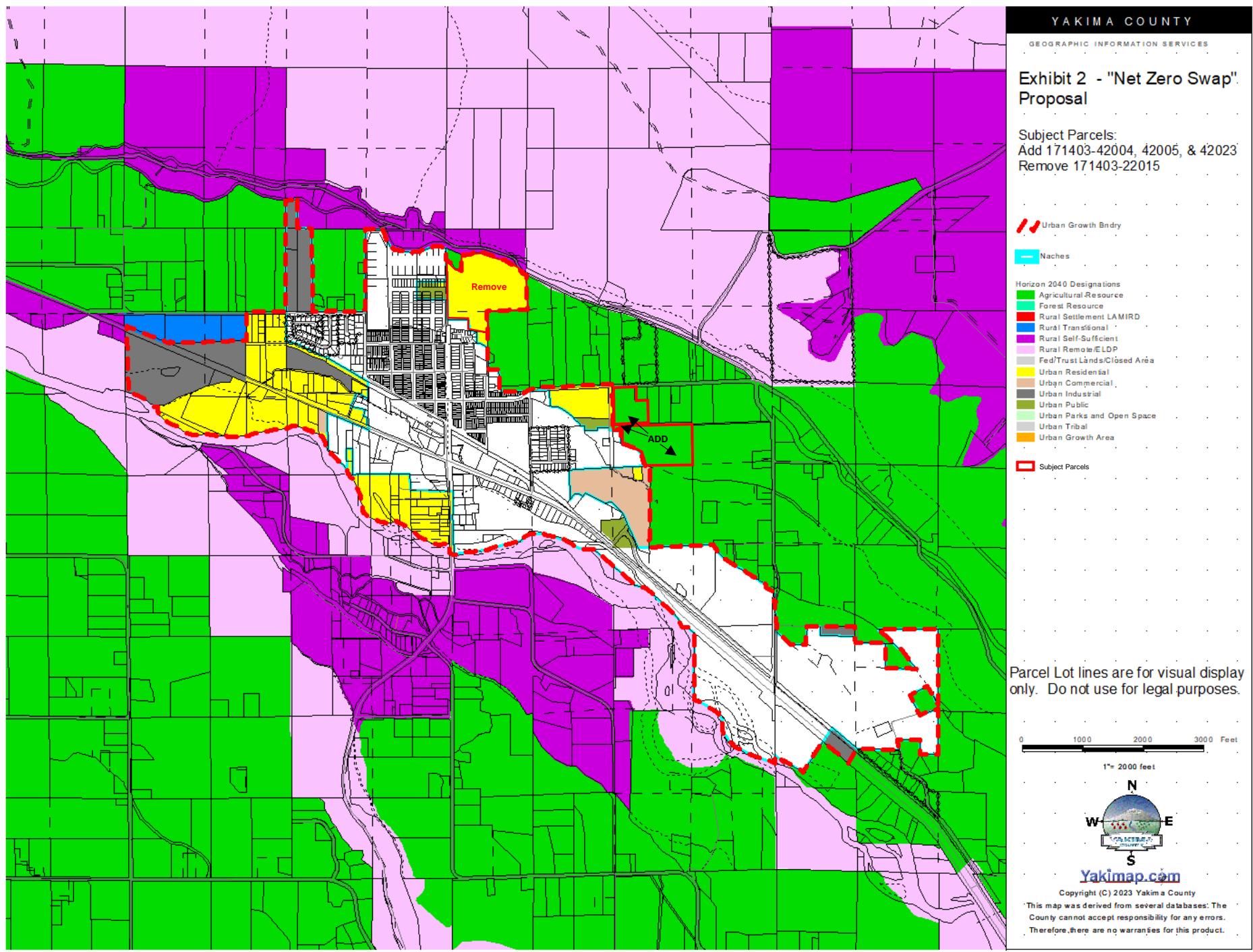


Exhibit 3

"UGA Land Capacity Analysis"
 Yakima County Department of Public Services - Planning Division
 12-27-2016 BOCC Decision

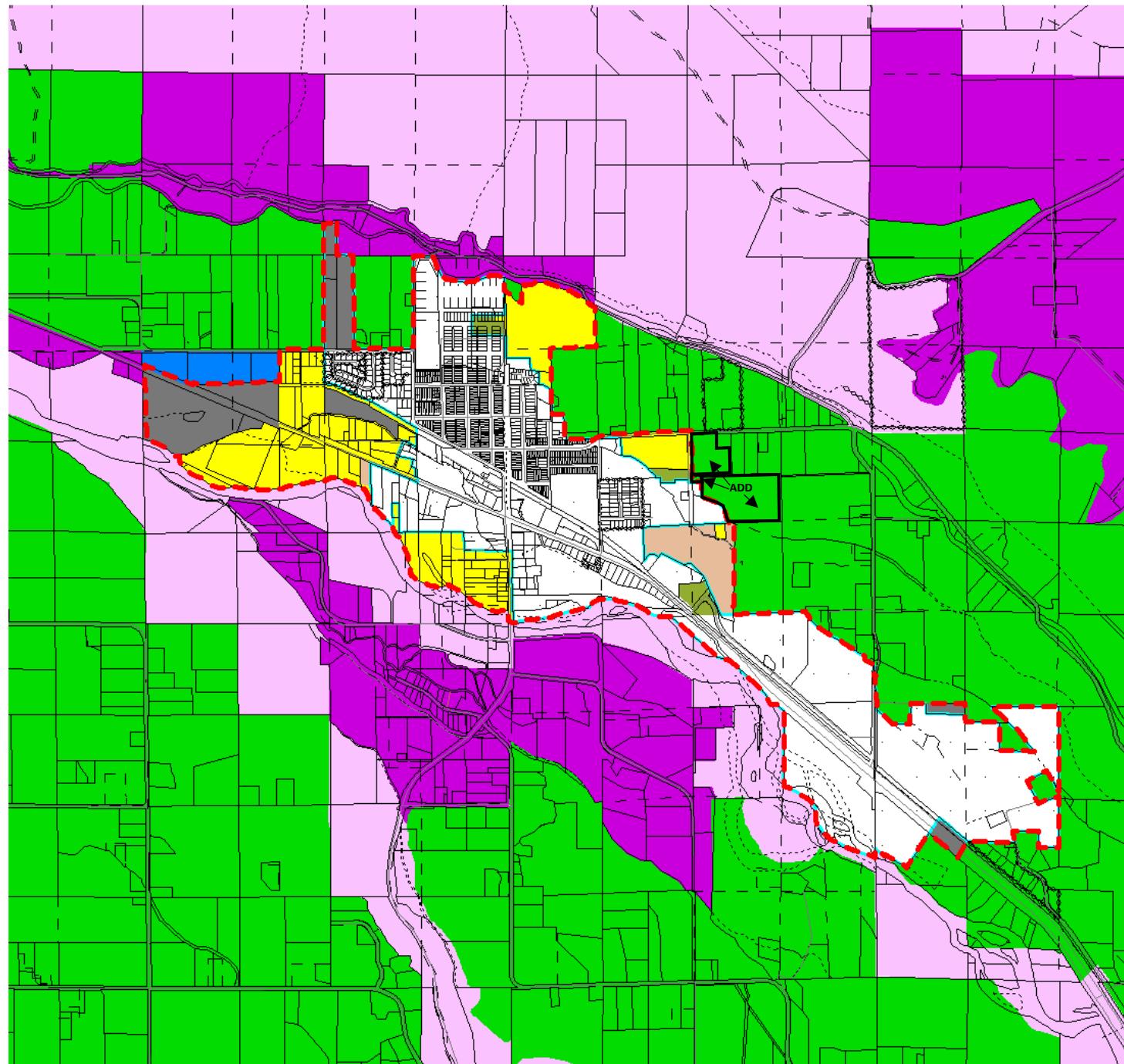
		Units	Naches Current w/ Env. Constraints 9-14-2022	Naches Proposed Modification (Land Swap) w/ Env. Constraints 9-14-2022	Naches Proposed Modification (No Swap) w/ Env. Constraints 11-28-2022
UGA Land Capacity Analysis					
1 - Population and Households Analysis					
a	2040 population for City (Projection within medium range)	people	1,832	1,832	1,832
b	2020 Decennial Census population in City	people	1,084	1,084	1,084
c	City's projected population increase, 2020-2040 (a - b)	people	748	748	748
d	City's average household size (2020 Census)	people per household	2.42	2.42	2.42
e	Additional households projected for City, 2020-2040 (c ÷ d)	households	310	310	310
2 - Future Residential Land Need					
f	Desired average density of future housing, 2020-2040 (5.1 dwelling units per acre)	sq. ft. per dwelling unit	8,500	8,500	8,500
g	Land needed for future housing (e • f ÷ 43,560 sq. ft. per acre)	acres	60	60	60
3 - Future Commercial & Retail Land Need					
h	Current developed commercial & retail land in City (from GIS analysis)	acres	49	49	49
i	Current developed commercial & retail land in City per person (h ÷ b)	acres per person	0.0456	0.0456	0.0456
j	Land needed for future commercial & retail (i • c)	acres	34	34	34
4 - Future Community Facilities* Land Need					
k	Current developed community facilities land in City (from GIS analysis)	acres	104	104	104
m	Current developed community facilities land in City per person (k ÷ b)	acres per person	0.0962	0.0962	0.0962
n	Land needed for future community facilities (m • c)	acres	72	72	72
5 - Future Streets Land Need					
p	Subtotal of land needed for future residential, commercial & retail, and community facilities (g + j + n)	acres	166	166	166
q	Land needed for future streets (p • 15%)	acres	25	25	25
6 - Land Capacity Analysis					
<u>Residentially-zoned capacity</u>					
r	Current vacant residentially-zoned land in City (from GIS analysis)	acres	50	50	50
s	(minus) Land needed for future housing and associated streets (-g • 115%)	acres	(69)	(69)	(69)
t	= Surplus (Deficit) of vacant residentially-zoned land in City (r + s)	acres	(19)	(19)	(19)
u	Current vacant residentially-zoned land outside City (from GIS analysis)	acres	24	47	47
v	(plus) Surplus (Deficit) of vacant residentially-zoned land in City (t)	acres	(19)	(19)	(19)
w	= Surplus (Deficit) of vacant residentially-zoned land in UGA (u + v)	acres	5	28	28
<u>Commercially-zoned capacity</u>					
x	Current vacant commercially-zoned land in City (from GIS analysis)	acres	35	35	35
y	(minus) Land needed for future commercial & retail and associated streets (-j • 115%)	acres	(39)	(39)	(39)
z	= Surplus (Deficit) of vacant commercially-zoned land in City (x + y)	acres	(4)	(4)	(4)
aa	Current vacant commercially-zoned land outside City (from GIS analysis)	acres	21	21	21
bb	(plus) Surplus (Deficit) of vacant commercially-zoned land in City (z)	acres	(4)	(4)	(4)
cc	= Surplus (Deficit) of vacant commercially-zoned land in UGA (aa + bb)	acres	17	17	17
<u>Community Facilities capacity</u>					
dd	Current vacant community facilities land in City (from GIS analysis)	acres	19	19	19
ee	(minus) Land needed for future community facilities and associated streets (-n • 115%)	acres	(83)	(83)	(83)
ff	= Surplus (Deficit) of vacant community facilities in City (dd + ee)	acres	(64)	(64)	(64)
gg	Current vacant community facilities land outside City (from GIS analysis)	acres	27	0	27
hh	(plus) Surplus (Deficit) of vacant community facilities land in City (ff)	acres	(64)	(64)	(64)
ii	= Surplus (Deficit) of vacant community facilities land in UGA (gg + hh)	acres	(37)	(64)	(37)
<u>Capacity for growth in City (excluding Industrial growth)</u>					
jj	Surplus (Deficit) of vacant land for residential, commercial, community facilities, & streets (t + z + ff)	acres	(87)	(87)	(87)
kk	Computed Market Choice Factor in City (MCF)**	%	-46%	-46%	-46%
mm	Years of growth available in City ((kk + 1) • 20)	years	11	11	11
<u>Capacity for growth outside City (excluding Industrial growth)</u>					
nn	Years of growth available outside City (rr - mm)	years	7	7	10
<u>Capacity for growth in UGA (excluding Industrial growth)</u>					
pp	Surplus (Deficit) of vacant land for residential, commercial, community facilities, & streets (w + cc + ii)	acres	(15)	(19)	8
qq	Computed Market Choice Factor in UGA (MCF)***	%	-8%	-10%	4%
rr	Years of growth available in UGA ((qq + 1) • 20)	years	18	18	21
7 - Future Industrial Land Need					
ss	Current developed industrially-zoned land in City (from GIS analysis)	acres	96	96	96
tt	Current developed industrially-zoned land outside City (from GIS analysis)	acres	32	32	32
uu	Current vacant industrially-zoned land in City (from GIS analysis)	acres	1	1	1
vv	Current vacant industrially-zoned land outside City (from GIS analysis)	acres	12	12	12
ww	Industrial acres to add to UGA (based on City's economic development strategy)	acres	0	0	0
xx	Industrial acres to remove from UGA (based on City's economic development strategy)	acres	0	0	0

*Community Facilities such as parks, schools, libraries, city halls, fire stations, churches

**(vacant acres in City ÷ needed acres) - 1 = (r + x + dd) ÷ (-s - y - ee) - 1

***(vacant acres in UGA ÷ needed acres) - 1 = (r + u + x + aa + dd + gg) ÷ (-s - y - ee) - 1

Note: numbers in parentheses are negative



YAKIMA COUNTY
GEOGRAPHIC INFORMATION SERVICES

Exhibit 4 - "No Swap" Proposal

Subject Parcels:
Add 171403-42004, 42005, & 42023

Urban Growth Bndry

Naches

Horizon 2040 Designations

Agricultural Resource

Forest Resource

Rural Settlement LAMIRD

Rural Transitional

Rural Self-Sufficient

Rural Remote/ELDP

Fed/Trust Lands/Closed Area

Urban Residential

Urban Commercial

Urban Industrial

Urban Public

Urban Parks and Open Space

Urban Tribal

Urban Growth Area

Subject Parcels

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

0 1000 2000 3000 Feet

1= 2000 feet

N

S

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Plot date: Mar 22, 2023; Naches UGA