

YAKIMA COUNTY PLANNING COMMISSION
Meeting Minutes

Wednesday, January 8, 2025 at 6:00 PM

Location: Yakima Valley College

1704 W. Nob Hill Boulevard, Yakima, Washington, 98902

- I. Call to Order:** Chair Doug Mayo called the meeting to order at 6:01 PM and requested the roll call.

A. Roll Call. A quorum was present.

1. **Planning Commission Members Present:** Doug Mayo, Sergio Garcia, Holly Castle, Jerry Craig, Mike Shuttleworth, and Raul Martinez (via Microsoft Teams).
2. **Planning Commission Members Absent:** Isidra Sanchez (unexcused)
3. **Yakima County Planning Staff Present:** Olivia Story, Aaron M. Cohen, and Phil Hoge
4. **Public Present:** Byron Gumz (Yakima Valley Conference of Governments)

B. Approval of November 13, 2024, minutes. Holly moved to approve the minutes for November 13, 2024, as presented, Raul seconded, & the motion was approved 5-0 with 1 abstention. Mike abstained from the vote as he was absent during the November 13, 2024 meeting.

- II. Public Comments.** Byron Gumz introduced himself as the land-use manager for the Yakima Valley Conference of Governments, that he works with many cities and towns within Yakima County on their planning aspects, and that he looks forward to further collaboration with the Planning Commission.

III. New Business.

A. Nominations and Election of Planning Commission Chair or Co-Chairs for 2025:

1. Mike nominated Doug to be chair again, and Jerry seconded the nomination. No other nominations were made and Doug closed the floor for nominations. On the nomination for Doug to be Planning Commission chair for 2025, the vote was 5-0 in favor with 1 abstention (Doug abstained).

B. Nominations and Election of Planning Commission Vice-Chair or Co-Vice Chairs for 2025:

1. Jerry nominated Sergio to be vice-chair again, and Mike seconded the nomination. No other nominations were made and Doug closed the floor for nominations. On the nomination for Sergio to be Planning Commission vice-chair for 2025, the vote was 5-0 in favor with 1 abstention (Sergio abstained).

46 C. Discussion on Changing the Rules and Procedures to Allow Electronic Signing of
47 Documents

48 1. Doug went through the full Rules of Procedure (ROP) and made comments on
49 other items that require attention by staff:

- 50 i. Section 2.1 - The Planning Commission meeting location has changed
51 since the last time the location was written into the ROP. Mike indicated
52 legally the room has to be listed within the ROP. Both Doug and Holly
53 indicated staff should add a phrase indicating the location is subject to
54 change, and any change will be placed on the agenda for the
55 respective meeting;
- 56 ii. Section 5.5 - Doug inquired on the other places notice must be posted
57 that a Planning Commission hearing has been continued as opposed to
58 just the door of the hearing as indicated in the ROP. Mike indicated that
59 is typical because that follows state laws, however, the posted agenda
60 for the next meeting will indicate the continuation of the hearing. Staff
61 noted all required postings indicating the continuation of the hearing will
62 be completed;
- 63 iii. Section 5.6 - Doug asked if we still fax and have faxing capabilities. Staff
64 indicated we do have the ability to fax through the printers;
- 65 iv. Section 5.9 - Doug then went into the requirements for the Planning
66 Commission to be notified of any changes made to their
67 recommendations to the Board of County Commissioners (BOCC) in
68 advance so the Chair can attend the BOCC meeting representing the
69 Planning Commission. Staff indicated that this is adhered to and if staff
70 recommends differently than the Planning Commission they will be
71 notified. After a discussion, it was determined staff made a different
72 recommendation on the Agriculture Tourist Operation (ATO)
73 recommendations, but that Tommy had given proper notice to the
74 Planning Commission about the change.
- 75 v. Section 9.5 - Doug reiterated the requirement that if any Planning
76 Commission members abstain from a vote due to a conflict of interest
77 they must leave the room. He indicated there has not been a conflict in
78 a long time. Mike commented the requirement to leave, as opposed to
79 just sitting in the back, is to ensure the person does not influence the
80 decision based on facial expressions or gestures;
- 81 vi. Section 9.6 - The next item was if the wording for when Planning
82 Commissioners can vote on items when they have not attended the
83 meeting or hearing is clear. Mike clarified that the 'and' in the section is
84 applicable and appropriate as the member must testify on record they
85 have reviewed the recording and the entire written record. The Planning
86 Commission was satisfied with that section;
- 87 vii. Section 9.9 - No concerns were raised regarding the change to allow
88 electronic signatures. Staff clarified that in the absence of the Chair and
89 the other members, the Secretary (Tommy) can sign on behalf of the

Planning Commission. The electronic signature change enables us to do that electronically if we cannot reach people physically.

viii. Section 10.1 b.(1) - Discussion then turned to the requirements and what are quasi-judicial hearings to determine if all people giving testimony must be sworn under oath. Staff indicated the requirement for being sworn under oath only applies to quasi-judicial decisions, not hearings regarding legislative actions. Quasi-judicial decisions are those made on project permit applications where the Planning Commission makes the final decision on the application, similar to that of the hearing examiner. Staff continued on to state there are no project permit applications that go to the Planning Commission for final approval. There could have been in the past or in other jurisdictions, but that function has been regulated to the hearing examiner. Doug inquired about eliminating the section or at least providing further definitions of quasi-judicial examples;

ix. Section 11.3 - The final item discussed regarded attendance. Doug brought up the fact that if a member misses three meetings the Planning Commission must make a recommendation to the BOCC to remove the member. Doug inquired if this has ever been done. Staff indicated this never has been done, but if attendance becomes an issue we encourage the member to resign. Doug communicated concerns on the language that it is not clear on how to count the three months complicating matters. Byron made the point in many other jurisdictions in the County the attendance requirements state three consecutive unexcused absences results in an immediate resignation from the Planning Commission. Other Planning Commission members indicated they were in favor of this change; and,

2. Mike first made a motion that the Planning Commission accept the changes to the ROP as presented by staff and for staff to bring forward at the next meeting another ROP documenting the other changes brought up by the Chair at this meeting. Raul seconded the motion. However, after the motion is when the absence language was discussed. Mike then amended his motion to approve the changes to the ROP as presented by staff, for staff to bring forward another amended ROP addressing the changes brought up by the Chair in the next meeting, and for staff to include the additional changes on the absence language in the amended ROP. Raul seconded the motion, and the vote was 6-0 in favor of the motion.

IV. Unfinished Business.

A. Public Hearing to consider the Public Participation Plan (PPP) for the update to Yakima County's Comprehensive Plan **Horizon 2040**, Development Regulations, and Periodic Update (Olivia, Aaron, and Phil)

1. Doug began the open record public hearing to consider the PPP at 6:30 PM. Doug inquired why there were not more of the public present. Staff indicated all required public noticing was completed prior to the meeting.
- i. Olivia then started the staff presentation on the PPP by discussing the social media aspects and the physical media aspects. Aaron then went over the website design.
 - a. Planning Commissioners asked questions regarding the dates shown and how staff reports would be presented to the Planning Commission. Staff responded the dates will be correctly stated. The current dates are based on the existing **Horizon 2040** as we do not want to change the current site for people to find the information. The elements will include strikethroughs as those are updated, however, the UGA land capacity analysis (LCA) will not as those are going to be new reports. Mike inquired if staff can provide localities' capital facility and utilities elements during the Planning Commission's review showing they can provide service to new areas. Staff responded we will do our best to provide those maps and elements ahead of time. Staff went over a bit about the UGA process and how the final determination is made by the BOCC. Staff indicated they will forward the past UGA LCAs based on a request by Doug.
 - b. Mike inquired on changing one element of the PPP to properly reflect the Planning Commission is the official recommending body on the comprehensive plan and UGA to the BOCC. He indicated it seems the PPP infers the BOCC gets recommendations from YVCOG and the Yakama Nation, which are not official recommendations. Staff indicated they will make the change.
 - c. Planning Commission members also asked to ensure all special districts are properly notified, they used sewer districts as an example. Staff indicated that it is done and will be clarified.
 - ii. Doug then opened the floor for any public comment. No public comment was given. No other deliberations occurred.
 - iii. Mike motioned that the Planning Commission approve the PPP as presented with the changes to reflect the Planning Commission is the official recommending body on the comprehensive plan and UGA periodic update to the Board, add sewer districts to community bodies, and ensure all dates are correct. Sergio seconded the motion, and the vote was 6-0 in favor.
 - iv. Doug closed the hearing at 6:52 PM.

V. Communications

- A. Reports of subcommittees and study groups. None.
- B. Status report of cases before the BOCC.

1. Olivia went over the status of the ATO Ordinance. Olivia indicated because the recent court case ruling against King County, we are reconsidering the SEPA checklist. Multiple commission members inquired on specifics, and staff discussed our understanding based on conversations with King County that they are doing an Environmental Impact Statement (EIS) on their ordinance and most likely their first project permit received. The court ruling indicates that any change to uses allowed in the Agriculture Zoning District is based on a full-scale development of that use as opposed to using existing development and code as a baseline. We are meeting with our own counsel to determine our next steps.
2. Aaron indicated that the agrivoltaics parts of the solar ordinance will be coming back to the Planning Commission shortly.
3. Mike inquired on the status of the Shoreline Master Program (SMP) update. Staff communicated Tommy is working on the final drafted previously completed by Tua and Noelle (previous Planner IV and Long Range Section Manager respectively).

C. Secretary's Report. None.

VI. Adjournment or continuance to a date, time, and place.

1. Olivia indicated the meeting location for February is not Yakima Valley College as indicated on the agenda and the location will be provided once we know.
2. Sergio indicated the disclaimer on the bottom of the agenda is not accurate and needs to be updated. Staff indicated they will look into it.
3. Doug moved to adjourn, Mike seconded, and the motion was approved without objection. The meeting adjourned at 7:05 PM.

Minutes approved by the Planning Commission on _____.

Signed: _____
Planning Commission, Chair