

 <p><b>YAKIMA COUNTY</b> WASHINGTON</p>	DEVELOPMENT REGULATION TEXT AMENDMENT
	CASE NUMBER(S): LRN2022-00005
	STAFF REPORT
	DRAFTED BY: Tommy Carroll
	DATE: May 5, 2023
Staff Report – PC Study Hearing Draft	

1

Applicant:	Kent McHenry
Representative:	Tommy Carroll, Planning Official
Request:	Type of Amendment: Development Regulation Text Amendment
General Description of proposed Text Amendment:	Two text amendment requests; one seeking the allowance of transportation related businesses in the rural areas of Yakima County and the other is the potential inclusion of additional land uses on YCC Title 19 Allowable Land Use table. Both proposals are evaluated in this staff report.

2

3 **A. SUMMARY OF RECOMMENDATIONS**

4 Recommended partial approval and denial (as indicated) of changes to the Development Regulation  
 5 Text Amendment, subject to consideration of the Planning Commission after their review and  
 6 testimony from neighbors and interested parties.

7 **B. SUMMARY OF REQUEST**

8 As set forth in YCC Title 16B.10.040 (6) comprehensive plan and development regulation text  
 9 amendments may be proposed by any party, including County staff, at any time to the  
 10 Administrative Official. A proposed text amendment to YCC Title 19 was presented to the  
 11 Administrative Official for consideration to be included in the 2022 amendment cycle. The  
 12 Administrative Official presented his docketing recommendation to the Planning Commission on  
 13 March 9<sup>th</sup>. Of the three text amendments only two were considered for docketing and of the two  
 14 selected one of the recommended text amendments was partially accepted for consideration. The  
 15 two recommended text amendments are summarized as follows:

16 1. Text amendment to YCC Title 19 that would allow transportation related businesses in the rural  
 17 zoning districts under a specific set of criteria.  
 18  
 19 2. Text amendment to YCC Title 19 that would allow heavy equipment and storage in rural zoning  
 20 districts under a specific set of criteria.

21 **C. ANALYSIS**

22 1. Text amendment to YCC Title 19 that would allow transportation related businesses in the rural  
 23 zoning districts under a specific set of criteria.

24  
 25 The applicant's proposal is as follows (blue underline represents Applicant's proposed text):

1

2 1. Transportation Related Businesses in Rural Zones

3 a. Legislative Intent. This Section is intended to:

4 i. Provide methods for the approval of Transportation Related Businesses in the  
Rural Zoning Districts.

5 ii. Provide an administrative process for the approval of Transportation Related  
Businesses with the Rural Zoning districts

6 iii. Ensure that the approval of Transportation Related Businesses does not have a  
negative impact on the adjacent land uses.

7 iv. Ensure that the proper infrastructure is in place or proposed to be in place to  
support the proposed use.

8 b. Applicability

9 i. Permit Required

10 ii. Transportation businesses that do not require parking of vehicles on the property,  
such as dispatch operations.

11 iii. Transportation businesses that require the parking of vehicles, such as  
brokerages.

12 iv. Storage of vehicles used seasonally, whether agriculture related or not.

13 c. Public Notice

14 i. Notice of the proposed Land Use change mailed under YCC Title 16B shall be sent  
to owners of property within 300 feet of the proposed use.

15 d. Information Requirements

16 i. In addition to the requirements of chapter 19.31 and the application procedures  
in YCC Title 16B, the application shall include the following information:

17 1. Information on the vehicle trips per day that would be generated as a result of  
this proposed use.

18 2. The size of the parking lot, if applicable, including the layout and number of  
parking spaces.

19 3. Circulation Plan, including locations of ingress and egress.

20 e. Approval Requirements

21 i. Findings

22 1. The current Land Use Designation.

23 2. The proposed use does not limit the current use of adjoining properties.

24 3. There is sufficient infrastructure to support the proposed use.

25 ii. Review Criteria. In making such findings the Reviewing Official shall consider the  
following criteria, based on evidence provided by the applicant.

26 1. Compatibility with the current uses of adjoining properties.

27 2. Capacity on operation of the roadways serving the subject property.

28 3. Adequate water supply for the proposed use.

29 4. Adequate sewerage disposal for the proposed use.

30 5. Suitability of the land for the proposed use.

31 6. Whether a hazard to life, limb or property, because of the proposed use is  
created which or which might be reasonably be created as a result of the  
proposed use, and what measures would mitigate any such hazards.

7. What restrictions should or should not be imposed to secure the purpose of this section and to protect the public and surrounding property owners.

**f. Ownership**

i. No approval shall be issued for a premise, except with written consent of the owner or owners.

g. Restriction upon operations

i. Reasonable restrictions upon the operations may be imposed that are calculated to secure the for the purposes of the Section, the Comprehensive Plan, and this Title. Such restrictions may relate to any activity anticipated from the proposed use. Examples are, hours of operation, traffic volume; setbacks; etc.

Staff Analysis: This proposed text amendment as drafted, appears best suited to be placed in YCC Title 19's Special Uses and Standards Chapter 19.18. This chapter is intended to address specific land uses that need additional standards imposed other than those outlined in YCC Title 19.10 General Zoning Requirements. It was determined during the docketing process that the proposed text amendment could be moved forward consideration. Presently, Yakima County has several code violations directly related to the unpermitted use of heavy equipment and trucking related businesses in the rural and agricultural areas of the County. Many of these uses support the neighboring agricultural businesses and most struggle to find adequate areas to park their equipment or trucks in areas properly zoned for such uses. Under current code trucking related businesses and/or parking are allowed in the following zones:

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Contract truck hauling, rental and trucks with drivers							2	3									3	1	1
Taxicab terminals, maintenance and dispatching centers, etc.							2									3	3	1	
Transportation brokerage offices*; with truck parking							3	2								2	2	1	1
Transportation brokerage offices*; without truck parking							2	1								1	1	1	1

The only rural zoning districts that currently allows trucking related businesses is the Rural Settlement (RS) and Highway Tourist Commercial (HTC) zoning districts. The RS zoning district is a mixed-use zone only found in small rural communities such as Parker, Buena, Outlook, Tampico, etc. The mixed-use nature of the RS zoning district means you can have a convenience store adjacent to a residential dwelling next to a fruit stand next to a manufacturing facility. This mixed-use zone has many of the same problems that a trucking related business would have to address if they were allowed in the Rural 10/5 (R-10/5), Rural Transitional (RT) or Remote/Extremely Limited Development Potential (R/ELDP) zoning districts. Those commercial and industrial zones that allow trucking related businesses are predominately located within Urban Growth Areas. Yakima County sees these zones as being appropriate for these uses, however the common complaint we receive from those looking for areas to operate their trucking is that paying top dollar industrial land prices

1 to park two or three semi-trucks. The other issue has been if your trucking business supports an  
2 agricultural business in the ag zone or rural areas, but the only property you can find zoned for that  
3 type of use is 10 miles away in a city or their urban growth area.

4  
5 Not knowing the exact reason why Yakima County didn't allow trucking related businesses in the  
6 rural zones, one could assume it was directly related to compatibility with adjacent rural residential  
7 uses. Yakima County has such a variety of parcel sizes in the rural zoning districts. There are areas  
8 where the minimum parcel size in a specific rural area may be as small as ½ acre (RT), which clearly  
9 wouldn't be appropriate for a trucking business, but what about rural zones with lots as large as 5-,  
10 or 40-acres in size, like R-10/5 and R/ELDP. These areas would probably be able to handle a  
11 trucking related business easier than the areas with 1/2-acre lot size zones. Of course, even on large  
12 rural lots there still could be neighbors that would not want to see a trucking related business next  
13 to them. This is where we need to conduct an evaluation of all the similar land uses that could be  
14 in the Rural zoning districts to put into prospective what Yakima County already allows. The table  
15 below lists just a few of similar types of allowed uses in the rural areas, as well as what is already  
16 allowed in the Ag zoning district for comparison.  
17

R/ELDP	R-10/5	RS	RT	Ag
Ag Tourist Operation	Ag Tourist Operation			Ag Tourist Operation
Cold Storage Buildings	Cold Storage Buildings	Cold Storage Buildings		Cold Storage Buildings
Feedlots/Diaries	Feedlots/Diaries			Feedlots/Diaries
Livestock Auction Yards	Livestock Auction Yards			Livestock Auction Yards
	Amusement Parks (surf park)	Amusement Parks (surf park)	Amusement Parks (surf park)	
Livestock Event Facilities	Livestock Event Facilities	Livestock Event Facilities		Livestock Event Facilities
Off-road Vehicle Park	Off-road Vehicle Park			
Shooting Ranges	Shooting Ranges			Shooting Range
Fire, Police Stations				
School Bus Parking and Maintenance				
Mining	Mining	Mining/Asphalt	Mining	Mining
Landfill	Landfill			Landfill
Kennels	Kennels			Kennels
	Repair shops/Service Station			
Nursery	Nursery	Nursery		Nursery
	Zoo		Zoo	
Airport	Airport			
Sewage Treatment	Sewage Treatment	Sewage Treatment		Sewage Treatment
	Mini-storage			

18 As identified in the table above there are a number of the allowable land uses that generate similar  
19 types of land use impacts as a Trucking related business would. Taking that into consideration, it  
20 would appear in certain cases allowing trucking related businesses in the rural areas makes sense,  
21 as long as the County has adequate development standards to properly site them.  
22

1 **Staff Recommendation:** Staff recommends that the Planning Commission consider modifying the  
2 three applicable transportation related businesses outlined in YCC Title 19, Table 19.14-1 Allowable  
3 Land Use Table below. The three transportation related businesses are defined under YCC Title  
4 19.01.070 and would also need to be modified to specifically call-out that those uses are considered  
5 Transportation Related Businesses as listed in YCC Title 19.18.495. The changes to the land use table  
6 are as follows:

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Contract truck hauling, rental and trucks with drivers *				<u>3</u>	<u>2</u>		2	3									3	1	1
Taxicab terminals, maintenance and dispatching centers, etc.							2									3	3	1	
Transportation brokerage offices*; with truck parking				<u>3</u>	<u>2</u>		3	2								2	2	1	1
Transportation brokerage offices*; without truck parking				<u>2</u>	<u>2</u>		2	1								1	1	1	1

7 The changes shown above to 19.14-1 Allowable Land Use table proposes that the three existing  
8 transportation related businesses (Contract Truck Hauling, Transportation Brokerages with no truck  
9 parking and Transportation Brokerages with truck parking) as Type 2 uses in the R-10/5 and Type 3  
10 uses in the R/ELDP, subject to the applicant's proposed language, with the changes outlined below  
11 (red strikethrough for deleted text and purple underlined for staff's changes):  
12

### 19.18.495 Transportation Related Businesses

#### 1. Legislative Intent. This Section is intended to:

- 15 a) Provide methods-administrative process for the approval of Transportation Related  
16 Businesses in the Rural Zoning Districts listed in 19.14-1 Allowable Land Use Table.
- 17 b) Provide an administrative process for the approval of Transportation Related Businesses  
18 with the Rural Zoning districts
- 19 c) b) Ensure that the approval of Transportation Related Businesses does not have a negative  
20 impact on the adjacent land uses or the rural character of the zoning district.
- 21 d) Ensure that the proper infrastructure is in place or proposed to be in place to support the  
22 proposed use.
- 23 e) Ensure that Transportation related businesses in rural zoning districts will not constitute  
24 nuisances to other land uses, especially residential neighborhoods.

#### 2. Applicability

- 26 a) Permit Required. Transportation related businesses shall not be maintained, established,  
27 substantially altered, expanded, or improved until the person operating such site has  
28 obtained a project permit as provided in the Allowable Land Use Table 19.14-1 in Chapter  
19.14.

1           b) Transportation related businesses apply to operations that either that do not require  
2           parking of vehicles on the property, such as dispatch operations, or those that do require  
3           parking of vehicles, such as brokerages.

4           c) Transportation businesses that require the parking of vehicles, such as brokerages.

5           d) Operations that require \$storage of vehicles used seasonally, whether agriculture related or  
6           not.

7           d) The property must be three (3) acres or larger and have direct access to a paved County  
8           road or state/federal highway.

9           3. Public Notice

10           a) Notice of the proposed Land Use change mailed under YCC Title 16B shall be sent to owners  
11           of property within 300 feet of the proposed use.

12           4. Information Requirements

13           a) In addition to the requirements of chapter 19.301 and the application procedures in YCC  
14           Title 16B, the application shall include the following information:

15           1. Information on the vehicle trips per day that would be generated as a result of this  
16           proposed use, whether for seasonal or year-round use.

17           2. The size of the parking lot, if applicable, including the layout, surface type and number  
18           of parking spaces.

19           3. Circulation Plan, including locations of ingress and egress.

20           3.4. Hours of operation.

21           5. Approval Requirements

22           a) Findings. Before such approval shall be given, the Reviewing Official shall find:

23           1. The proposed facility is designed, located, and proposed to be operated so the public  
24           health, safety, and welfare will be protected. The current Land Use Designation.

25           2. That the use will not prevent the orderly and reasonable use and development of  
26           surrounding properties or of properties in adjacent zones. The proposed use does not  
27           limit the current use of adjoining properties.

28           3. That all public or private utilities necessary for the use are available, and that the roads  
29           serving the use are adequate to accommodate the type and extent of vehicular traffic.  
30           There is sufficient infrastructure to support the proposed use.

31           3.

32           b) Review Criteria. In addition to the requirements outlined in YCC Title 19.30, In making such  
33           findings the Reviewing Official shall consider the following criteria, based on evidence  
34           provided by the applicant.

35           1. Compatibility with the current uses of adjoining properties.

36           2. Capacity on operation of the roadways serving the subject property.

37           3. Adequate water supply for the proposed use.

38           4. Adequate sewerage disposal for the proposed use.

39           5. Suitability of the land for the proposed use.

40           6. Whether a hazard to life, limb or property, because of the proposed use is created  
41           which or which might be reasonably be created as a result of the proposed use, and  
42           what measures would mitigate any such hazards.

43           7. What restrictions should or should not be imposed to secure the purpose of this section  
44           and to protect the public and surrounding property owners.

45           8. Ownership

1                   c) Ownership.

2                   1. No approval shall be issued for a premise, except with written consent of the property  
3                   owner or owners. Permission to engage in the use is granted to only the permit  
4                   applicant or the permit applicant's transferee. Permits shall be transferable, unless the  
5                   approval specifies otherwise. Transferees shall engage in the use authorized by the  
6                   permit only to the extent authorized by this Section and the permit itself.

7                   6. Restriction upon operations

8                   a) In addition to the development standards outlined in YCC 19.10.040 and the requirements  
9                   of YCC 19.30, Reasonable restrictions upon the operations may be imposed by the  
10                   Reviewing Official based on comments received, identified impacts resulting from the  
11                   specific proposal, and/or to maintain compliance with that are calculated to secure the for  
12                   the purpose of the Section, the Comprehensive Plan, and this Title. Such restrictions may  
13                   relate to any activity anticipated from the proposed use. Examples are, hours of operation,  
14                   site-screening, traffic volume,; setbacks, noise, light and glare,; etc.

15  
16                   The new section of code related to Transportation Related Businesses would apply to a number of  
17                   existing land uses found on Table 19.14-1, in YCC Title 19.14. Those uses include: Transportation  
18                   Brokerages (with or without truck parking) and Contract Truck Hauling. To ensure those uses are  
19                   properly directed to the proposed new section YCC Title 19.18.495 Transportation Related Businesses,  
20                   Yakima County is proposing that those three land uses are defined in YCC Title 19.01.070 to reflect  
21                   that they are indeed considered Transportation Related Businesses that need to comply with the new  
22                   YCC Title 19.18.495 section. The proposed new definitions are as follows:  
23

<u>Contract truck hauling, rental and trucks with drivers</u>	<u>"Contract truck hauling, rental and trucks with drivers," means any person, whether through a franchise or private contract, paid to collect and move material from a generator to a reporting entity, end user, or a destination. Any material delivered by a contract hauler is referred to as "contract-hauled." These land uses are regulated under YCC Title 19.18.495 Transportation Related Businesses.</u>
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<u>Transportation brokerage offices</u>	<u>"Transportation brokerage offices" means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo. These land uses are regulated under YCC Title 19.18.495 Transportation Related Businesses.</u>
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25                   2. Text amendment to YCC Title 19 that would allow heavy equipment and storage in rural zoning  
26                   districts under a specific set of criteria.

27                   The applicant's proposal was for the inclusion of a number of industrial related land uses in the rural  
28                   zoning districts. During the docketing process the Administrative Official made the determination  
29                   that the proposed text amendment, as written, unfortunately could constitute a violation of the  
30                   Growth Management Act (GMA), therefore will require edits to be recommended for consideration.  
31                   When Yakima County adopted YCC Title 19 in 2015, the County conducted an extensive public  
32                   participation process utilizing multiple citizen working groups, representatives from the  
33  
34

1 development community and numerous Planning Commission study sessions. During that process,  
2 Title 19's Allowable Land Use Table was exhaustively evaluated to determine if more land uses  
3 should be allowed in more zoning districts. It was determined that industrial/manufacturing related  
4 uses contradicted GMA's mandate for counties to maintain rural character in rural zoning districts.  
5 However, since agriculture is allowed in all zoning districts in the County, some ag related industrial  
6 uses were allowed as Type 3 uses in the R/ELDP zone and Type 2 uses in the R-10/5.

7 The McHenry proposal is requesting the inclusion of the following land uses in the Allowable Land  
8 Use Table: Agricultural support, cement or concrete production, explosives/ammunition production,  
9 building products, grain mill products, slaughterhouses, sawmills, wood working, agricultural  
10 implements, building and trade, convenience stores, heavy construction equipment & storage,  
11 vehicle maintenance and repair. This a very specific list of land uses and many are already allowed  
12 in some of the rural zoning districts (convenience stores, building and trade contractors, certain  
13 vehicle repair services). In addition, some of the listed uses are allowed in the Industrial zones but  
14 are so extensive they are Type 3's in those zones (sawmills, slaughterhouse, explosives and  
15 ammunition). This makes those types of uses almost impossible to allow in the rural zones.

16 Yet, heavy construction equipment and storage is allowed in some rural zones but is excluded from  
17 the R/ELDP zone and the R-10/5. The Administrative Official concluded that this portion of the  
18 applicant's requested text amendment did warrant further view and discussion at the Planning  
19 Commission level to determine whether these types of heavy equipment and storage related uses  
20 could possibly be sited in the rural areas without violating GMA's strict requirement for Yakima  
21 County to maintain the rural character in the rural zoning district.

22 The Applicant's proposed text amendment to YCC Title 19 is as follows (blue underline represents  
23 Applicant's proposed text):

24 Other Businesses and Manufacturing in Rural Zones

25 a. Legislative Intent. This Section is intended to:

- 26 i. Provide methods for the approval of businesses and manufacturing in the Rural  
Zoning Districts. These uses may include, but is not limited to; Agricultural  
support, cement or concrete production, explosives/ammunition production,  
building products, grain mill products, slaughterhouses, sawmills, wood working,  
agricultural implements, building and trade, convenience stores, heavy  
construction equipment & storage, vehicle maintenance and repair.
- 27 ii. Provide an administrative process for the approval of businesses and  
manufacturing in the Rural Zoning Districts.
- 28 iii. Ensure that the approval of businesses or manufacturing does not have a  
negative impact on the adjacent land uses.
- 29 iv. Ensure that proper infrastructure is in place or proposed to be in place to support  
the proposed use.

30 b. Applicability

31 i. Permit Required

- 32 1. A conditional Use Permit shall be required for the proposed use, in addition  
to all applicable Federal, State, and other required Local permits for the  
proposed use.

2. Operation of the proposed use is not allowed until such site has obtained all applicable permits.

c. Public Notice

- i. Notice of the proposed Land Use change mailed under YCC Title 16B shall be sent to owners of property within 300 feet of the proposed use.

d. Information Requirements

- i. In addition to the requirements of chapter 19.31 and the application procedures in YCC Title 16B, the application shall include the following information:
  1. A narrative detailing the reasons for locating the proposed business at this location, including reasons why it could not be located within an Urban Zoning District.
  2. Water usage requirements.
  3. Information of the vehicle trips that would be generated daily as a result of this proposal.

e. Approval Requirements

- i. Findings
  1. The Land Use Designation.
  2. That there are sufficient reasons that the proposed business cannot be located within an Urban Zoning District.
  3. The proposed use does not limit the current use of adjoining properties.
  4. There is sufficient infrastructure to support the proposed use.
- ii. Review Criteria. In making such findings the Reviewing Official shall consider the following criteria, based on evidence provided by the applicant.
  1. Compatibility with the current uses of adjoining properties.
  2. Capacity on operation of the roadways serving the subject property.
  3. Adequate water supply for the proposed use.
  4. Adequate sewerage disposal for the proposed use.
  5. Suitability of the land for the proposed use.
  6. Whether a hazard to life, limb or property, because of the proposed use is created which or which might be reasonably be created as a result of the proposed use, and what measures would mitigate any such hazards.
  7. What restrictions should or should not be imposed to secure the purpose of this section and to protect the public and surrounding property owners.

f. Ownership

- i. No approval shall be issued for a premise, except with written consent of the owner or owners.

g. Restriction upon operations

- i. Reasonable restrictions upon the operations may be imposed that are calculated to secure the for the purposed of the Section, the Comprehensive Plan, and this Title. Such restrictions may relate to any activity anticipated from the proposed use. Examples would be; hours of operation, traffic volume, setbacks, etc.

Staff Analysis: This proposed text amendment as drafted, would need to be included in YCC Title 19's Special Uses and Standards Chapter 19.18. This chapter is intended to address specific land uses that need additional standards imposed other than those outlined in YCC Title 19.10 General

Zoning Requirements. The proposal as written, includes a number of land uses that were not considered for docketing by the Administrative Official and the Planning Commission. The inclusion of heavy construction equipment and storage in the R/ELDP and R-10/5 were considered appropriate for docketing. Similarly compared to Trucking Businesses, Yakima County has had numerous code violations directly related to the unpermitted use of heavy equipment storage related businesses in the rural and agricultural areas of the County. Many of these uses support the neighboring agricultural or commercial businesses and most struggle to find adequate areas to park their equipment or trucks in areas properly zoned for such uses. Under current code heavy equipment storage, maintenance, repair and contracting services are allowed in the following zones:

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Heavy construction equipment sales and rental							2										1	2	1
Heavy construction equipment storage, maintenance, repair and contracting services							2	3									3	1	1

The only rural zoning districts that currently allows these types of businesses is the Rural Settlement (RS) and Highway Tourist Commercial (HTC) zoning districts. The RS zoning district is a mixed-use zone only found in small rural communities such as Parker, Buena, Outlook, Tampico, etc. As stated above, the mixed-use nature of the RS zoning district means you can have a variety of commercial or industrial land uses adjacent to residential dwellings. This mixed-use zone has many of the same problems that a heavy equipment storage or repair business would have to address if they were allowed in the Rural 10/5 (R-10/5), Rural Transitional (RT) or Remote/Extremely Limited Development Potential (R/ELDP) zoning districts.

Those commercial and industrial zones that allow these types of businesses are predominately located within Urban Growth Areas. Yakima County sees these zones as being appropriate for these uses, however the many of our customers who are looking for areas to park their equipment say industrial land prices are difficult to find and the costs are too high for businesses that primarily needs a place to park their equipment. As stated with the trucking business amendment request above, the other issue that has been repeatedly stated is much of the heavy equipment businesses in the County directly supports agricultural business in the ag zone or rural areas, but the only property you can find zoned for that type of use is miles away in a city or their urban growth area.

There are areas within the rural areas where the minimum parcel size in a specific rural zone may be as small as  $\frac{1}{2}$  acre (RT), which wouldn't be appropriate for these types of businesses, but what about those rural zones with lots as large as 5-, 10- or 40-acres in size, like R-10/5 and R/ELDP. These areas would probably be able to absorb a heavy equipment storage or contracting business easier than the areas with  $\frac{1}{2}$  acre lot size zones. Like we did with the Trucking business proposal above a table with all the similar land uses that presently are allowed in the Rural zoning districts is provided.

1 The table below, should put into perspective what Yakima County already allows in the rural zones  
 2 and how those land uses can be compared to the proposed heavy construction equipment storage  
 3 or contracting business.  
 4

R/ELDP	R-10/5	RS	HTC	RT	Ag
Cold Storage Buildings	Cold Storage Buildings	Cold Storage Buildings			Cold Storage Buildings
	Building and trade contractors, not qualifying as home occupations.	Building and trade contractors, not qualifying as home occupations.		Building and trade contractors, not qualifying as home occupations.	
	Towing Services	Towing Services	Towing Services		
Feedlots/Diaries	Feedlots/Diaries				Feedlots/Diaries
Livestock Auction Yards	Livestock Auction Yards				Livestock Auction Yards
Campground and RV Park	Campground and RV Park		Campground and RV Park		
	Amusement Parks (surf park)	Amusement Parks (surf park)	Amusement Parks (surf park)	Amusement Parks (surf park)	
	Auto wrecking, dismantling, salvage or junk yards				
		Heavy construction equipment storage, maintenance, repair and contracting services	Heavy construction equipment storage, maintenance, repair and contracting services		
		Rental agencies: Auto, truck, trailer, fleet leasing services	Rental agencies: Auto, truck, trailer, fleet leasing services		
		Contract truck hauling, rental and trucks with drivers	Contract truck hauling, rental and trucks with drivers		
		Transportation brokerage offices, with truck parking	Transportation brokerage offices, with truck parking		
		Transportation brokerage offices, without truck parking	Transportation brokerage offices, without truck parking		
		Truck service stations	Truck service stations		

R/ELDP	R-10/5	RS	HTC	RT	Ag
Fire and Police Stations	Fire and Police Stations	Fire and Police Stations	Fire and Police Stations	Fire and Police Stations	Fire and Police Stations
	Zoo			Zoo	
	Car wash	Car wash	Car wash		
Correctional Facility	Correctional Facility	Correctional Facility		Correctional Facility	Correctional Facility
Livestock Event Facilities	Livestock Event Facilities	Livestock Event Facilities			Livestock Event Facilities
Off-road Vehicle Park	Off-road Vehicle Park				
Shooting Ranges	Shooting Ranges				Shooting Range
Fire, Police Stations	Fire, Police Stations	Fire, Police Stations		Fire, Police Stations	Fire, Police Stations
School Bus Parking and Maintenance	School Bus Parking and Maintenance	School Bus Parking and Maintenance		School Bus Parking and Maintenance	School Bus Parking and Maintenance
Mining	Mining	Mining/Asphalt		Mining	Mining
Landfill	Landfill				Landfill
Solid Waste Transfer Stations	Solid Waste Transfer Stations	Solid Waste Transfer Stations			Solid Waste Transfer Stations
Kennels	Kennels				Kennels
	Repair shops/Service Station				
Nursery	Nursery	Nursery			Nursery
	Zoo			Zoo	
Airport	Airport				
Sewage Treatment	Sewage Treatment	Sewage Treatment			Sewage Treatment
	Mini-storage				

1  
2 There are a variety of allowable land uses in the table above that generate similar types of land use  
3 impacts as a Heavy Construction Equipment Storage or Repair business would. So, taking that into  
4 consideration, it would appear in certain cases allowing these types of businesses in certain rural  
5 areas makes sense, as long as the County has adequate development standards to properly site  
6 them.

7 Staff Recommendation: Staff recommends that the Planning Commission consider adding Heavy  
8 Construction Equipment Storage and Repair related businesses to the R-10/5 and R/ELDP zoning  
9 districts as follows:

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Heavy construction equipment storage, maintenance, repair and contracting services				3	2		2	3									3	1	1

10  
11 The changes shown above to 19.14-1 Allowable Land Use table proposes Heavy Construction  
12 Equipment Storage, Maintenance, Repair and Contracting businesses as Type 2 uses in the R-10/5

1 and Type 3 uses in the R/ELDP, subject to the applicant's proposed language, with the staff  
2 recommended changes outlined below (red strikethrough for deleted text and purple underlined for  
3 staff's changes):

4 Other Businesses and Manufacturing in Rural Zones

5 19.18.225 Heavy Construction Equipment Storage, Maintenance, Repair and Contracting  
6 Businesses

7 1. Legislative Intent. This Section is intended to:

8 a) Provide methods for the approval of Heavy Construction Equipment Storage,  
9 Maintenance, Repair and Contracting businesses and manufacturing in the Rural  
10 Zoning Districts listed in 19.14-1 Allowable Land Use Table. These uses may include,  
11 but is not limited to; Agricultural support, cement or concrete production,  
12 explosives/ammunition production, building products, grain mill products,  
13 slaughterhouses, sawmills, wood working, agricultural implements, building and  
14 trade, convenience stores, heavy construction equipment & storage, vehicle  
15 maintenance and repair.

16 b) Provide an administrative process for the approval of businesses and  
17 manufacturing in the Rural Zoning Districts.

18 c) Ensure that the approval of Heavy Equipment Storage, Maintenance, Repair and  
19 Contracting businesses or manufacturing does not have a negative impact on the  
20 adjacent land uses or the rural character of the zoning district.

21 d) Ensure that proper infrastructure is in place or proposed to be in place to  
22 support the proposed use.

23 2. Applicability

24 a) Permit Required

25 1. Heavy Equipment Storage, Maintenance, Repair and Contracting businesses  
26 shall not be maintained, established, substantially altered, expanded, or  
27 improved until the person operating such site has obtained a project permit as  
28 provided in the Allowable Land Use Table 19.14-1 in Chapter 19.14. A  
29 conditional Use Permit shall be required for the proposed use,  
30 1. in addition to all applicable Federal, State, and other required Local  
31 permits for the proposed use.

32 2. Operation of the proposed use is not allowed until such site has obtained all  
33 applicable Federal, State and Local permits.

34 3. The property must be three (3) acres or larger and have direct access to a paved  
35 County road or state/federal highway.

36 3. Public Notice

37 a) Notice of the proposed Land Use change mailed under YCC Title 16B shall be sent to  
38 owners of property within 300 feet of the proposed use.

39 4. Information Requirements

40 a) In addition to the requirements of chapter 19.31-30 and the application procedures  
41 in YCC Title 16B, the application shall include the following information:

42 1. A narrative detailing the reasons for locating the proposed business at this  
43 location, including reasons why it could not be located within an Urban Zoning  
44 District.

2. Water usage requirements.
3. Information of the vehicle trips that would be generated daily as a result of this proposal.
4. Circulation Plan, including locations of ingress and egress.
- 3.5. Hours of operations

5. Approval Requirements

- a) Findings. Before such approval shall be given, the Reviewing Official shall find:
  1. The proposed facility is designed, located, and proposed to be operated so the public health, safety, and welfare will be protected.~~The Land Use Designation.~~
  2. That the use will not prevent the orderly and reasonable use and development of surrounding properties or of properties in adjacent zones.~~That there are sufficient reasons that the proposed business cannot be located within an Urban Zoning District.~~
  3. That all public or private utilities necessary for the use are available, and that the roads serving the use are adequate to accommodate the type and extent of vehicular traffic.~~The proposed use does not limit the current use of adjoining properties.~~
  4. There is sufficient infrastructure to support the proposed use.
- b) Review Criteria. In addition to the requirements outlined in YCC Title 19.30, ~~In making such findings~~ the Reviewing Official shall consider the following criteria, based on evidence provided by the applicant.
  1. Compatibility with the current uses of adjoining properties.
  2. Capacity on operation of the roadways serving the subject property.
  3. Adequate water supply for the proposed use.
  4. Adequate sewerage disposal for the proposed use.
  5. Suitability of the land for the proposed use.
  6. Whether a hazard to life, limb or property, because of the proposed use is created which or which might be reasonably be created as a result of the proposed use, and what measures would mitigate any such hazards.
  7. What restrictions should or should not be imposed to secure the purpose of this section and to protect the public and surrounding property owners.

6.c) Ownership

- el) 1. No approval shall be issued for a premise, except with written consent of the owner or owners. Permission to engage in the use is granted to only the permit applicant or the permit applicant's transferee. Permits shall be transferable, unless the approval specifies otherwise. Transferees shall engage in the use authorized by the permit only to the extent authorized by this Section and the permit itself.

7. 6. Restriction upon operations

- d) 1. In addition to the development standards outlined in YCC 19.10.040 and the requirements of YCC 19.30, Reasonable restrictions upon the operations may be imposed by the Reviewing Official based on comments received, identified impacts resulting from the specific proposal, and/or to maintain compliance with that are calculated to secure the for the purposed of the Section, the Comprehensive Plan, and this Title. Such restrictions may relate to any activity

1                   anticipated from the proposed use. Examples would be; hours of operation,  
2                   site-screening, traffic volume, setbacks, noise, light and glare, etc.

4                   **D. PLAN OR DEVELOPMENT REGULATION TEXT AMENDMENT APPROVAL CRITERIA**

5                   The approval criteria set forth in YCC 16B.10.095(5) and (6) shall be considered in any review and  
6                   approval of text amendments to Yakima County Comprehensive Plan and any Development  
7                   Regulation.

9                   1. Under subsection (5) of YCC Title 16B.10.095 Plan policy and other text amendments including  
10                   capital facilities plans must be consistent with the GMA, SMA, CWPP, other comprehensive plan  
11                   goals and policies, and, where applicable, city comprehensive plans and adopted inter-local  
12                   agreements.

14                   Staff Finding: There are a number of Comp plan goals and policies that support the proposed text  
15                   amendments, if properly regulated.

<b>GOAL   LU-R 3:</b>	Define the limits of services available to support a rural way of life.
<b>POLICIES:</b>	
<b>LU-R 3.1</b>	Environmental, health and safety concerns will be a part of the criteria used to determine the intensity to which a specific parcel can be used.

17                   Goal LU-R 3 and policy LU-R 3.1 address the issue related to having specific criteria to determine  
18                   the compatibility of land uses in the rural areas. The proposed text amendment includes specific  
19                   development language and references Title 19 development regulations and submittal  
20                   requirements.

<b>LU-R 2.2</b>	Rural uses adjacent to designated resource lands of long term commercial significance shall be located, designed and subject to special setbacks and other appropriate buffers to minimize conflicts with agricultural, forestry or mining practices and other activities associated with resource lands. Techniques may include, but are not limited to the following:
1.	Use of landscaping, berms, barriers, and site screening where a positive buffering benefit (i.e., reduced trespass, noise and visual objections) can be demonstrated.
2.	Orienting structures and fencing for usable exterior spaces (patios, rear yards, and other similar areas) to minimize potential impacts from odors, noise, dust and sprays.
3.	Use of site design to increase physical separation of rural and resource uses to the greatest extent possible.
4.	Use of special siting criteria, setbacks or review procedures for uses considered to be especially sensitive to farming, forestry or mining operations. Considerations in reducing the setback may include the size or shape of the parcel, historic use, natural features, physical barriers, crop type and structures on the adjoining resource parcel, location of structures on adjoining properties, proposed site design, and use of screening, berms, barriers and landscaping.
5.	Buffers and setbacks required under this policy shall be borne by the adjoining rural use.

23                   Policy LU-R 2.2 discusses the need to protect Yakima County natural resource lands and uses by  
24                   imposing special development standards on adjacent rural land uses. The proposed text  
25                   amendment provides those development standards on each of the proposed land uses  
26                   (Transportation Related Businesses and Heavy Construction Equipment).

1      **GOAL LU-R 11:** **Recognize and maintain Remote Rural/Extremely Limited Development Potential areas, and allow development at a level consistent with environmental constraints and service availability in remote areas and other places with extremely limited development potential.**

2      Goal LU-R 11 clearly states that development in Remote Rural/Extremely Limited Development  
3      Potential areas need to be at an intensity equal to or less than the services available within that  
4      land use designation and ultimately the R/ELDP zoning district. The proposed text amendment  
5      allows considerable flexibility to the Reviewing Official to condition any proposed new land uses  
6      in those areas. This conditioning authority could limit a proposed land uses as necessary.  
7

8      **GOAL ED 1: Promote economic growth while maintaining environmental quality.**

9      **ED 1.2** **Encourage economic opportunities that strengthen and diversify the County's economy while maintaining the integrity of the natural environment.**

10     Economic Development Goal ED 1, and policy ED 1.2 seeks the promotion of economic growth  
11    while ensuring the overall protection of environmental quality. The proposed text amendments  
12    working in concert with the development regulations of YCC Title 19 and SEPA would satisfy this  
13    goal.  
14

15      **ED 2.5** **Sites to be designated for industrial or commercial development should be capable of being served by required utilities and other services on a cost-effective basis and at a level appropriate to the uses of the area.**

16     Policy ED 2.5 specifically addresses the importance of siting these types of developments in areas  
17    where services are provided on a cost-effective basis. This means encouraging commercial and  
18    industrial development to locate where services are already provided. Those areas are specifically  
19    the commercial and industrial zoning districts. This is where Yakima County wants commercial  
20    and industrial uses to locate, however Yakima County does not have an unlimited amount of  
21    commercially or industrially zoned properties (See Appendix A). Furthermore, agriculture drives  
22    the economy in Yakima County, and the primary mode of transportation of agricultural products  
23    is trucks, whether it's the trucks taking the product from the fields to the processor, or from the  
24    processor to market. These trucks are often contracted haulers who in many cases struggle to  
25    find parking and unfortunately many are illegally parking these vehicles at their homes.  
26

27      **ED 3.11** **Encourage non-industrial uses which can either serve or benefit from proximity to industrial activity to locate on-site or in close proximity to industrial uses.**

28     Transportation Related Businesses and Heavy Construction Equipment serve our industrial land  
29    base. They need to locate in close proximity to these areas and for the most part, these areas are  
30    agriculturally zoned areas. Yet, under current code these businesses need to purchase industrial  
31    land in an established urban growth area. Policy ED 3.11 encourages Yakima County to find areas  
32    for these types of uses to locate. This policy supports the proposed text amendments.  
33

ED 3.13	Continue to allow agriculturally-related industries, such as cold storage plants, controlled atmosphere, produce packing facilities, processing facilities, and wineries and their accessory uses such as tasting and sales rooms, to locate in appropriate rural or agricultural resource areas, with appropriate siting and environmental considerations.
---------	---

1 Policy ED 3.13 supports the proposed text amendments. If Yakima County adopted a policy to  
 2 allow cold storage facilities, processing facilities to locate outside of agricultural or industrial  
 3 zoned lands, then conceptually the Transportation Related Businesses that actually service these  
 4 industries should also be considered.  
 5

6 2. Under subsection (6) of YCC Title 16B.10.095 Prior to forwarding a proposed development  
 7 regulation text amendment to the Planning Commission for its docketing consideration, the  
 8 Administrative Official must make a determination that the proposed amendment is consistent  
 9 with the GMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city  
 10 comprehensive plans and adopted inter-local agreements.  
 11

12 Staff Finding: The McHenry text amendment was recommended for docketing based on a number  
 13 of initial changes to the proposal. The portions that were not docketed were proposals that would  
 14 be considered direct violations of the Growth Management Act.  
 15

16 **E. ENVIRONMENTAL ANALYSIS (SEPA)**  
 17

18 **(Need to Conduct)**  
 19

20 **F. CONCLUSIONS**  
 21

22 1. The current Yakima County Code does not allow Transportation Related Businesses or Heavy  
 23 Construction Equipment Storage, Maintenance, Repair and Contracting businesses outside one  
 24 commercial zoning district, the light industrial zoning district, LAMIRDS and the Highway Tourist  
 25 Commercial zoning district. The proposal seeks to allow these businesses, under certain  
 26 conditions, in both the R/10-5 and R/ELDP zoning districts. Currently, there are a considerable  
 27 number of intensive land uses allowed in these areas, which in our opinion creates just cause to  
 28 evaluate the inclusion of both Trucking and Heavy Equipment type businesses in these areas.  
 29

30 2. The proposed text amendments, with staff's edits would provide a higher level of review for the  
 31 proposed uses when locating in the R/ELDP. Type 3 uses are generally not allowed in the zoning  
 32 district. The R/ELDP zoning district is often environmentally constrained or extremely remote.  
 33 Having these businesses as Type 3 uses would also provide an opportunity for a public hearing to  
 34 take testimony.  
 35

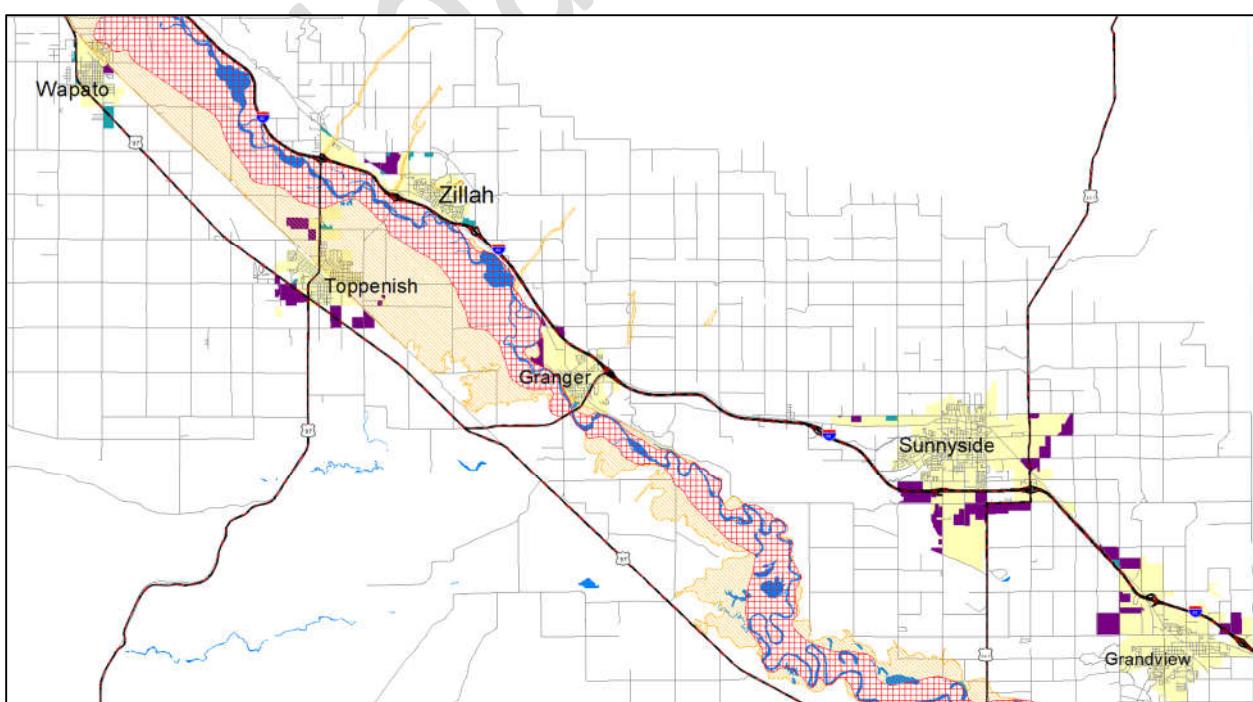
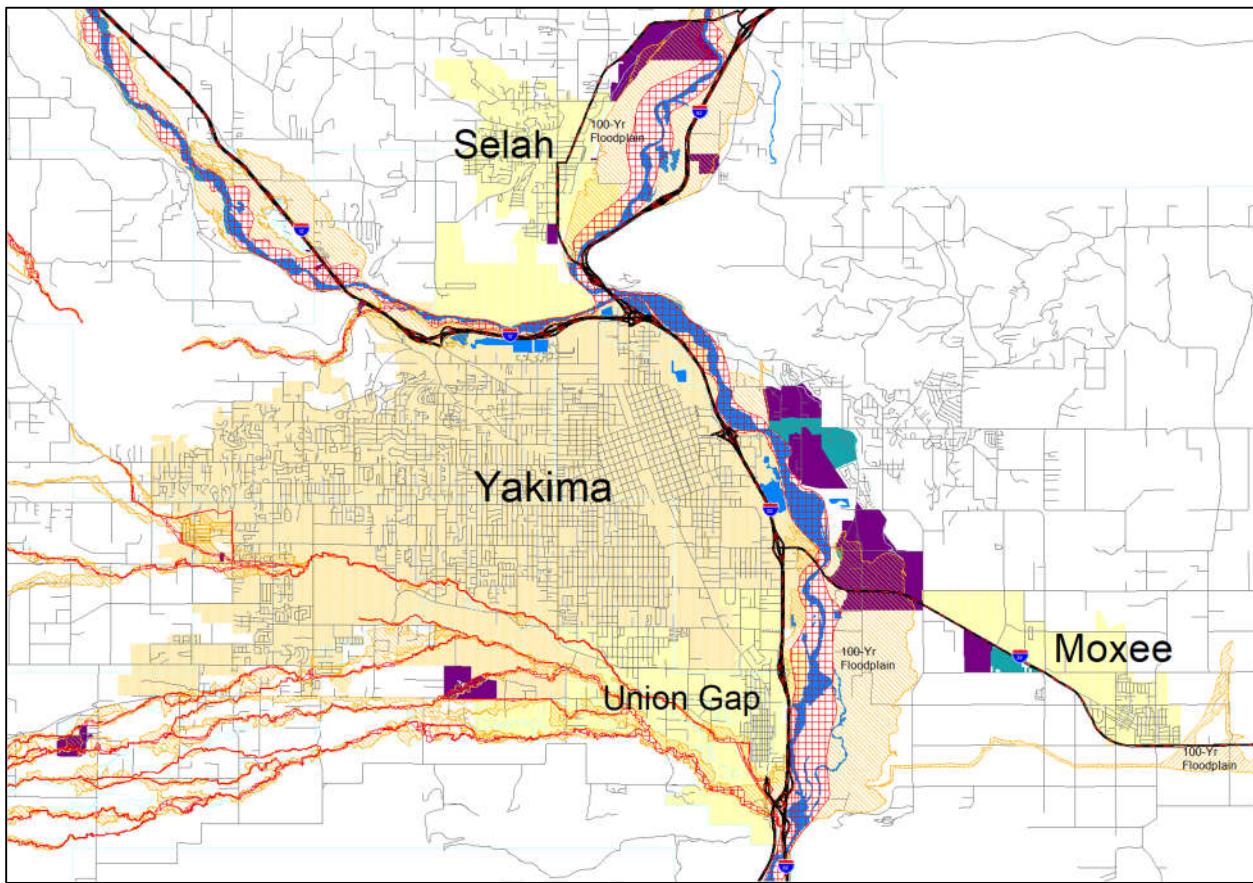
36 **G. YAKIMA COUNTY PLANNING STAFF RECOMMENDATIONS**  
 37

38 The Yakima County Planning Division recommends **APPROVAL** of the **Development Regulation** text  
 39 amendment, subject to consideration of testimony from neighbors and interested parties.  
 40

41                   ###  
 42  
 43  
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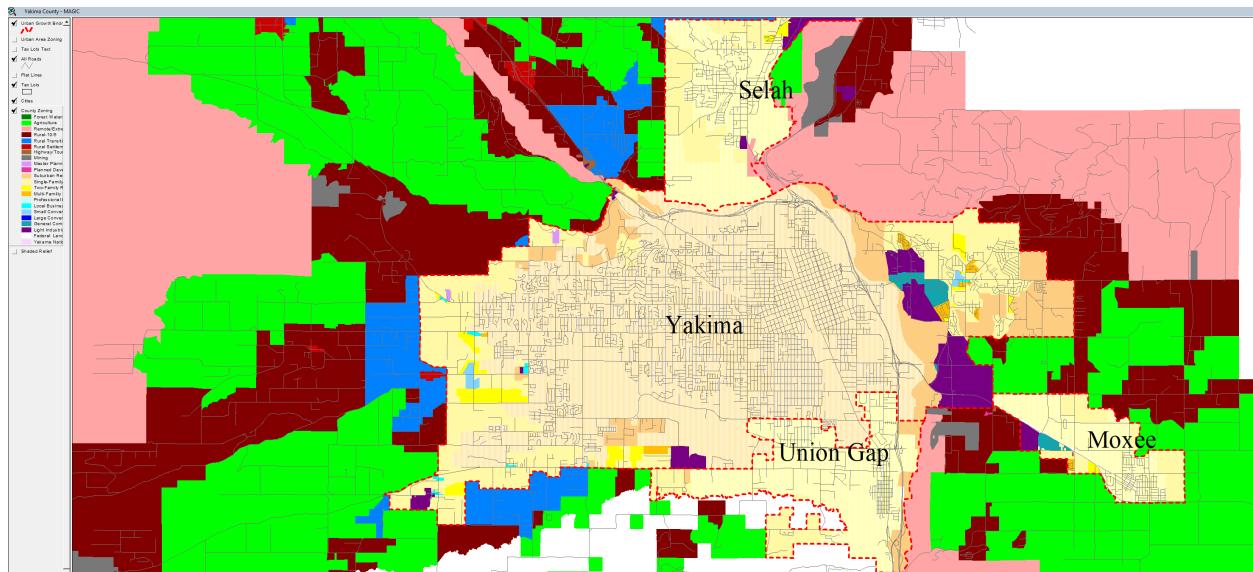
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**APPENDIX A**  
**Maps of Industrial Zoned Areas**



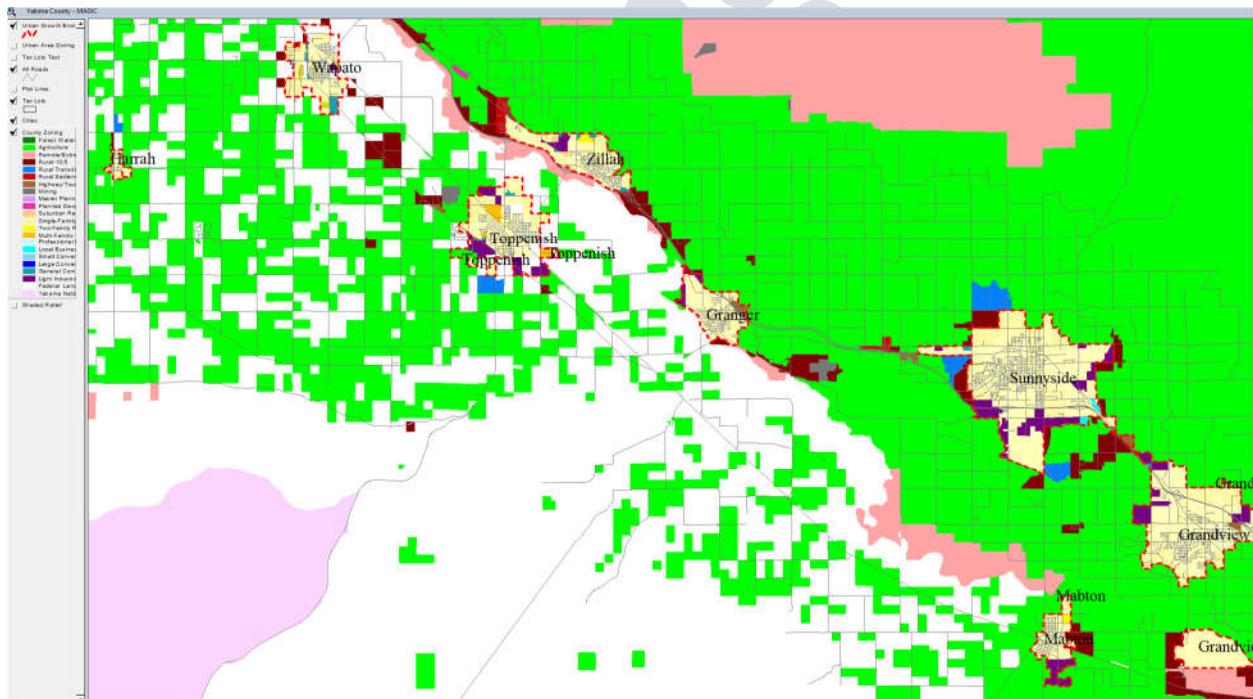
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2 Upper Valley Zoning Map



3

4 Lower Valley Zoning Map



5

6

7 \\nt2\Planning\Long Range\Projects\Plan Amendments\2022 Plan Amendments\LRN2022-00005\_McHenry\_Title 19 Text  
8 Amendments\LRN2022\_05\_McHenry\_STAFF REPORT\_PCHearingDraft\_TC.docx