



# BOARD OF YAKIMA COUNTY COMMISSIONERS

## Agenda Request Form (ARF)

Deliver completed ARF and finalized agenda item to the Clerk or Deputy Clerk of the Board at the Yakima County Commissioners' Office, Room 232.

Prepared by: Aaron Cohen

Department: Public Services

Requested Agenda Date: 12/3/24

Presenting: Olivia Story, Aaron Cohen, Phil Hoge

Board of County Commissioners Record Assigned

#

**011-2024**

### Action Requested – Check Applicable Box:

PASS RESOLUTION

EXECUTE or AMEND

PASS ORDINANCE

AGREEMENT, CONTRACT, or GRANT

ISSUE PROCLAMATION

OTHER \_\_\_\_\_

### Document Title:

IN THE MATTER OF AMENDING BOTH THE YAKIMA COUNTY COMPREHENSIVE PLAN - HORIZON 2040 AND YAKIMA COUNTY CODE TITLE 19 – UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE 2024 RIFNNHAI MAP AMFNPMFNT AYCI F

### Background Information:

On October 29, 2024, the Board held an open record hearing to consider all three 2024 Horizon 2040 comprehensive plan map amendments. At the end of the public testimony portion, the Board deliberated, voted to approve as presented, and directed staff to bring forward an ordinance indicating their decision.

### Describe Fiscal Impact:

\$0

### Summary & Recommendation:

I motion we approve the ordinance adopting the 2024 Horizon 2040 comprehensive plan map and the Yakima County Code Title 19-Unified Land Development Code zoning map.

Department Head/Elected Official Signature

Corporate Counsel Initial (for Agreements Only)

# BOARD OF YAKIMA COUNTY COMMISSIONERS

## ORDINANCE 11-2024

**IN THE MATTER OF AMENDING BOTH THE YAKIMA COUNTY COMPREHENSIVE PLAN - *HORIZON 2040* AND YAKIMA COUNTY CODE TITLE 19 – UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE 2024 BIENNIAL MAP AMENDMENT CYCLE.**

### GENERAL

**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 development regulations – Yakima County Code (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(2)(a), 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**, the GMA, RCW 36.70A.130(2)(b), requires as part of the comprehensive plan and development regulations update process the County establish, minimum requirements for ensuring adequate public notification and opportunities for comment and participation in the amendment process, for which, the County adhered through by following all procedures stated in Title 16B; **and**,

**WHEREAS**, under YCC 16B.10.040, applications for plan amendments, apart from Urban Growth Area (UGA) boundaries, will be considered on a biennial basis starting 2013 and must be submitted in writing to the Planning Division no later than January 31, in order to be considered for that biennium’s amendment process; **and**,

**WHEREAS**, Resolution No. 439-2012 suspended the 2013 biennial plan amendment cycle in accordance with 16B.10 to allow for the Code Update/Simplification Project (CU/SP) and update of the County-wide Planning Policies (CWPP), and rescheduled the biennial amendment cycle to start in the 2014 calendar year; **and**,

**WHEREAS**, Resolution No. 103-2015 resolved a scheduling conflict between the 2016 biennial amendment cycle and June 30, 2017, deadline for the GMA periodic update cycle, by moving up the next scheduled biennial amendment cycle from 2016 to 2015, thus keeping the next biennial amendment cycle for the calendar year 2018, then every other year after that; **and**,

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## 2024 BIENNIAL MAP AND TEXT AMENDMENTS

**WHEREAS**, on December 29, 2023, the Yakima County Planning Division published in the Yakima Herald-Republic a legal notice and display ads to inform the public of the opportunity to submit formal applications for comprehensive plan map & text and development regulation text amendments by the January 31, 2024, deadline; **and**,

**WHEREAS**, prior to the deadline, three applications were submitted for proposed site-specific map amendments to **Horizon 2040**: LRN2024-00001/SEP2024-00003 (Kandle), LRN2024-00002/SEP2024-00004 (Price Cold Storage), and LRN2024-00004/SEP2018-00006 (Williams/Miocene); **and**,

### LRN2024-00001/SEP2024-00003 (Kandle)

**WHEREAS**, in accordance with the public participation procedures of Title 16B, a combined Notice of Application, Environmental Review, and Future Hearing were mailed on April 17, 2024, to property owners within 300 feet of the proposed subject properties and to agencies with environmental expertise; **and**,

**WHEREAS**, LRN2024-00001 was presented to the Planning Commission for a study session on June 12, 2024; **and**,

**WHEREAS**, in accordance with the public participation procedures of 16B.10, a combined Notice of Environmental Review and Open Record Public Hearing was mailed on June 28, 2024, to property owners within 300 feet of the proposed subject properties and to agencies with environmental expertise; **and**,

**WHEREAS**, the Planning Commission conducted a properly advertised and noticed public hearing on July 10, 2024, to hear testimony on the proposed map amendment; **and**,

**WHEREAS**, the Planning Commission held their deliberations on July 10, 2024, immediately after the close of the open record public hearing; **and**,

**WHEREAS**, on July 12, 2024, Yakima County provided a 60-day notice to the Department of Commerce for LRN2024-00001, as required by RCW 36.70A.106; **and**,

**WHEREAS**, the Planning Commission, having carefully considered the applicants' justifications, the staff recommendations, and the written and oral testimonies in its deliberations, approved their Findings and Recommendations on August 14, 2024, for the LRN2024-00001 comprehensive plan map amendment; **and**,

### LRN2024-00002/SEP2024-00004 (Price Cold Storage)

**WHEREAS**, in accordance with the public participation procedures of 16B.10, a combined Notice of Application, Environmental Review, and Future Hearing were mailed

## BOARD OF YAKIMA COUNTY COMMISSIONERS

on April 17, 2024, to property owners within 300 feet of the proposed subject properties and to agencies with environmental expertise; **and**,

**WHEREAS**, LRN2024-00002 was presented to the Planning Commission for a study session on May 8, 2024; **and**,

**WHEREAS**, in accordance with the public participation procedures of 16B.10, a combined Notice of Environmental Review and Open Record Public Hearing was mailed on June 28, 2024, to interested agencies and to property owners within 300 feet of the subject parcels and the contiguous parcels owned by the applicants; **and**,

**WHEREAS**, the Planning Commission conducted a properly advertised and noticed public hearing on July 10, 2024, to hear testimony on the proposed map amendment; **and**,

**WHEREAS**, the Planning Commission held their deliberations on July 10, 2024, immediately after the close of the open record public hearing; **and**,

**WHEREAS**, on July 12, 2024, Yakima County provided a 60-day notice to the Department of Commerce for LRN2024-00002, as required by RCW 36.70A.106; **and**,

**WHEREAS**, the Planning Commission, having carefully considered the applicants' justifications, the staff recommendation, and the written and oral testimonies in its deliberations, approved their Findings and Recommendations on August 14, 2024, for the LRN2024-00002 comprehensive plan map amendment; **and**,

### LRN2024-00004/SEP2018-00006 (Williams/Miocene)

**WHEREAS**, in accordance with the public participation procedures of 16B.10, a combined Notice of Application, Environmental Review, and Future Hearing were mailed on April 17, 2024, to property owners within 300 feet of the proposed subject properties and to agencies with environmental expertise; **and**,

**WHEREAS**, LRN2024-00004 was presented to the Planning Commission for a study session on June 12, 2024; **and**,

**WHEREAS**, in accordance with the public participation procedures of 16B.10, a combined Notice of Environmental Review and Open Record Public Hearing was mailed on June 28, 2024, to property owners within 300 feet of the proposed subject properties and to agencies with environmental expertise; **and**,

**WHEREAS**, the Planning Commission conducted a properly advertised and noticed public hearing on July 10, 2024, to hear testimony on the proposed map amendment; **and**,

## BOARD OF YAKIMA COUNTY COMMISSIONERS

**WHEREAS**, the Planning Commission held their deliberations on July 10, 2024, immediately after the close of the open record public hearing; **and**,

**WHEREAS**, on July 12, 2024, Yakima County provided a 60-day notice to the Department of Commerce for LRN2024-00004, as required by RCW 36.70A.106; **and**

**WHEREAS**, the Planning Commission, having carefully considered the applicants' justifications, the staff recommendation, and the written and oral testimonies in its deliberations, approved their Findings and Recommendations on August 14, 2024, for the LRN2024-00004 comprehensive plan map amendment; **and**,

### **State Environmental Policy Act (SEPA)**

**WHEREAS**, site-specific map amendments must be processed in compliance with the SEPA and the Yakima County SEPA Responsible Official issued the following SEPA determinations:

- LRN2024-00001 (SEP2024-00003) – Determination of Nonsignificance issued on September 16, 2024;
- LRN2024-00002 (SEP2024-00004) – Determination of Nonsignificance issued on September 16, 2024; **and**,
- LRN2024-00004 (SEP2018-00006) – Determination of Nonsignificance and Adoption of Existing Document issued on October 15, 2024 with a 14-day comment period ending on October 29, 2024, and the DNS being retained after no comments were received within the comment period; **and**,

**WHEREAS**, all SEPA reviews analyzed the environmental and growth management impacts of all proposed actions and considered all submitted comments from agencies and parties of record; **now, therefore**,

**BE IT HEREBY ORDAINED** by the Board of Yakima County Commissioners:

**Section 1. Reasons for Action.** The 2024 biennial amendments before the Board of Yakima County Commissioners are as follows:

- A. Three fee-paid site-specific comprehensive plan map amendments were submitted as part of the 2024 Yakima County biennial plan amendment cycle.
- B. The Planning Commission held open record public hearings on these legislative map amendment proposals before providing recommendations to the Board of Yakima County Commissioners.
- C. The Planning Commission presented their Findings of Fact and Recommendations to the Board of Yakima County Commissioners for their consideration.

## BOARD OF YAKIMA COUNTY COMMISSIONERS

D. The Board of Yakima County Commissioners reviewed said amendment requests, held a public hearing, and voted to approve the proposed amendments.

### Section 2. Findings.

A. Compliance with Growth Management Act. The Board of Yakima County Commissioners finds that the amendments to Yakima County Comprehensive Plan - **Horizon 2040**, and YCC Title 19, adopted by this ordinance are in substantial compliance with RCW 36.70A, the Growth Management Act. The Comprehensive Plan is internally consistent and policies within and among elements are complementary, not contradictory. The Comprehensive Plan contains policies, implementation measures, and procedures which provide for its review and adjustment if internal conflicts are discovered.

B. State Environmental Policy Act (SEPA). Yakima County adopted **Horizon 2040** on June 27, 2017, and adopted by reference **Plan 2015**'s, Chapter III Environmental Analysis. **Plan 2015** was originally designed to integrate SEPA and GMA consistent with the provisions of WAC 197-11-210 through 197-11-235. The proposed comprehensive plan map amendments have been reviewed for environmental impacts and issued Final Determinations of Nonsignificance (DNS).

C. The Board of Yakima County Commissioners accepted oral and written comments at a properly advertised public hearing held on October 29, 2024, on the proposed map amendments to **Horizon 2040** and the YCC Title 19 zoning map.

D. The Board of Yakima County Commissioners held their deliberations on October 29, 2024, regarding LRN2024-00001/SEP2024-00003, LRN2024-00002/SEP2024-00004, and LRN2024-00004/SEP2018-00006

E. The Board of Yakima County Commissioners, having carefully considered the record and all public comments and testimony in its deliberations, hereby approves the proposed site-specific comprehensive plan map amendments and rezones for LRN2024-00001, LRN2024-00002, and LRN2024-00004 without any modifications as detailed in the Planning Commission's Findings of Fact and Recommendation dated August 14, 2024, as follows:

- i. LRN2024-00001/SEP2024-00003 (Kandle) to redesignate the underlying land use designation from Rural Remote/Extremely Limited Development Potential (RR/ELDP) to Rural Self-Sufficient (RSS) with a concurrent rezone from Rural /Extremely Limited Development Potential-40 (R/ELDP-40) to Rural-10/ 5 (R-10/5) (see Exhibit 1).
- ii. LRN2024-00002/SEP2024-00004 (Price Cold Storage) to redesignate the underlying land use designation from Rural Settlement-LAMRID (RS) to Rural Self Sufficient (RSS) with a concurrent rezone from Rural Settlement (RS) to Rural-10/5 (R-10/5) (see Exhibit 2).

## BOARD OF YAKIMA COUNTY COMMISSIONERS

- iii. LRN2024-00004/SEP2018/00006 (Williamson/Miocene Resource, LLP) to add the Mineral Resource Overlay (MRO) land use designation to approximately 186 acres (see Exhibit 3) as stipulated in an executed Development Agreement that is substantially similar to the draft in Exhibit 4.

**Section 3. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, 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 resolution, or the validity of its application to any other persons or circumstances.

**Section 4. Effective Date.** Pursuant to the Growth Management Act (RCW 36.70A), Yakima County must publish a Notice of Adoption within 10 days after the Board's approval of this ordinance, thus starting the required 60-day appeal period. Therefore, this ordinance becomes effective after the later of the following dates:

1. 60 days after the date of publication of notice of adoption as provided in RCW 36.70A.290(2); or
2. If a petition for review to the growth management hearings board is timely filed, upon issuance of that board's final order.

# BOARD OF YAKIMA COUNTY COMMISSIONERS

**DONE**

DEC 03 2024



Attest:

A handwritten signature in black ink.

Julie Lawrence, Clerk of the Board  
Erin Franklin, Deputy Clerk of the Board

*Amanda McKinney*

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Amanda McKinney, Chair

*LaDon Linde*

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LaDon Linde, Commissioner

**EXCUSED**

**Kyle Curtis, Commissioner**

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

## **BOARD OF YAKIMA COUNTY COMMISSIONERS**

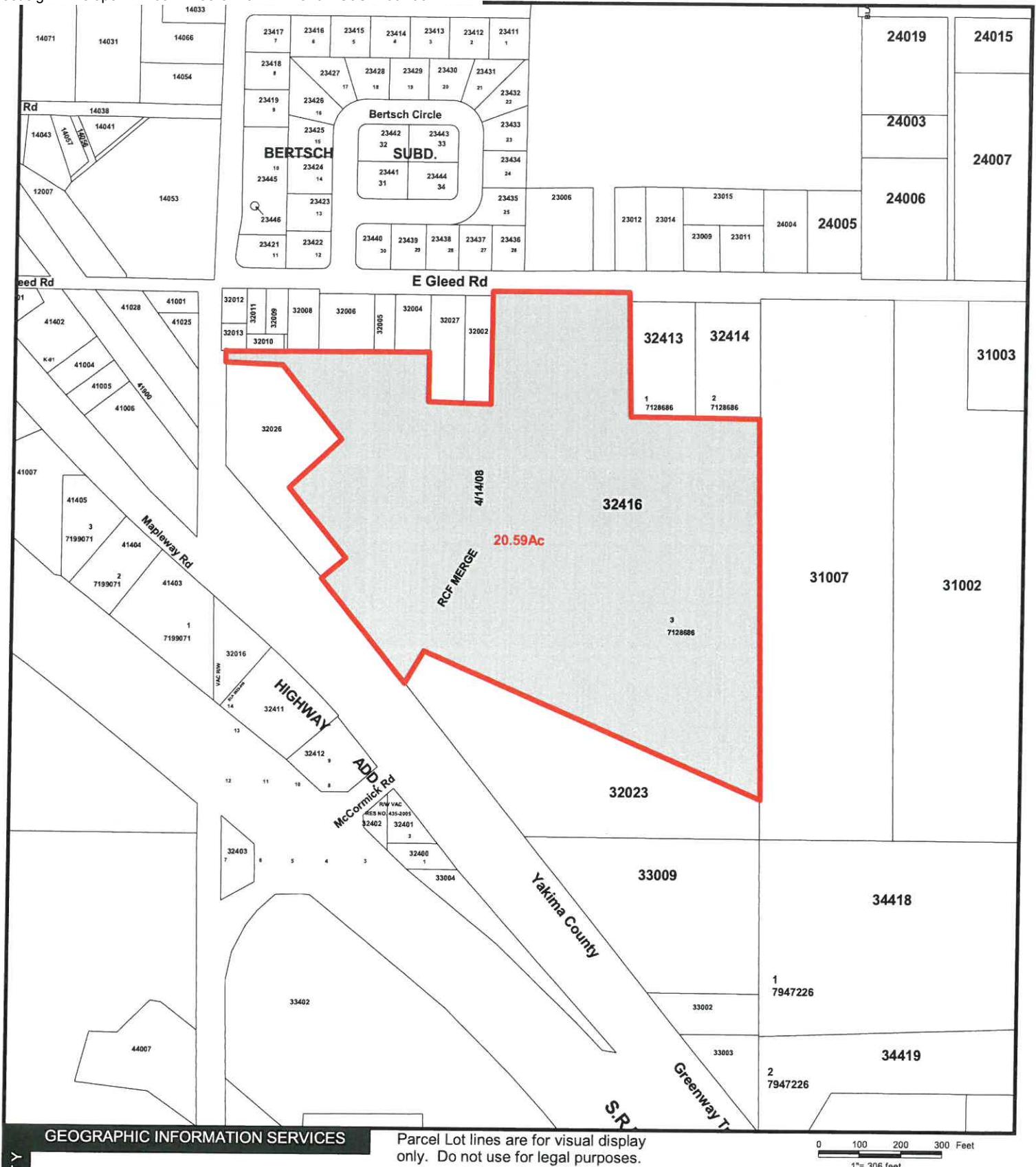
**Exhibit 1 – LRN2024-00001 Kandle**

**Exhibit 2 – LRN2024-00002 Price Cold Storage**

**Exhibit 3 – LRN2024-00004 Williams/Miocene**

**Exhibit 4 – LRN2024-00004 Development Agreement**





GEOGRAPHIC INFORMATION SERVICES

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

0 100 200 300 Feet  
1" = 306 feet

## Exhibit 2



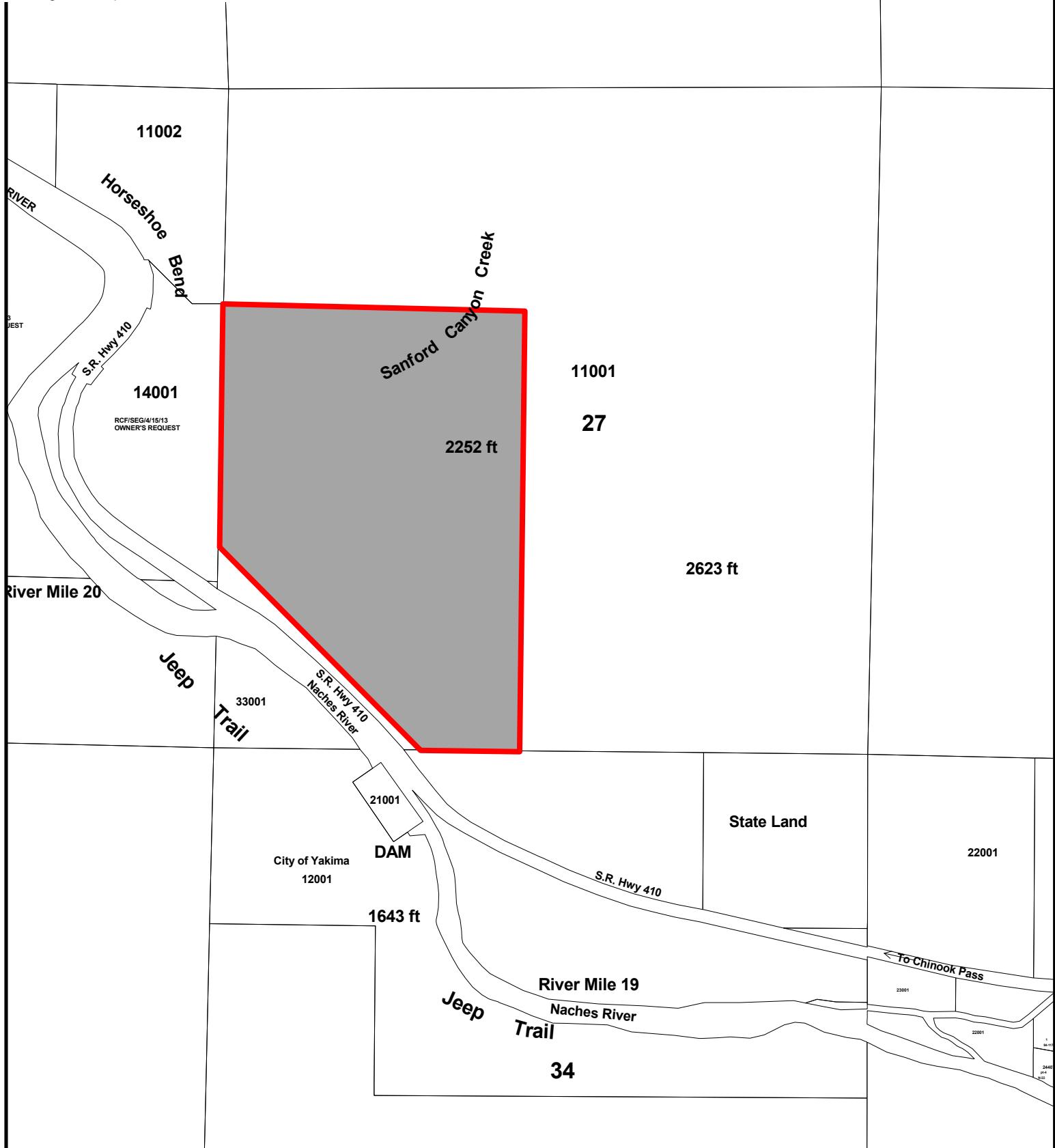
Subject area of:  
LRN2024-00002  
Price Cold Storage



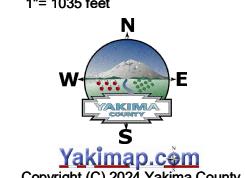
[Yakimap.com](http://Yakimap.com)

Copyright (C) 2024 Yakima County  
This map was derived from several databases.  
Therefore, there are no warranties for this product.  
The County cannot accept responsibility for any errors.

Plot date: Nov 7, 2024: Exhibit 3



Subject area of:  
LRN2024-00004  
Williams/Miocene



After Filing Return to:  
 Yakima County Public Services Department  
 128 N. Second Street, Fourth Floor  
 Yakima, WA 98901  
 Attention: Planning Manager

## Exhibit 4

### Agreement Number

**DEVELOPMENT AGREEMENT  
BETWEEN  
MIOCENE RESOURCE, LLC and YAKIMA COUNTY**

Parties:	Miocene Resource, LLC and Yakima County, a municipal corporation
Abbreviated Legal Description:	A PORTION OF THE WEST HALF OF SECTION 27, TOWNSHIP 15 NORTH, RANGE 16 E.W.M.
Additional Legal Description:	As described in attached Exhibit A "Subject Property" (Limited to 186 acres)
Assessor's Property Tax Parcel Number:	161527-11001 "Subject Parcel" (approximately 590 acres)

THIS DEVELOPMENT AGREEMENT ("Agreement"), is entered into between YAKIMA COUNTY, a municipal corporation duly organized and existing under the laws of the State of Washington, and MIOCENE RESOURCE, LLC, a Washington limited liability corporation, the owner of the mineral rights described herein ("Subject Property"), and is related to the amendment of the Yakima County Comprehensive Plan – ***Horizon 2040*** proposed by Miocene

Resource, LLC under Yakima County Public Services record number LRN2024-00004 with respect to Subject Property.

### I. Description of Property

- 1.1 The property subject to this Agreement (“Subject Property”) is legally described in Exhibit A and its location is depicted on the map in Exhibit B, both of which are attached and incorporated in this agreement. It lies on the north side of State Route 410, approximately two miles west of the State Route 410 and State Route 12 intersection, and approximately six miles west of the town of Naches. It consists of approximately 186 acres of an approximately 590-acre parcel.
- 1.2 Fee title to the Subject Property is currently held by the Washington State Fish and Wildlife Department; but the separate mineral rights are owned by Miocene Resource, LLC. Yakima County policies require that a site-specific amendment to the Mineral Resource Overlay map of the County’s comprehensive plan be authorized by all parties holding an ownership interest in the Subject Property.

### II. Purpose

This Agreement is entered into, based on the following understanding of the parties, for the purpose of amending the comprehensive plan as proposed by LRN2024-00004:

- 2.1 That Miocene Resource, LLC will first secure the County’s conditional approval to apply the Mineral Resource Overlay on the Subject Property;
- 2.2 Miocene Resource, LLC will execute and record a deed that conveys Washington State Fish and Wildlife Department’s ownership interest in the Subject Property to Miocene Resource, LLC;
- 2.3 It is understood by both parties that the Mineral Resource Overlay will be limited to no more than the 186 acres as proposed by LRN2024-00004;
- 2.4 Miocene Resource, LLC and Department of Natural Resources (DNR) will continue to agree on relocating Mud Lake Road as described in DNR’s letter to Yakima County Planning Division (dated June 7, 2024), which is a document of record in LRN2024-00004;
- 2.5 This Agreement will be in effect for a period of 5 years from the effective date of the adopted Ordinance **X-2024** (Exhibit C) and becomes null and void thereafter, unless extended as provided in Section 2.6; and
- 2.6 The effective period of this Agreement may be extended beyond its initial 5 years by mutual agreement of the parties if requested by either party prior to the expiration of the Agreement’s termination date.

### III. Applicability

- 3.1 The implementation of designating the Mineral Resource Overlay is incorporated into this agreement under section "II. Purposes" above.
- 3.2 The designation of the Mineral Resource Overlay shall be effective upon meeting all the conditions as described within this Agreement under section "II. Purposes," as determined by the Planning Official.

### IV. General Provisions

- 4.1 This Agreement may be amended only upon mutual agreement of the parties following public review and comment period and the procedures for a major rezone provided in YCC 19.36.040 and 16B.10.090, except that the effective period of this Agreement may be extended as described in Section 2.6.
- 4.2 This Agreement shall be recorded with the Yakima County Auditor promptly after execution and shall constitute a covenant running with Subject Property that shall be binding on the heirs, successors, and assigns of the parties.
- 4.3 Waiver of any breach or default on any occasion shall not be deemed to be a waiver of any subsequent breach or default. Any waiver shall not be construed to be a modification of the terms and conditions of this Agreement. Only a majority vote of a quorum of the Yakima County Board of County Commissioners has the authority to waive any term or condition of this Agreement on behalf of the County.
- 4.4 If any term of this Agreement is held invalid by any court, the remainder of the Agreement remains valid and in full force and effect.
- 4.5 This Agreement shall be governed by the laws of the State of Washington. Any action, suit, or judicial proceeding for the enforcement of this Agreement shall be brought in the Superior Court for the State of Washington in Yakima County, Washington.
- 4.6 This Agreement contains all terms and conditions agreed upon by the parties. No change or addition to this Agreement shall be valid or binding upon either party unless such change or addition is in writing and executed by both parties.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties on the date last signed below.

List of Exhibits:

Exhibit A – Legal Description of Subject Property  
Exhibit B – Map of Subject Property  
Exhibit C – Ordinance X-2024

**DONE**

**BOARD OF COUNTY COMMISSIONERS**

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Amanda McKinney, Chair

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Kyle Curtis, Commissioner

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LaDon Linde, Commissioner

**DATED:**

*Attest:*

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Julie Lawrence, Clerk of the Board *or*  
Erin Franklin, Deputy Clerk of the Board

**Approved as to Form:**

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*Deputy Prosecuting Attorney*

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Dave Williamson, individually and as director and agent of  
Miocene Resource, LLC

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF YAKIMA )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, a Notary Public in and for the State of Washington, personally appeared Amanda McKinney, Kyle Curtis, and LaDon Linde, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed this instrument, on oath stated that they were authorized to execute the instrument, and acknowledged it as the Board of Commissioners of County of Yakima to be the free and voluntary act of said County for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington, residing at

My appointment expires \_\_\_\_\_

Print Name \_\_\_\_\_

STATE OF WASHINGTON )

COUNTY OF YAKIMA ) ss.  
 )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for  
the State of Washington, personally appeared

\_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed this instrument, on oath stated that he/she/they executed the instrument as a voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington, residing at

My appointment expires

Print Name \_\_\_\_\_

**Exhibit A**

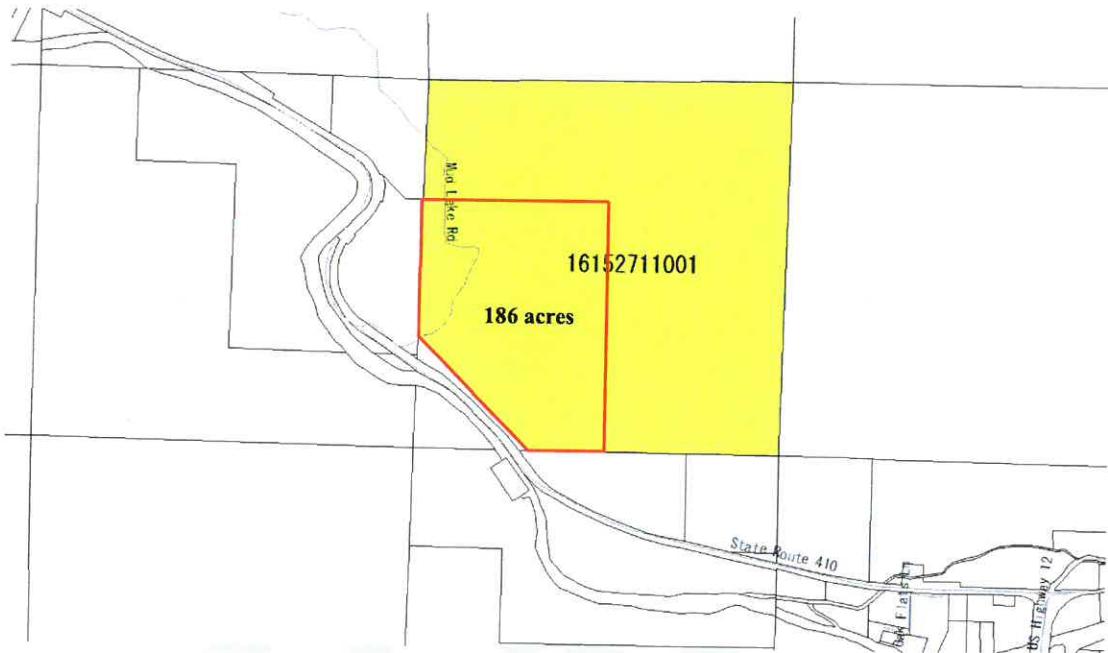
**Legal Description of Subject Property**

Yakima County Assessor's Parcel No. 161527-11001 (186-acre portion):

THAT PORTION OF SECTION 27, TOWNSHIP 15 NORTH, RANGE 16 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST BOUNDARY SAID SECTION 1726.98 FEET FROM THE NORTHWEST CORNER, THEN EAST 2460 FEET, MORE OR LESS, TO THE NORTH-SOUTH CENTERLINE SAID SECTION, THEN SOUTH, ALONG SAID CENTERLINE, 3580 FEET, MORE OR LESS, TO THE SOUTH QUARTER CORNER SAID SECTION, THEN WEST, ALONG THE SOUTH BOUNDARY, 990 FEET, MORE OR LESS, TO A POINT 1650 FEET EAST OF THE SOUTHWEST CORNER, THEN NORTHWESTERLY, 2335 FEET, MORE OR LESS, TO A POINT ON THE WEST BOUNDARY SAID SECTION 1650 FEET NORTH OF SAID SOUTHWEST CORNER, THEN NORTH 1930.94 FEET TO THE POINT OF BEGINNING.

**Exhibit B**

**Map of Subject Property**



**Exhibit C**

Ordinance **X-2024**