

1 **YAKIMA COUNTY PLANNING COMMISSION**

2 **PUBLIC HEARING MINUTES**

3 Wednesday, July 11, 2018

4 **First Street Conference Room**
5 **223 N. First Street, Yakima, Washington 98901**
6

7 **I. Call to Order:**

8 **A. Roll Call:** Ashley Garza- Call the meeting to order and we're just gonna take roll call, and
9 it looks like we're all here. How many of us are there?

10
11 **Mike Shuttleworth:** Seven.

12
13 **Ashley Garza-** Seven here, but I'll have you go ahead and introduce yourselves.
14

15 **B. PC Introductions:**

16
17 Jerry Mellen

18 Joe Walsh

19 Ashley Garza

20 Mike Shuttleworth

21 Jerry Craig

22 Doug Miller

23 Doug Mayo
24

25 **Staff Present:** Tommy Carroll, Noelle Madera, Phil Hoge, Keelan McPhee, and Tua
26 Vang
27

28 **C. Approval of June 13, 2018 minutes:**

29 **Ashley Garza:** So we need to approve the draft minutes that were emailed to us. We don't
30 have them here. Did someone want to make a motion to approve what we got emailed?

31 **Doug Miller:** I make a motion to approve the minutes.

32 **Jerry Craig:** Second.

33 **Ashley Garza:** Any discussion? Ok, want to take a vote. All in favor?

34 **Planning Commission:** Aye.

35 **Ashley Garza:** Seven Ayes.

36 **II. Open Record Public Hearing – 2018 Biennial Comprehensive Plan Map and Text**

37

38 **A. Chair Review of Hearing Rules:**

39

40 **Ashley Garza-** Ok, so moving on, I guess, do I just start the public hearing then? Or
41 do...ok. So we can go over, everybody got the public hearing rules and the rules of order
42 or they know what they are. Just most importantly when you come up to speak, if you can
43 just make sure to remember to identify yourself, name, address, and who you represent.
44 I think the order, correct me if I'm wrong, and we're going to go ahead and do each
45 presentation individually and then go ahead and hear testimony from each of those after
46 the staff speaks, right, correct? And we'll also introduce if you guys have some exhibits to
47 introduce we will introduce them at that time. We kind of wanted to take a poll to see who's
48 here for which presentation so we can get the bulk of you guys done, so you don't have
49 to wait forever. So how many are here for Crosier Orchards?

50

51 **Mike Shuttleworth:** One, two, three, four.

52

53 **Ashley Garza:** And Gilbert Orchards?

54

55 **Tommy Carroll:** They're last

56

57 **Ashley Garza:** And then the Williamson Miocene?

58

59 **Mike Shuttleworth:** Three.

60

61 **Ashley Garza:** Three.

62

63 **Rosetta Whitman:** I'm here for the Gilbert Orchard one.

64

65 **Ashley Garza:** Ok, ok. And then Tom Durant? Two? So, it's kind of even. Looks like it's
66 split up. Western Building design? And Yakima County Public Services? That one's last.
67 (people talking about ADU's) So, we're just gonna go through whatever staff decides is
68 fine. So do you want to start with Crosier?

69

70 **B. Staff Presentations**

71 **LRN2018-00001/SEP2018-00002 – CROSIER ORCHARDS, INC.**

72 **Phil Hoge:** Good evening, everyone. I'm Phil Hoge I'll be presenting the staff report this
73 evening. This is Crosier Orchards, Incorporated has applied for a Comp Plan Map
74 Amendment and Rezone. The number, the file number is LRN 2018-01 and its related
75 SEPA file SEP2018-02. The location of this land is in the East Valley. It's outlined in red,
76 right here, this is Roza Hill Drive at the top, and this is Warrior right here, and this is
77 basically the Terrace Heights urban area inside of the urban growth boundary. The site is

78 located about six hundred fifty feet south of Roza Hill Drive and about 1,300 feet east of
79 Warrior Road. The size and the site -- total size -- is 56 acres, consists of two parcels, the
80 larger one is 53 acres and the smaller one, here, is 3 acres. The comprehensive plan
81 amendment, which is shown here, these are the comprehensive plan map designations...
82 green is Agriculture, so you can see it's green. And currently Agriculture Resource, and it
83 would be going to the purple, right here, Rural Self-Sufficient. So that is what it would look
84 like afterwards. And then the corresponding rezone, it's currently zoned AG, green again,
85 and the request is to change to R-10/5, so that dark red, so it would look like that
86 afterwards if approved by the board.

87
88 We received one comment letter from Ecology and they had two issues. They stated that,
89 based on this historical agricultural use of land, there is a probability the soil contains
90 residual concentration of pesticides. They recommended testing and notifying potential
91 buyers if concentrations are found above Model Toxic Control Act levels. The second
92 issue was they recommend that water availability be addressed in the SEPA threshold
93 determination assuming that additional lots may be anticipated. And then they also
94 mentioned construction standards and water rights considerations.

95
96 The staff report goes through the approval criteria set forth in the Yakima County Code,
97 which is established by the Board of County Commissioners; and our conclusion is that
98 the proposal meets those criteria. So, the staff recommendation is to approve the
99 comprehensive plan map amendment and rezone request, subject to consideration of
100 testimony from neighbors and interested parties. And that concludes my report summary.

101
102 **Ashley Garza:** So, I think at this time I think we will take public comments. So, who wants
103 to go first?

104
105 **Phil Hoge:** The podium, microphone at the podium.

106
107 **Tom Durant:** Thank you, Madam Chairman, members of the planning commission. My
108 name is Tom Durant, president of Durant Development Services, Incorporated, 513 North
109 Front Street, Suite Q, in Yakima. I'm here on behalf of Crosier Orchards, the owner of the
110 subject property. The primary reason that we are requesting the plan designation and
111 rezone is because, as a result of the sale of the western half of the property, which is
112 actually the larger parcel to the west, the property no longer has available water rights that
113 are suitable for agriculture as indicated in the staff report. The soils are also not of the
114 level of suitability that would make this be considered agricultural land of long term
115 commercial significance. The property would then be available for low density residential
116 subdivision. I think I estimated a potential of seven lots, well actually, you could probably
117 get ten lots under the Rural-5/10 zoning, seven additional because I determined it is
118 possible to get to three dwellings if the agricultural zoning were to change -- or were to be
119 retained -- although it would take some time to go through the time periods in the AG zone
120 to accomplish that. That's basically the purpose of the request and I guess I can open it

121 up for any questions. I'd like to have an opportunity to respond to any concerns that any
122 of the neighbors raise.

123
124 **Ashley Garza:** OK, I think they have to come up and state their name, right, OK?

125
126 **Phil Hoge:** He's asking for any planning commission comments first.

127
128 **Tom Durant:** Any questions from the planning commission?

129
130 **Mike Shuttleworth:** Now, you said there's no longer water rights on there, how are you
131 going to provide water for the new lots?

132
133 **Tom Durant:** There's no longer water rights available for agricultural use, you could still
134 obtain the domestic exemption. I'll have to go through the process with Yakima County to
135 get it, but presumably we could use the domestic exemption to drill a well, and it could
136 probably serve the number of dwellings that are proposed.

137
138 **Mike Shuttleworth:** Now, you stated that its soils as such are not for long term agricultural
139 use. What has it been used for in the past?

140
141 **Tom Durant:** Well, it was farmed with orchards and it was from a well, an irrigation well.
142 This is not in an irrigation district, there was an irrigation well on the property which went
143 with the water rights to the sale of the property on the large parcel immediately to the west.

144
145 **Mike Shuttleworth:** I guess my question is around how long has this been in agricultural
146 use?

147
148 **Tom Durant:** How long has it been?

149
150 **Mike Shuttleworth:** Yeah.

151
152 **Tom Durant:** I want to say, it... they put it in agricultural use probably thirty/forty years
153 ago and then it was taken out over the last ten/fifteen years.

154
155 **Doug Miller:** If you develop it or change the use and subdivide short plat, do you see
156 yourself putting on private individual wells per parcel or community well?

157
158 **Tom Durant:** That's a future to be determined, it could be either way, whatever, you know,
159 the county is more and more encouraging the use of a community well. I think you can, at
160 least under the current regulations, you can still use individual wells if you keep the lot size
161 greater than five acres.

162
163 **Ashley Garza:** Is that it for the commission, planning? OK, thank you.

165 **Ashley Garza:** Do you want, you'll have to come up and, yeah, state your...

166

167 **Audience member:** We wanted to speak.

168

169 **Ashley Garza:** Yeah, you need to just come up and state your name and all that stuff.

170

171 **Gordon Martin:** My name is Gordon Martin, and I live at 9000 Roza Hill, which is
172 approximately... And I have a few concerns about the development. The biggest concern
173 is the water, I haven't seen any kind of proposals that would indicate that there is sufficient
174 water to handle seven to ten to eleven, I've read up to fourteen, proposed of homes. And
175 we live, you know, like I say, right close there. We've had to drop our well a hundred feet
176 because we weren't getting the amount of water we needed. Two neighbors east of us,
177 their wells went dry and they had to go down farther into their well and also drill the well
178 lower. And another person east of us had the same problem about five or six years ago,
179 he had to drill. So, I'm concerned that... and I know another fella, he no longer owns the
180 property, but when we first moved up there he said that the water level had dropped a
181 hundred feet since he moved and that was about five or six years ago. So, we are really
182 concerned about is there enough water there. And the part that was so off is going to be
183 agriculture and they're going to be using that same well that Crosier used when he had
184 the orchards there. And I wonder how much that's gonna draw because I don't know what
185 they're gonna put there for sure but they say probably hops. I'm not sure how much water
186 hops use, as opposed to apples. But water, you know, in the Yakima Valley is a big
187 concern. And the aquifers are not being increased they're being decreased and the more
188 property that's, you know, starts drilling, the more they're gonna take from us. I don't know
189 how much each home takes, and I don't see any studies done on that. I think they should
190 do, you know, some kind of study saying, hey, the aquifers, we can tell how much is in
191 there evidently because you read all the time that aquifers have x amount of water and
192 how low they go. And so, they should be able to tell if there is sufficient water there to
193 maintain those homes because once they put them in they're never gonna go away,
194 they're gonna be drawing water all the time. So, I think they should at least do some kind
195 of studies, just like the SEPA said they needed to do something on that. And we should
196 be informed of what happens when they do that study, force them to make those studies.
197 Because, you know, I mean, they're having moratoriums on water you know like in
198 Ellensburg, Kittitas. Because their problem, and they're talking here about raising, or
199 putting a fine or a fee on new wells because they know that the water is a big problem. So
200 that's our biggest concern, but the other concern is the sewage. We're gonna have ten to
201 fourteen homes there that are going to be on, have to be septic because there are not,
202 there isn't any public sewer out there. So, they're gonna all have to have a septic system.
203 And I don't think the land will perc for a regular septic system. So, I think they need to
204 study that and to let us know what kind of system they're gonna be able to put in that is
205 going to maintain the quality of the land. Because like SEPA said, maybe, because it was
206 an orchard and there was pesticides sprayed on that land for forty years, then there may
207 be a real pesticide problem there. And if you then compound that with sewage going into
208 the ground there could be a real, real problem with the pollution of the area. You know,

209 like I say, we live right near there and unfortunately the landfill is across the street, and
210 they pollute enough. We don't need more pollution. And then the other thing that wasn't
211 really clear in the proposal, the lot size. It says 10/5, ten slash five, and my understanding
212 is that the property up there has to be at least a five-acre parcel. And although there is
213 one parcel on the, it's like three and a half acres, it's his daughter. But anyway, is there
214 any provision in there that it would guarantee, that if they do get this approved, that it
215 would be limited, or it would be at least a five-acre parcel for every lot that they develop?
216 Those are the major concerns that I have. I read through that proposal a couple of times,
217 and I'll tell ya, I'm confused. There was too much stuff in there to, that was going to be,
218 we're gonna deal with it when we get there. That kind of thing. That doesn't work, you
219 know, deal with some problem that's in the future, and then it just gets shoved under the
220 table and maybe not dealt with at all. So, I would hope that you would, you know, look into
221 those areas and, you know, hopefully studies can be done that will satisfy the
222 homeowners, especially me, because I live right next to it.

223

224 **Ashley Garza:** Thank you, Gordon, we appreciate it.

225

226 **Doug Mayo:** Point of information.

227

228 **Ashley Garza:** Yes, you want to ask him or me?

229

230 **Doug Mayo:** Yes...

231

232 **Ashley Garza:** Me?

233

234 **Doug Mayo:** Yep... Is there someone here that is aware of where the limit right now of the
235 public water system is? Does it show up anywhere on this map?

236

237 **Tommy Carroll:** There is an answer to that, yeah.

238

239 **Ashley Garza:** Ok, do we want to do that in deliberation or is that a part of... now is that,
240 OK.

241

242 **Tommy Carroll:** Now, I guess. So, currently Yakima County has conducted a study
243 countywide of the ground water and the ground water usage for rural development. This
244 represents a rural development. Now, the actual locations of where the water is available,
245 I believe there is a map available for that. However, the way the system is set up, they
246 would, at this particular time, the reason why there is not specific information about a
247 number of lots and so forth, is they got to get the rezone first for them to figure out whether
248 or not they want to subdivide the property to its maximum extent or if they only wanted to
249 subdivide four lots or whatever it may be. But they need the rezone first. Now, once the
250 property gets rezoned, if it gets approved by the board, that's when the property owner
251 goes to develop the property, that is when the water determination will be made. And how
252 that process works is they have to actually get, lease a water right from Yakima County to

253 drill a well. Now, depending upon the size of the development will dictate whether or not
254 it's individual wells or if it's a community well, in most cases. What will happen is they will
255 come into the county, they will have to purchase the water from the county. And when they
256 do that as part of that subdivision application packet, as it's going through its review
257 process with the county, Water Resources Division will look through that materials and
258 they will dictate where, or the depths of those wells need to be drilled to ensure that they
259 are accessing the appropriate water, which would be considered, what we call water
260 availability. So, they're not just gonna be able to go in and drill wells on these lots, willy
261 nilly, twenty five feet, fifty feet, a hundred. It really depends upon the study that was
262 conducted and there is information available on that, we just don't have it, but we can
263 make it available to the planning commission if they'd like. But it is solely predicated on
264 the number of lots and where they plan on developing on the property, and that isn't at
265 this particular stage. When it comes to the perc of the soil, that obviously will be done at
266 the time of development because they gotta go through the health district to do that. Not
267 knowing where the lots will be, not knowing if it'll even get approved. They can't go and
268 dig test well, or perc holes, to figure out where it's gonna perk. However, the soil that's on
269 the bulk of that particular parcel is also the same soil that's on the vast majority of property
270 to the east of this. And so, if there's septic tanks on those parcels to the east there's a
271 good chance that that parcel, whatever, gets segregated could probably perc. But that
272 would also be done at the time of subdivision if it is found that the property cannot sustain
273 septic tanks, or their wells, or the groundwater isn't available, then the subdivision wouldn't
274 be approved but that would all be done at the time of subdivision which is after the rezone.

275
276 **Doug Mayo:** If I may restate my question, how far away is the public system?

277
278 **Tommy Carroll:** Oh, I didn't hear you say public, said water. The public Yakima County
279 Water System I believe is definitely inside the UGA, but I don't know, I think, Phil you
280 correct me, did it make its way to the subdivision?

281
282 **Phil Hoge:** I doubt it because the service area, the designated service area and their
283 water right for Terrace Heights does not extend outside the urban growth area.

284
285 **Tommy Carroll:** No, but I'm saying is the gray line the urban growth area?

286
287 **Phil Hoge:** Yes, the gray line is the urban growth area...

288
289 **Tommy Carroll:** Is that subdivision right where your cursor, no up to the left, right there.
290 That's served by public water. I think it is.

291
292 **Phil Hoge:** I think it is, that was the mobile, manufactured home subdivision, what did they
293 call that? It's had a couple different names, but...

294
295 **Tommy Carroll:** Anyway, I'm not for sure, Doug, but I can get that information. But I think
296 that's the extent of it to the east.

297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340

Phil Hoge: If I can go further, since.... it might be immaterial because Terrace Heights Sewer District, er... Water District cannot serve outside the urban growth area so they cannot serve this development. They don't have a water right to go outside the urban growth area.

Ashley Garza: Ok, is there another...? Thanks.

Ron Stark: Good evening. My name is Ron Stark. I live at 8820 Roza Hill Drive. We own the sixteen acres right here. Our well is six hundred and fifty feet deep. I talked to a person, I think it's right in this area. She's at seven hundred and fifty feet. And my concern is the sewer. Our land in her[e]. So, we have a pressurized system that pumps it down to the bottom of the hill, long grade hill, approximately four hundred feet. So, we're at, this is a pretty steep slope here, (inaudible) same as this contiguous property. I would think that some of this property at the east is gonna be the same as our property and that it won't perc, (inaudible) it's rocky, but.... Down below at the gully where the drain field is there's substantial fourteen feet of top soil but up on top there isn't, it's heavy clay, so.... The other concern I have is ingress and egress. We have our own road come in, up in this area. Currently, the people live in this property come in right in this area here. And the road comes across, but... this is kind of on the crest of a hill, and we have a lot of (inaudible). This is a steep hill coming down and this is gravel, people drive very fast there. We've got one person, about five years ago, two accidents within a week, one was coming down too fast, lost control and crashed on the side. Two weeks after that a guy come down and lost control and took out our mailbox and that's clear sight he can see. But right here you're coming over a hill. So, to turn into is fine but to leave you have to cross the traffic. So, I have a problem or concern with the safety of that. Now, there is another way in, which is off from Warrior, to the... I guess down in this area. (inaudible) I guess that's not gonna be a problem. But those are my two concerns is they -- three concerns -- the water, the septic or the sewer systems, and traffic coming in and out. Thank you.

Ashley Garza: Thank you, Ron, for your testimony. Do we have anybody else that wants to testify? Nope? OK, we appreciate everybody's testimony and we are really glad you are here. Tom, did you want to come back up and address any of those comments?

Tom Durant: Thank you, this is Tom Durant again. I think I can be very brief. I think that Tommy Carroll answered pretty much the questions about water and septic. His point is take this new system that the county has implemented just went into effect the first of the year. And it's no longer a case where we can just drill a well, we have to acquire a water right, and I don't know what exactly what the analysis is being done, but there is a process involved. The other issues... the septic, the access, and so forth, those again are development issues. I guess the main point was, because of the change of circumstance, the main purpose of the application, because of this change of circumstances, this no longer qualifies as agricultural land of long term commercial significance as specified in the comprehensive plan, that was the basis for the application. If it's going to be

341 subdivided... and the number of lots, I think, max out at ten because it's a five-acre
342 average. And I heard somebody say it's a five-acre minimum lot size, it's actually a five-
343 acre average lot size. That's the maximum number of lots. The septic systems will have to be
344 determined as was stated and again the access. In terms of the surrounding properties, I
345 heard some testimony that someone had to put a pressurized system in but they did put
346 a system in. And I think all of those lots, as far as I know, all of those lots have septic
347 systems and they must be functioning. I think it can be done it's just a matter that making
348 sure that it's done properly. So, again, the main purpose is that this no longer qualifies as
349 ag land because it doesn't have irrigation available for agriculture and that's the reason
350 for the request. Thank you.

351
352 **Ashley Garza:** Thanks, Tom. Ok. I think we're gonna move on then to our next
353 presentation on Gilbert Orchards. Is that yours, Tua?

354
355 **Tua Vang:** It's Noelle's actually.

356
357 **LRN2018-00002/SEP2018-00004 – GILBERT ORCHARDS**

358 **Noelle Madera:** So, Noelle Madera I am gonna go over the staff report for the Gilbert
359 Orchards application which is LRN2018-02. So, basically the applicants have applied to
360 change their land use designation from urban residential and urban commercial because
361 there is on local business lot on there (inaudible). To, one moment, so this is the land use
362 designations or no this is the zoning. So, basically its gonna go from urban residential and
363 urban commercial land use designations to an urban industrial land use designation and
364 the rezone is gonna go from suburban residential, which is this darker color, R1 and then
365 local business (inaudible). So that's the proposal right there, one more. This subject
366 property consists of seventeen parcels and approximately seventy-one acres. This is
367 located out in Wiley City. This is Wiley Road right here, Wiley Road, this is Gilbert Road,
368 and then this is Ahtanum Road. The property is currently developed in, well a majority of
369 the property is currently developed in ag related industry, a few of the, parcel here is
370 vacant and then some of these residential uses currently on it. But for the most part this
371 area and this area is developed in ag related industry. We received three comment letters
372 during the SEPA, during the SEPA comment period. One of them you have seen
373 previously it was a neighbor comment letter, and then with the final staff report we attached
374 the transportation and the water resources comments for you to review. And then we are,
375 so we are recommending approval of this, subject to, you know, comments here and then
376 the, but, then we also reviewed the criteria, in the staff report that you saw, we reviewed
377 the criteria for the major rezone and so. Based on that, that's why we are recommending
378 approval. That's really all I had, unless you have any questions.

379
380 **Mike Shuttleworth:** Madame Chairman, may I?

381
382 **Ashley Garza:** you may, (laughing)

384 **Mike Shuttleworth:** We talked about that one parcel on the north, is there any additional
385 analysis done or any, there's no change in the recommendation that it should go?
386

387 **Noelle Madera:** No change in the recommendation, we kind of assumed that during the
388 deliberation we would make a decision on that one. Yeah...
389

390 **Mike Shuttleworth:** Ok, thank you.
391

392 **Ashley Garza:** Who is the, is the person who is the applicant for this here? Do you want
393 to give testimony? That'll be great.
394

395 **Thomas Hale:** Good evening, I'm Thomas Hale with Gilbert Orchards, I'm the applicant.
396 Representing Gilbert Orchards. Oh, I didn't know if there was going to be questions. Just
397 to be brief our goal is to rezone the current lots, the current parcels that we are currently
398 using for agricultural purposes and currently using for our day to day processes. And to
399 zone them to Light Industrial so that we can, when applying for any, any additional
400 measures that we may need down the road, we can expand our growth accordingly.
401 Currently, to date, just so that everyone is aware, we have, we put together a ten-year
402 plan with Yakima County, and in that we put all buildings that we have planned to build
403 over the next ten years. So, that's all been approved and applied for. So that would
404 encompass our major plans from here down the road anything else additional wouldn't be
405 any major additional, anything other than would impede on anybody else's properties. It
406 would be encompassing within the properties shown. I think all setbacks can be for any
407 property, sorry excuse me, for any project any setbacks or any sort of mitigations that we
408 would need, we would be more than happy to.... mitigate the issues, excuse me. I think,
409 we don't have any plans to put in any sort of industrial, there isn't a grand plan for anything
410 that's outside of what we normally do day to day. Down the road the only thing we would
411 be applying for is maybe additional CA and maybe more storage to cover some of our
412 needs.
413

414 **Doug Mayo:** So in the SEPA I believed it talked about three hundred to five hundred
415 employees the numbers would then increase to four hundred.
416

417 **Thomas Hale:** That's during peak.
418

419 **Doug Mayo:** Ok. Are you going to do packing then?
420

421 **Thomas Hale:** We currently do, yes.
422

423 **Doug Mayo:** And so what's your plan for sewage with four hundred employees.
424

425 **Thomas Hale:** Our sewage has been in place for, since 2004, when we put our new
426 packing shed in, or packing, not packing shed but the packing shed we are currently using

427 2004, when it was built. That septic system was built for that same amount of employees,
428 still operating with the same packing equipment.

429
430 **Doug Mayo:** So the three hundred employees, you got three hundred out there now?

431
432 **Thomas Hale:** Yes, we've had three hundred employees for several years.

433
434 **Doug Mayo:** so this would be new storage, new CA, the number of employees would
435 increase dramatically with the new the increase?

436
437 **Thomas Hale:** Good question, there would be no increase to employees due to any sort
438 of construction building. It would only, the number of employees wouldn't change it would
439 just increase our availability to store our fruit longer and more fruit as we grow in our
440 orchard sizes.

441
442 **Joe Walsh:** Have you seen the comments from the transportation?

443
444 **Thomas Hale:** Yes, absolutely. I am here to say that we have done things incorrectly as
445 they are stating in that letter. But we are here to make changes to what we need to do to
446 further operate our business in the community. We have addressed so far, what we've
447 done, is we've addressed the driving in the streets. I don't have it right here in front of me,
448 but we've addressed it by setting load zones. I met with the county sheriff to find an
449 appropriate spot off the road. What would be the best place for our trucks to load and
450 unload. Although it is commons sense, to not be in the road. There's also being in the
451 setback, being far enough off of the road to load and unload. To be out of the way
452 residential, the people outside, the people in Wiley city who are driving.

453
454 **Joe Walsh:** So is that currently in use?

455
456 **Thomas Hale:** Yes.

457
458 **Joe Walsh:** (inaudible)

459
460 **Thomas Hale:** Yes.

461 **Joe Walsh:** Any comments to the recommendation that you develop a master plan or
462 similar overarching approach that includes the development of infrastructure, roads,
463 sewer, drainage, storm water.

464 **Thomas Hale:** That's in, so you're in, is that Dianna's notes, and in Dianna's notes so
465 she's referencing our current or future plans for structure. And yes, we have done that.
466 We put together the SEPA for the ten-year plan. We are currently compliant with all
467 existing and currently planned future projects for our storm water. We have built a massive
468 amount of storm water last two years. Swells that can encompass all storm water from all

469 future storages and structures. And this has been signed off and approved by Yakima
470 County.

471 **Mike Shuttleworth:** That northern piece of property up there. That we were just talking
472 about, yeah, what is your intended use of that property. I understand there's a creek or
473 something you have to cross to get to it from the other property.

474 **Thomas Hale:** Yeah, there's is a creek that runs through here. Currently that's, that has
475 not been designated at this time.

476 **Mike Shuttleworth:** Okay, so don't really have a use in mind at this mind?

477 **Thomas Hale:** Currently as of right now no, nothings been determined or set in stone,
478 open to discussions with Yakima County on maybe future projects. But anything that would
479 involve with the creek we'd obviously meet, we would do all proper, we would cover all
480 proper and necessary measures to, for any mitigations dealing with the creek. Excuse me.

481 **Ashley Garza:** Anybody else? Ok...

482 **Thomas Hale:** In the letter for transportation, I have a couple of questions, I don't have
483 my notes right here in front of me, but I believe there is a circulation map or a map that's
484 been requested or some sort of way of measuring road usage through our equipment and
485 my only questions is what is currently being used and how does Yakima County measure
486 that. And then if there's a way we can learn how to do that, we would be more than happy
487 to as well.

488 **Ashely Garza:** That sound...

489 **Thomas Hale:** If that is required we would be happy to oblige.

490 **Ashley Garza:** Yeah, that is something that would be determined with that at a later date.

491 **Thomas Hale:** I didn't understand if that was a must do this to get their approval or if that
492 was a, something they would like to see.

493 **Noelle Madera:** So can I respond?

494 **Ashley Garza:** Yeah

495 **Noelle Madera:** So when they put the need for the circulation plan, I think what they were
496 referencing was that, that was a requirement of the previous SEPA. Just to reiterate, is
497 they do have an approval for a large-scale operation that's already approved, it was
498 approved in 2015. And it was a ten-year plan, and I think you're what a couple buildings
499 into it maybe?

500 **Thomas Hale:** Correct.

501 **Noelle Madera:** Something like that. And as, the SEPA with that require them to provide
502 a circulation plan. And at that time somebody else was reviewing the SEPA and I'm pretty
503 sure that was submitted. I've seen a circulation plan, its rough, it's a rough circulation plan
504 but I've seen a circulation plan in the case files. So as far as I know that was complete.
505 The transportation comments mentioned a self-enforcement, a plan for self-enforcement.
506 But when I went, that's not reflected in the SEPA, so when I went and looked back at the
507 old case file. That request was put in after the staff report was drafted for the SEPA. So,
508 their request for an enforcement plan was never put into the SEPA because the comment
509 came in too late. So, that's what that comment is about, but they do have a circulation
510 plan. But, a lot of what the transportation comments are either compliance issues or
511 mitigation that is not working. Like not using Wiley Road, except that Wiley Road comes
512 before what they requested to use which is Gilbert Road. Like if you're heading west and
513 so how do you stop people for driving down there. Some of it is a mix of mitigation that is
514 not working very well. And some compliance issues, maybe stuff, like parking in on the
515 side of the road, that's a compliance issue. That's stuff that we can handle with through
516 the existing code compliance and we will. But the mitigation that is not working is an issue
517 because the SEPA is already done for that project. And so, we need to kind of go back to
518 the drawing board and maybe find out what are some other things that we can do. Our
519 sign ordinance has changed a little bit and so we might be able to put new signage out.
520 Off of, or before Wiley Road instructing people to move back and by we, I mean probably
521 the property owners. But working with transportation and so we haven't had those
522 conversations yet but we're going to put some proposed mitigation in for the SEPA
523 threshold determination that's yet to come. And hope that transportation helps out with
524 some of those mitigation that we can try to stop some of the traffic on Wiley Road.

525 **Thomas Hale:** Thank you, I'd like to comment on that as well. Other things that we've
526 done now that is comes right down and you've talked about it. We've gone down to the
527 Gearjammer and we've changed our route map to how to get to Gilbert Orchards. We've
528 advised, we've talked to our sales staff, marketing staff and they're directing trucks and
529 their brokers on how to get there. To use the route going farther down to go to Gilbert
530 Road off of Ahtanum. I think signs, signs could be great. We are more than happy to do
531 that. Something that we would be interested in as well. Signage has been an issue other
532 things that we are doing to further that comment. The Wells family we're working on that
533 as well, that's the third letter, the third comment that came in. We want to address that as
534 well, we do want to work (inaudible) neighbors. We want to make sure that a good peaceful
535 living environment for everyone around us. It's not our way or the highway, so you know.
536 So, one thing that we are trying to do is, you'll see that Linda had stated that trucks are
537 staying overnight. Although, we do not manage truck drivers, who, or brokers or
538 customers. We pack the fruit and we ship the fruit but we do not manage the trucks. We
539 are putting in fences that will allow us to block off our entrance ways overnight. So, we
540 don't have people pulling in half way, people just barely coming on to our property. We
541 are establishing our border with fencing and securing our property as well. So, we wouldn't
542 have anybody really driving up the road. This is of course a part of a longer plan, this isn't
543 going to happen overnight. But it's something we want to do, and that we are taking

544 measures to getting bids. We want to enclose campus for a safer campus and we also
545 want to have a safer environment for the kids on the streets.

546 **Ashley Garza:** Can I get clarification on self-enforcement, you said it wasn't part of the
547 mitigation but what...

548 **Noelle Madera:** So in transportations letter they said that they were required to do a
549 circulation plan and a self-enforcement plan basically how to do corrective action
550 themselves. But that comment came in after the staff report was basically sent for review.
551 And so, transportation I think thinks that the mitigation was in there for the self-
552 enforcement plan when really it wasn't because the comment came in late.

553 **Ashley Garza:** ok

554 **Noelle Madera:** And so that's just something that they were probably under the
555 impression that they were self-enforcing traffic down Wiley when really it wasn't part of the
556 requirement.

557 **Tom Hale:** And we've had a lot of staff changes over the last five years. The guy we had
558 who normally did the paperwork. I wasn't aware of what circulation map there was. So
559 more than happy to get that out and take a look at it and if we got to revise it. It's really,
560 we're open minded to doing that.

561 **Noelle Madera:** Yeah, the thing is that, it is kind of hard to kind of stay focused on just the
562 rezone. But all of the issues that we're having on an existing already issued SEPA and
563 the land use that is already approved. Majority of our issues are with that and so it is kind
564 of difficult to kind of go back and forth between the rezone and the issues with the SEPA
565 that we've already issued. Again, either compliance or mitigation that just isn't successful
566 and I know that Tommy and I have talked about ways to revisit the previous SEPA either
567 with code enforcement action or maybe we can find some other alternative that helps the
568 mitigation work. But we just haven't had those conversations with transportation yet. But
569 definitely something that we are aware of and we just don't know the best solution for it
570 yet. But regardless if this moves forward with the rezone we're in the same boat, we still
571 have the same issues.

572 **Thomas Hale:** Doug?

573 **Doug Mayo:** If we, if the property gets rezoned then this removes some of the actions
574 from the class 3 or class1 or a class 2? Does it get these activities out of the SEPA review?

575 **Noelle Madera:** No, SEPA, it would lower the review level of some items. It's quite a few
576 items that it would be adding in. Because it is going from a residential to an industrial. But
577 SEPA applies regardless, it's not zone based. Its use, square footage, structure, ground
578 disturbance so that would apply regardless. Except for some areas I guess, parking and
579 building sizes.

580 **Phil Hoge:** Parking, well. Note sure what zone it applies to.

581 **Noelle Madera:** So, in some zones it's a smaller threshold. But, I don't know what are
582 threshold for our ...

583 **Phil Hoge:** I think in general in urban areas it's the same

584 **Noelle Madera:** Its AG I think that's a higher threshold.

585 **Phil Hoge:** Its AG/Resources. Threshold is higher for SEPA review, but this is all urban
586 growth area.

587 **Noelle Madera:** I did also, I forgot to mention water resources resubmitted their same
588 comments that came in for the SEPA. And so, I'm going to put this in as an exhibit. It's the
589 same comments that they previously provided though.

590 **Ashley Garza:** Oh ok

591 **Doug Miller:** I have a question Mr. Hale, you mentioned how now your current use is
592 warehouses for storing of the fruit and some packing. You have an x amount of employees
593 and for the future you might increase the number of fruit you want to store. How is that
594 going to affect the amount of trucks now, versus maybe at the end of the ten-year plan
595 with the increase space with the amount of semi-trucks coming in and out loading in the
596 load.

597 **Thomas Hale:** That's a good question. It's hard as an orchard owner, packing owner,
598 speaking on behalf of Gilbert Orchards here. As a farmer it's hard to project yourself in ten
599 years, you know, you don't know how the market is going to go, obviously. That aside the
600 goal is obviously to increase production, increase orchard activity and plant more and
601 grow more. That will ultimately, lead to more trucks, that's a given. Currently the last I want
602 to say four years, we have shipped probably in a calendar year close to three to four million
603 boxes a year. That's something that will stay the same for the next couple years. We will
604 see increases each year, maybe every three years we will see an increase in production.
605 I don't know where, some of the figures of number of trucks per hour I noticed that in the
606 Wells letter. That somewhere we have stated we would have three trucks per hour. And
607 maybe we do, but there was a given time where she clocked in I think it was somewhere
608 around twenty in her letter, that could be during our peak season that's not year-round.
609 Like right now we are shipping maybe forty-three thousand boxes a week. We can see
610 sometimes ninety thousand boxes a week. Now that's a thousand boxes go into one truck
611 so that ranges obviously. So, it varies so much throughout the year that you have peak
612 times, obviously your harvest, and you have slower times through February through now.
613 We are not packing cherries so we tend to slow down in the spring and early summer and
614 then ramp up in the fall. So those patterns are always going to stay the same and they
615 have stayed the same since we've been a packing warehouse since 1917. We've been
616 packing apples for a long time. And like Noelle said the operations of the current land
617 being used it will not change. It will just be an increase in production like you asked. So,
618 there will be an increase over the next ten years. We'd like to double but I don't think we

619 will, so I could say six, maybe seven thousand boxes, six, seven million boxes within ten
620 years.

621 **Ashley Garza:** I have a question, as they apply for new construction I know they have to
622 go through the process, like its reviewed, is part of the development of the surrounding
623 road improvements is that part of the review? Is that something that they are required to,
624 do they have to have that. Like a plat you usually have to develop the roads. Is that
625 something that's required?

626 **Noelle Madera:** If SEPA finds that there is an impact to county roads then they might have
627 to do road improvements or expansions or something. But only through the SEPA, I would
628 think. I can't imagine that the, because they are off of a county road I wouldn't think that
629 they would have to do any road development standards.

630 **Ashley Garza:** So no road transportation study would need

631 **Noelle Madera:** So that would-be part of the SEPA,

632 **Tommy Carroll:** Title 19 does public road standards.

633 **Noelle Madera:** But would they...but if we're off a county roadway already. So,
634 transportation would have to indicate that it's an underserved road, correct. (inaudible)

635 **Tommy Carroll:** Let him take the lead on this.

636 **Jason Earles:** Jason Earles, Yakima County. So, Title 19 right now what will happen is
637 the transportation division will review projects and title nineteen does address public roads
638 so they will evaluate if there is a deficiency to the road. There could be requirements for
639 road improvements most of what we've seen from transportation has been mainly
640 comments associated with plats. And they've required most of the times financial
641 contributions lieu of that's kind of how we've dealt with it. But it is all rolled into
642 Title 19 now so it could be considered as part of conditional use permit or what have you.
643 But as of right now it's been primarily with plats.

644 **Noelle Madera:** But we would be relying on the transportation division

645 **Jason Earles:** Yes, the transportation division is the one who it essentially be determining
646 if the road is inadequate. And then they would essentially be the ones requiring that the
647 road be improved, let's say. But it can be done in association with the conditional use
648 permit let's say, but most of the time we have dealt with it through SEPA.

649 **Ashley Garza:** Ok, thank you.

650 **Thomas Hale:** And just to, I'm not trying to point fingers, but there's also that road. South
651 Wiley Road is also accessed by Borton Fruit as well for their orchards on the Reservation,
652 so just something else to note.

653 **Ashley Garza:** Thank you, I did not know that. Would anybody else like to, yes. Did you
654 want to come up? Did you want him to sit down?

655 **Noelle Madera:** I don't have any more questions.

656 **Ashley Garza:** Ok we will have you sit down. (inaudible). No problem. Just state your
657 name.

658 **Rosetta Whitman:** I am Rosetta Whitman, and I'm here for my dad Charles Davis. And
659 I'm not, I don't really understand what you guys are saying. I'm trying to understand this
660 but I don't. What my concern is, that the road, there has been stakes put out. I don't know
661 if that's for road improvements or what. But it's on both sides of the road, my dad owns
662 the garages on both sides of the road and they go twenty feet in on both sides. That's forty
663 feet if you're planning putting a road going down through there of his property and that
664 would make it to where if he was to back a car out of his garage he couldn't. Because he
665 would be backing into the road. So, to widen the road that much, twenty feet on each side,
666 that's like if you're going to put a four-lane road going down through there. I don't think
667 that's necessary, Gilbert's has been there for my entire life of living there. Driving semis
668 up and down that road and I've lived there my entire life basically and there's never ever
669 been a problem the school lets out, the orchards lets out, Gilberts lets out and everybody
670 kind of gets along. The road itself I would say yes it needs to have work, there's a lot of
671 the edges of the roads probably needs to be improved. But widening it twenty feet on both
672 sides that's a bit much, I think and that takes away my dad's ability, which right now he
673 can't, he doesn't have the ability to work right now. But when he passes away probably at
674 the end of this year, his family wants to run his shop. And so, we would like to be able to
675 use it, and if you do that we can't that's just taking away too much of his property. So that's
676 my only concern, and I don't know if this has anything to do with what you guys are talking
677 about or if those stakes haven't been put it just take off the thing with the red tags and RW
678 wrote on them I don't know who put those there.

679 **Unknown:** Right of way

680 **Rosetta Whitman:** Is it right of way? And you can take twenty feet of both sides of the
681 property for right of way. When there's already a road?

682 **Tommy Carroll:** Could you show us on here if you know where your property?

683 **Rosetta Whitman:** Well I don't understand your map, sorry. He owns the businesses, is
684 this Wiley?

685 **Tommy Carroll:** Yeah, that's Wiley.

686 **Noelle Madera:** Yup

687 **Rosetta Whitman:** And that's Gilbert?

688 **Noelle Madera:** MH mm.

689 **Rosetta Whitman:** So when you come around that big corner there's an empty lot right
690 at the beginning and then he's got a garage. So, I don't know where that is on this map.

691 **Noelle Madera:** I think that's this lot right here. Is the parking lot? Right here? Cause the
692 parking, like the parking is right here. So, is it right next to their parking?

693 **Rosetta Whitman:** the big empty lot and then the next lot is my dad's. It's not across the
694 street but over where the car wash is.

695 **Craig Anderson:** Chuck Davis is actually right here. And then right across the street.

696 **Rosetta Whitman:** So, if you go twenty feet in he can't even take a car out of his space.

697 **Tommy Carroll:** There is a good chance, not knowing for sure not knowing what those
698 stakes are being out there and having it in front of us. There's a good chance that means
699 that is already county right of way and county already owns that property. And if you notice
700 like for example, on Gilbert Road that goes down you know that little convenience store,
701 I'm sorry that's on Wiley. Notice how that convenience store doesn't really have any
702 parking in front of it, that's because county right of way all the way up and takes most of
703 their parking spots. So, there's a good chance, your father, before he bought that property,
704 or at some point while he owned it, the county obtained that portion of his property for
705 future widening of that road. I'm not sure, I'm just looking, I'm not sure it that's in the design
706 or intended to be widened anytime soon. It may just be something of the county right of
707 way has worked with to identify a right of way. But we can get that information for you. It
708 might be very beneficial for you and your father to know if that's really the case.

709 **Noelle Madera:** Especially if they're being told to stay out of the right of way. And maybe
710 it was a way to identify this is where the right of way ends and then you need to have your
711 truck outside of the right of way. Because the right of way like you have your road but then
712 the right of way extends outside of it so you can't have any obstructions like we can't put
713 signs in the right of way because if you hit them as you veer off. And so, it could've of been
714 a way to mark it so people need to stay out of this road of way corridor. Like maybe that's
715 why the stakes were put up. I haven't heard that they are improving that road at all.

716 **Rosetta Whitman:** It's kind of confusing because they were gas stations and so that would
717 mean that those pumps that were put in there. Of course, my dad has owned that property
718 for over fifty years. That those gas pumps that were put in there were put on county land?
719 Because if you were going to do it you'd have to take those gas pumps out. I mean that
720 just doesn't make sense to us because it's so far over.

721 **Tommy Carroll:** Did you fill out this sign in form over there?

722 **Rosetta Whitman:** No, I've never...

723 **Tommy Carroll:** Before you leave make sure you put your name and number on that and
724 then we'll get back to you and we'll give you that information so that you will know for sure.

725 **Rosetta Whitman:** Ok. Cause my dad he gets really confused and this could... I'm sorry
726 it just happened so fast, we weren't ready for it, but he gets so confused and he seen
727 these marks and he's got trucks in front of his shop on the carwash and he's got to move
728 all this stuff and I don't know what to tell him to calm him down to where he's. I mean if it's
729 yours it's yours and we have to but we need to know what to do. Because the more he
730 gets confused the worse he gets so we try keep that stuff away. We just need to know.

731 **Tommy Carroll:** Yeah, we will do that. We've got people that their job is to go to your
732 father and talk to him about it.

733 **Rosetta Whitman:** He won't talk to you, I'm sorry.

734 **Tommy Carroll:** Well then they'll call you then.

735 **Rosetta Whitman:** You'd have to talk to me. He won't even, he probably wouldn't even
736 talk to us when I'm here and he's not. He's like well good luck walking out the door. So
737 yeah, I guess to let us know what's really going on and what we have to do or don't have
738 to do or what? So, I can calm him down to let him know that its ok he doesn't have to worry
739 about it. Ok that's all. I mean Gilbert you guys can go industrial I don't care.

740 **Ashley Garza:** So you approve? Thank you.

741 **Craig Anderson:** Craig Anderson, warehouse manager at Gilbert Orchards, I just want to
742 say I've known Chuck Davis for fifty, sixty years and I'm happy to talk with him and tell him
743 kind of what's going on. Cause I saw those stakes up there the roadies, sometimes its
744 twenty feet one way and thirty-five feet the other way and jogs back and forth so, anyways,
745 I understand that's like I say roadies, doesn't mean anything is going to happen. Also, I
746 just wanted to comment on as far as our own trucks we tell all our own drivers to go, clear
747 throughout Ahtanum clear to Gilbert road way out in the west end and come in to the
748 warehouse this way so we don't go through Wiley City proper. Also, as far as outside
749 haulers we tell them to go that way. Reefer trucks if they call in for directions we give them
750 directions to go this way out here and not using the South Wiley Road. But if a lot of people
751 now have Garmin's or on their phone use map or whatever like that. And I'm sure that is
752 telling them the quickest way to Gilbert Orchards to the warehouse is this one and we
753 can't really control that. Yes.

754 **Joe Walsh:** Do they go in and out the same, is your instruction to them is to go in and out
755 the same way?

756 **Craig Anderson:** Yes, yes to come out here and go this direction.

757 **Thomas Hale:** there's signage there.

758 **Craig Anderson:** And actually, an easier corner and everything for them to take to go out
759 Ahtanum to go out this way. Rather than, this is a real steep bank. They could drop their

760 trailer and there they would be a lot more. Yeah, through the years haven't they Rosetta.
761 So, we try to get trucks to go this direction as much as we possibly can.

762 **Joe Walsh:** So could be a matter of signs

763 **Thomas Hale:** we have signs up currently. We want to direct traffic as much as possible
764 that is our only goal.

765 **Craig Anderson:** We put up more signs, bigger more plain signs or viewable signs type
766 thing and we are totally willing to do that.

767 **Ashley Garza:** Thank you, are you complete? Ok, Thank you for your testimony. Do we
768 have anybody else that wants to speak on this project? Does anybody? Ok...

769 **Joe Walsh:** After deliberations we make some findings on this particular project or not
770 project but rezoning change. Does it then go to the commissioners? At that time then does
771 this transportation testimony apply

772 **Noelle Madera:** So the transportation comments and the water resource comments are
773 going to apply to the SEPA. Because those basic, because those came in during the SEPA
774 comment period. So, we're going to apply those to the SEPA, which will be finalized before
775 the board hearing. And so, if we feel like we can't mitigate it. Then we would move forward
776 with that if we feel like we could mitigate it, or if we feel like the previous SEPA if we
777 enforce it can properly mitigate it then we don't need to mitigate it through this SEPA. So
778 that's how we're pretty much going to handle transportation and water resource comments
779 and the neighbor comment.

780 **Ashley Garza:** But it's an exhibit so they'll read this information.

781 **Noelle Madera:** Yeah so, we are going to provide proposed mitigation for the next SEPA
782 that goes out and then hopefully transportation and water resources will be able to
783 comment as to whether they think that those are sufficient. Water resources she has a lot
784 in her comment letter, but I think her main issue is the hundred percent lot coverage and
785 how that will affect the drainage in the area and so we're hoping when we have this
786 proposed mitigation language for both the water resources and transportation concerns.
787 Which are also the neighbor concerns are mainly transportation. Then transportation can
788 comment as to whether they feel that's appropriate and that we would handle it effectively
789 that way. And if they don't they'll comment and say that we didn't, they don't think that.

790 **Ashley Garza:** Does that answer your question kind of?

791 **Joe Walsh-** kind of.

792 **Tommy Carroll:** Transportation probably will not testify at the board hearing they do most
793 of their, unless it's something that's theirs. So they will provide a comment letter or will
794 submit the ones they already did but we, we were using the planning commission hearing

795 to get as much information we can get from the public so we can put that in the SEPA that
796 we're going to issue here in the next few weeks and so...

797 **Joe Walsh:** What do you expect from storm water? Will they (inaudible)

798 **Tommy Carroll:** I think we're going to rely on the comment letter primarily. The biggest,
799 I'm not sure Noelle said this while I was outside but just in case, but the comments for
800 transportation and surface water are primarily geared toward the development of this
801 property. The issue is they've already got approval to pretty much develop this entire
802 property. And so, a lot of the bite of the apple has already been taken by them. In a way
803 they've already had their opportunity and the storm water has been addressed for the vast
804 majority of the property the proposed being put in purple and industrial. It's just that this is
805 finally a consolidation of all of their property into one zone so that they don't have to do a
806 type 3 here on this one and a type 4 on this one and this one. It's just to kind of put it all
807 in one big industrial package for all. A lot of that storm water issues will definitely have to
808 be addressed (inaudible) cold storage buildings or things like that. But so, their comments
809 that Noelle can handle them is like that, yeah, we understand that they're going to handle
810 storm water but a lot of the comments are based on upon what they've already got
811 approved for and storm water approvals for already. So, it's kind of confusing to us a little
812 bit and I know it's been to them. The roads things is always tricky because SEPA is usually
813 when the roads division gets their conditions placed on them. But on legislative decisions
814 it is difficult to condition those we need an development agreement done and specific
815 conditions have to be met so we put them in the SEPA document but they don't have any
816 proposal for those northern parcels above Gilbert road right now. So, there's really no
817 telling what they're going to be so roads doesn't really have a way of knowing what to say
818 other than there's been impacts to Gilbert and Wiley Road from truck traffic. But those are
819 things addressed already with other permits. We just haven't worked with them effectively.
820 Noelle hasn't worked effectively with them to ensure that we can get adequate signage to
821 make sure this works right. And the difficulty is the Gilberts don't own the land to which
822 the signs might have to be on. With the new Supreme Court case on how signage works
823 now we're trying to fix that, trying to figure out how, but it may be something as simple as
824 just them placing two or three signs. Or them handing a flyer to every person who drives
825 a truck and say post this to your dashboard.

826 **Noelle Madera:** And its difficult cause I remember when we were processing the original
827 permit. We I believe, Jason we talked about signage but our code didn't allow the signage
828 and so we couldn't require them to do signage that would benefit it that our code didn't
829 allow. And so, we didn't put the requirements for some of the signs and if fact we knew
830 that some of the signs you already have were illegal. And we just ignored it because...

831 **Thomas Hale:** We have no jake brake signs with flags on them. On the roadway.

832 **Noelle Madera:** Because yeah, these signs are a benefit but they also you can't have
833 offsite directional signs under title 15, nineteen is a little bit more flexible and then with the

834 new sign requirements that we're going to be changing it might making even more flexible
835 to put these signs out there.

836 **Ashley Garza:** But it is considered a truck route, right? It's not like a no truck route.

837 **Tommy Carroll:** Yeah and that's another thing too transportation issues aren't necessarily
838 about the quality of the road and that's typically where their problems come in. Most county
839 roads are, their current state are designed specifically for this type of use. And so, the
840 problem that we have here isn't necessarily the ability of the road to handle the truck traffic
841 it's just the fact that we have a pretty successful industrial agricultural use in an area with
842 sporadic residential development and there's two ways into it. If there's only way into it we
843 wouldn't be having this conversation.

844 **Ashley Garza:** And you'll see in this city no truck routes so technically they could get a
845 ticket on the no truck route. In this instance they can't

846 **Noelle Madera:** And transportation didn't comment about truck route signs or establishing
847 it as a truck route and so maybe when we put the second SEPA notice out maybe they'll,
848 maybe that kind of signage would be allowed. You know truck route this way. We're hoping
849 to get a little bit more input on the second SEPA notice to see what's the best ways to go
850 forward.

851 **Doug Mayo:** Yeah, that would cause quite a problem for Borton. If you say no trucks, then
852 they can't go (inaudible)

853 **Thomas Hale:** I just wanted to make a comment that or maybe a question regarding the
854 storm water and it sounds like you addressed it for the most part but it seems that Dianna
855 isn't aware that we've had a storm water site plan that's been approved in that, that's not
856 my business, I'm just asking, I'm just wondering if when we get to a hearing if the county
857 commissioners are going to look at it and say well what are you going to do about this and
858 we've already done this. But is that would that be in question at all. Something that will be
859 addressed like...

860 **Thomas Carroll:** It could be possible, but we'll answer the same way, we typically meet
861 with the commissioners prior to the hearing to give them our presentation on what's going
862 to be presented and the record and the planning commission findings. And then if they
863 have questions on the comment letters that they're looking at we will address them there.
864 But it will be similar to this venue too. You'll have an opportunity to address that if it comes
865 up.

866 **Craig Anderson:** We had a storm water plan designed by HLA, this is just like only two
867 years ago, it's all been approved and I've got the drawings.

868 **Noelle Madera:** No yeah, we attached it to the application and we got it from the water
869 resource one of the managers over there. So we know.

870 **Thomas Hale:** that's all been approved and implemented.

871 **Craig Anderson:** That was with Ray Latham at the department of ecology.

872 **Noelle Madera:** yeah, yup and David Haws.

873 **Thomas Carroll:** We've seen the stormwater facilities.

874 **Thomas Hale:** It's more that, Dianna with water she's just bringing up opposing
875 comments, I guess.

876 **Thomas Carroll:** FYI, the bigger issue with any environmentally conscious or oriented
877 group within the county or DOE, you're dealing with a number of creek related issues.
878 There's floodplain associated with it. Industrial uses have a lot of impervious surfaces so
879 there's a lot of things that they're concerned about. Run off into the creeks and so forth
880 but they will not get a permit for future development unless they can show that the future
881 development storm water is adequately addressed. You folks know that storm water stuff
882 was recently adapted and it specifically requires them to get storm water addressed so
883 that's the other thing. The mitigation for storm water is to adhere to the storm water
884 standards when the application comes in. But they have no proposed use and the existing
885 development or the existing permit development has already been done. We appreciate
886 storm water comment.

887 **Mike Shuttleworth:** and basically, we cannot condition a rezone, correct?

888 **Tommy Carroll:** No, not unless we have a development agreement that has been already
889 brought forward to you to see, similar to what's on the next one.

890 **Ashley Garza:** So for us the only thing on the table is the rezone.

891 **Mike Shuttleworth:** The rezone, yeah, staff would have to handle any other issues related
892 to

893 **Craig Anderson:** This rezone will really just reflect what the current use is and has been
894 since 1927.

895 **Tommy Carroll:** Oh well that changes everything...

896 (laughing)

897 **Mike Shuttleworth:** twenty-six would be ok

898 (laughing)

899 **Ashley Garza:** Thank you guys we really appreciate your comments and testimony. So, I
900 think that we're wrapping that one up. Noelle you are off the hook. (inaudible) Does anyone
901 want a break or do you want to keep moving forward? (inaudible)

902 **Tommy Carroll:** Well Doug took one.

903 (laughing)

904 **Tua Vang:** Want to take a break?

905 **Ashley Garza:** We're officially on a break, off the record.

906 **Mike Shuttleworth:** How long is the break?

907 **Ashley Garza:** Umm ten minutes, how long do you need? Five? Five? Ok. That clock is
908 probably broken.

909 **Doug Miller:** Unless that clock dies.

910 (talking)

911 **BREAK**

912 **LRN2018-00003/SEP2018-00006 – WILLIAMSON/MIOCENE**

913 **Ashley Garza:** Alright, so Williamson/Miocene.

914 **Tua Vang:** That's mine. Tua Vang, Project Planner/Yakima County, my case was LRN18-
915 03/SEPA18-06. Dave Williamson and Miocene submitted an application to apply a Mineral
916 Resource Overlay to this property here with a yellow around it. It's a hundred and eighty-
917 six acres of what they're proposing to apply the Mineral Resource Overlay to but it's an
918 approximate six-hundred-and-ten-acre parcel. Miocene Resources LLC, owns the mineral
919 rights but Fish and Wildlife owns the land itself. And so, that's what the proposal is,
920 basically right now there is currently a Mineral Resource Overlay on that property where
921 they are currently mining at the Horseshoe Bend Quarry right now. And if approved then
922 the Mineral Resource Overlay would occupy that one hundred and eighty-six acres there.
923 Staff recommends approval of the Comp Plan amendment to apply this overlay to a
924 hundred and eighty-six acres or a portion thereof, depending upon as we talked about
925 earlier the development agreement to condition that Miocene Resources obtained all the
926 land ownership of whatever was agreed upon with Fish and Wildlife for this portion there.
927 And, so this development agreement is only good for five years and this Comp Plan
928 amendment meets the criteria of the Mineral Resource Overlay designation. It also meets
929 the Mineral Resource Overlay Mapping criteria of Yakima County Comprehensive Plan
930 **Horizon 2040**. Comment letters that we received, standard comment letters from
931 WSDOT, and Department of Ecology. We did receive one comment letter from Fish and
932 Wildlife from Eric Bartrand, about basically you know just concerns about the Upland
933 Wildlife Habitat Conservation Area, as this area is part of. And so, last thing within this five
934 years once the county receives some type of, actually a deed of land ownership that's
935 been recorded by the county auditor then we would apply whatever Mineral Resource
936 Overlay to that area, if it's approved by the Board of County Commissioners that's the path
937 they want to move forward with, so.

938 **Ashley Garza:** So is that a condition of approval?

939 **Tua Vang:** Yes, it would be, the development agreement is part of this staff report, our
940 recommendation to approve this proposal is that Williamson Miocene obtain that land
941 ownership within the five years, provide us proof of that. And then, if we get that proof
942 within five years then we would apply the overlay, to these one hundred eighty-six acres,
943 whatever they've agreed upon.

944 **Mike Shuttleworth:** Just for clarification, if they do not have the Mineral Resource Overlay
945 the can't mine minerals and even if do have their overlay they still have to go through
946 permits to be able to mine?

947 **Tommy Carroll:** Yes.

948 **Tua Vang:** Yes.

949 **Mike Shuttleworth:** Would there be a concern if the whole property was a Mineral
950 Resource Overlay?

951 **Tua Vang:** Maybe for Fish and Wildlife.

952 **Mike Shuttleworth:** But if they don't sell it. It doesn't happen.

953 **Tua Vang:** Right.

954 **Mike Shuttleworth:** They control where that line is. I'm just saying rather than having
955 development agreements and waiting for what-if's, if we designate the whole property as
956 mineral resource then the two property owners can decide where that line's going to be.

957 **Tua Vang:** Yea that's part of it, but as staff agreed upon in order to move forward with this
958 Mineral Resource Overlay because they don't own the land, the property rights the land
959 ownership, the development agreement is the only way the county will forward with this
960 proposal.

961 **Ashley Garza:** Because they're not the applicant.

962 **Tua Vang:** Well they are the applicant but they don't own the land. They have to have
963 ownership of the land.

964 **Ashley Garza:** Right, right. Ok, did that answer your question?

965 **Tua Vang:** Kinda, sorta.

966 **Mike Shuttleworth:** Yes.

967 **Ashley Garza:** Did anyone want to give some testimony or actually the applicant, I guess
968 I should ask if they are here first?

969 **Tommy Carroll:** It doesn't matter, either way, Eric can go first.

970 **Tommy Carroll:** Tommy Carroll, Yakima County Planning, thinking about what you
971 mentioned Mike, I guess the decision can be made to designate the entire parcel or
972 recommend designation with the entire parcel with the development agreement then once
973 that is been executed with the deed and the actual ownership area has been, ownership
974 parcel has been identified we could probably have it to where the overlay then shrinks to
975 the area that had been officially decided upon. So instead of putting the overlay on an
976 arbitrary area, do the whole parcel because we know it won't beyond the extent of that
977 parcel, do the full six hundred acres, but it's not going to show up on a map until the deeds
978 are submitted and then once the deeds are submitted then...

979 **Ashley Garza:** It changes.

980 **Tommy Carroll:** It changes. But I guess it would work out either way.

981 **Mike Shuttleworth:** Ok. So that 186 isn't a parcel, correct?

982 **Tommy Carroll:** No, so and it's not going to be on the map until the parcel's certain.

983 **Mike Shuttleworth:** Right.

984 **Tua Vang:** And the reason why they proposed the 186 acres is kind of an arbitrary number
985 to the land across the Naches River of what they are proposing to swap with Fish and
986 Wildlife. So, I think it's approximate like a 140 something acres for this parcel right here.
987 But I think that's, you know that's just what they proposed. And so, kind of like a give and
988 take of whatever, even numbers I guess.

989 **Ashley Garza:** And the amendment could only happen every, to apply for this amendment
990 it could only happen every two years or something right?

991 **Tua Vang:** Yes.

992 **Ashley Garza:** Ok.

993 **Doug Mayo:** So if I understand, there's one of the choices, we can do the entire six
994 hundred and ten acres?

995 **Tua and Ashley:** If that's what your talking about.

996 **Doug Mayo:** The entire parcel you're talking one eighty-six or you talking the six ten?

997 **Tommy Carroll:** If I, was referring to what Mike said if it's, if it would be a whole parcel
998 than it would be the six ten.

999 **Doug Mayo:** And so it would be there, so if in thirty years from now Fish and Game bought
1000 another, I mean Miocene bought another forty acres or sixty acres they wouldn't have to
1001 go through this process.

1002 **Tommy Carroll:** Correct.

1003 **Doug Mayo:** It would be there.

1004 **Tommy Carrol:** Correct. And it wouldn't hurt Fish and Wildlife, they own actually quite a
1005 bit of land already on Highway 12 that is designated mineral resource. It wouldn't hurt
1006 them or keep them from doing any of their wildlife habitat.

1007 **Tua Vang:** Yeah. One thing I forgot to mention too, was the underline zoning, Remote
1008 Extremely Limited Development Potential and also the plan designation is not changing
1009 its just an application of applying the Mineral Resource Overlay on it so that they can
1010 expand the quarry if they have to.

1011 **Doug Mayo:** I guess a further question maybe the law of the land has changed but way
1012 back when if you own the mineral rights, you go in and mine the coal and forget the people
1013 that own the land, is that still do that or this is a different situation here?

1014 **Tommy Carroll:** You bring up a really good question. So, so potentially, they're moving
1015 to the land swap to avoid the legal battle that would probably ensue if, Horseshoe Bend
1016 put some bulldozers out there to get that rock, I would say. But, Yakima County was
1017 concerned when we first started discussing this with them because we don't have anything
1018 on our code that addresses this. And, maybe other states do, but we looked around we
1019 don't...

1020 **Doug Mayo:** Is "we" County or state?"

1021 **Tommy Carroll:** "We" County, we Yakima County. And because there's obviously
1022 different types of access to mineral rights, there's different, there's even current arguments
1023 on what, what constitutes minerals. Whether or not an aggregate is a mineral, under our
1024 definition aggregate is a mineral, and so based upon certain restrictions in the deed or
1025 what the actual mineral rights say dictates what type of mineral resource. But if it just says
1026 mineral, then theoretically, they can go and access the mineral rights and execute their
1027 right to that, those minerals. Problem is our code has all these requirements to them for
1028 the application, one the property owner has to sign the application. We don't say property
1029 owner or mineral right holder. And, so we spoke to our corporate council tried to figure out
1030 what's the best avenue for this. Luckily, they were currently working on the land swap and
1031 we were hoping that would be done before they applied. And I'm sure they were hoping it
1032 was done before they applied. And this just turned out to be our way of trying to get them
1033 potentially through the commissioner, planning commission, commissioners, so once that
1034 actually was executed they can then come in and get a permit to mine. It would be a Type
1035 2 permit, they would have to do SEPA and everything. And yeah Doug you're right there
1036 is a potential if they wanted to fight it they could probably try to get that rock without...

1037 **Doug Mayo:** So, how big of an area do they own the mineral rights on?

1038 **Tua Vang:** The whole parcel I believe.

1039 **Dave Williamson:** Well, 12,300 acres.

1040 **Doug Mayo:** The 12,000?

1041 **Tua Vang-** Well I mean if he's talking, you're talking more other parcels too that extend
1042 beyond this parcel itself. I mean this parcel is only 600...

1043 **Dave Williamson:** Like 22 sections.

1044 **Tua Vang:** Yes.

1045 **Dave Williamson:** That's one of the sections...

1046 **Dough Mayo:** ...That you've got mineral rights on?

1047 **Doug Mayo:** And it was sold to the fish, game department? (inaudible)

1048 **David Williamson:** The rights were initially with Cascade Lumber which became Boise
1049 Cascade.

1050 **Tua Vang:** Can we have you come talk at the podium then?

1051 **Ashley Garza:** Yeah come up here, sorry. I forgot. A little more formal. Just need to get
1052 you on the record.

1053 **Dave Williamson:** Dave Williamson with Miocene Resources. Originally the mineral
1054 rights, the land was sold to the Department of Game in 1951 I believe it was. And when
1055 they did, Cascade Lumber owned the property they kept the mineral rights and the timber
1056 rights so they can build logging roads and log decks with the rock and take the timber.
1057 The timber rights were sold in 2008, Cascade Lumber became Boise Cascade which was
1058 bought by Office Max. They reaffirmed the mineral rights in I believe 1986, retained those,
1059 we bought those last year and there's 22 sections or so. It's like 12,353 acres. This whole
1060 section is part of it. And you guys have the entire agreement there for the land trade and
1061 whatnot. And like Tommy was saying to avoid a big legal battle we're trying to do this
1062 exchange so, I mean, so we don't have to go and mine the property without (inaudible)
1063 But I mean exactly like you said, it's basically it could be up to court to decide. But that
1064 right has been there and stayed on that land since 1951. Yakima County defines a mineral
1065 as aggregate rock and Department of Natural Resources does the same exact same thing.
1066 So I don't know if you have any other questions?

1067 **Doug Mayo:** Does your mineral rights describe rock as a mineral?

1068 **Dave Williamson:** No. It describes it as mineral. It says from upon or from or from under.

1069 **Ashley Garza:** Just to clarify one more time. You said in order for them to apply, they
1070 have to apply through you to dig for the minerals and that requires the owner's signature
1071 and that's the issue.

1072 **Tommy Carroll:** Currently. And that was the issue we had, that was the internal issue.
1073 We didn't have a way to, our attorneys the jeopardy we would be put in. If Fish and Wildlife

1074 sued Yakima County for allowing them to mine their mineral rights and so we said, please,
1075 pretty please, you two figure it our first. And it all comes down to just, on application form.
1076 Jason's group will not take it if it doesn't have the property owner's name on it. So really,
1077 this, I could have Jason deal with all of this all along.

1078 **Ashley Garza:** Does anyone have questions for Dave?

1079 **Dave Williamson:** And as far the comment letters and stuff. Like it says standard stuff
1080 from DOT, basically nothing will change. The footprint of the mine would grow but the
1081 environmental impact wouldn't change. Reclamation occurs as you went for one area to
1082 another. All the wildlife in the area are impacted as it would be if this were to go through
1083 right now. So none of that, none of that would change.

1084 **Ashley Garza:** And are you guys regulated by, (inaudible) regulated by the state?

1085 **Dave Williamson:** That's right, I mean this is just, all this does is just open the door. Then
1086 we have to get a permit from the county before we can even submit an application for
1087 reclamation permit to the Department of Natural Resources. And we have to go through
1088 Ecology, and yeah it's, it's just the very start of the process. So and like you said this only
1089 happens every couple years, so we are anticipating this land exchange to move a little
1090 faster than it has, but it does happen then we are that much further ahead.

1091 **Ashley Garza:** Ok. Great. Anybody from the commission have a question? Ok well thank
1092 you Dave.

1093 **Dave Williamson:** Thank you.

1094 **Ashley Garza:** Did you want to come up?

1095 **Eric Bartrand:** I'm Eric Bartrand, I am representing Washington Department of Fish and
1096 Wildlife, 1701 South 24th Avenue, in Yakima. So, we think that staff has really already
1097 found a very equitable solution to the matter that upholds the rights of both parties. And
1098 that matter of consistency with process too I think is real important. You know, why would
1099 it be in this case that an application would be taken from a non-property owner? When
1100 normally the county would not do that. Miocene gets the ability to have the overlay when
1101 the, an agreement is formalized. And it's just seems like it works so I don't know why things
1102 are being forced. We don't know why things are being forced. We're not exactly totally
1103 sure whether the trade is going to involve exactly those 186 acres. For all we know maybe,
1104 maybe it's going to end up that the Miocene ends up with something more to the east or
1105 something more to the north. You know we just don't know and I suppose that speaks to
1106 the virtues of putting it over the entire 610 acres. But why don't we just come back to, hey
1107 let's take the agreement, lets know what property has been, is involved in the trade. And
1108 then put the overlay on it.

1109 **Ashley Garza:** So you are in agreement with staff's recommendation?

1110 **Eric Bartrand:** Yes.

1111 **Mike Shuttleworth:** So Fish and Wildlife do a SEPA on the property trade?

1112 **Eric Bartrand:** Yes.

1113 **Speaker 62:** So you'll look at impacts on native species and all of that stuff?

1114 **Eric Bartrand:** Oh, yes.

1115 **Ashley Garza:** Anybody else? Ok. Thank you, Eric, appreciate it.

1116 **Tua Vang:** One more maybe?

1117 **James Carmody:** Did you call for someone else?

1118 **Ashley Garza:** Yes.

1119 **James Carmody:** I'm happy to (inaudible) time. I wouldn't turn down an opportunity. I
1120 know too many of you. Good evening my name is Jamie Carmody, I've represented
1121 Horseshoe Bend Quarry, Dave Williamson, Miocene on this, what seems like a better part
1122 of my adult life. This situation, again we agree with staff recommendation. It's think that's
1123 logical way to go. We're trying to do something a little bit unusual on this case and that is
1124 just to plan in advance. To put things in place of, so that we can move things forward.
1125 There's been an ongoing discussion and dialog between Fish and Wildlife and Horseshoe
1126 Bend which is taken place over probably the last five or six years that involved a property
1127 exchange. There's a 148 acres on this side of the river that adjoins Oak Creek Wildlife
1128 area. It has terrific wildlife value and Fish and Wildlife been interested in that. Horseshoe
1129 Bend has been interested in the ability to expand their quarry so they came up with this
1130 logical conclusion, as we'll do a property exchange. Only that process is really really
1131 difficult, to accomplish in terms of appraisals, there's state involvement, there's federal
1132 involvement, and it just simply takes way too long. So what we tried to do is, is bring to
1133 you the designation and I don't think there's any question about the quality of the rock
1134 here. The need for it. The Simmons Pit was eliminated with the landslide. And so it's
1135 logical. So we want to put in place just the basics. No mining, no activity, until we get
1136 through this process. We own the mineral rights. So Dave and Miocene acquired from
1137 Boise Cascade or Office Max over 12,000 acres of mineral rights. That's a checkerboard
1138 section in this whole area. In an effort to come to a conclusion and to make sense out of
1139 this we entered into negotiations after some litigation with Fish and Wildlife and we
1140 reached an agreement with them, literally a year ago, July 6 of 2017, so we've been a
1141 year in post agreement process. Trying to move this thing forward. There's a lot of steps
1142 with appraisals and that sort of thing but the concept is pretty simple. There'd be a parcel
1143 for parcel exchange so the 148 that we would give to Fish and Wildlife on the other side
1144 of the river would be exchanged for property of comparable value in this area. We provided
1145 a legal description of the 186. I wouldn't personally suggest that we do the 610. I would
1146 keep it at the legally described amount. And the reason is that much of the Fish and
1147 Wildlife property was purchased with federal funds and has limitations on uses. And so, I
1148 don't want to introduce to that anything that's inconsistent with what their plans and intent

1149 are. And then what happens once we do the appraisal, we'll match up the sizes. So, we've
1150 got an appraisal for 148 and then we will have an equal value on the other side as we go
1151 through it. So we just want the designation placed to move forward. The complication
1152 came with the requirement of landowner signature. We and I am reasonably comfortable
1153 that we own the mineral rights. The mineral right reservation gives us the right to mine as
1154 long as we pay them \$5 dollars an acre for disturbance. We have requirements with
1155 compliance with the Department of Natural Resources and surface mining rules and
1156 permits. Which we would do. But we're not really interested in the litigation business. And
1157 want to work with Fish and Wildlife which we've done. But get the ball rolling here, the idea
1158 of a development agreement and a five-year window I thought was a really good one
1159 because nothing becomes official until we're done with our deal. But we know at least at
1160 that point when we're done with the deal, we're done with the deal. And we can move
1161 forward. So that's the idea, is to try to put that in place. So, we would support the staff
1162 recommendation and we appreciate your considerations, we'll continue to work with Fish
1163 and Wildlife to facilitate this. I would have told you a year or so ago that five years is more
1164 than enough time. Today I'd tell ya, I worry a little bit, because it moves at a glacial pace.
1165 It is a very challenging process to move forward, but we're going to continue to do that.
1166 So we'd appreciate your support for the designation we agree with the conditions and the
1167 development agreement and look forward to moving this forward. If you have any
1168 questions I'd be happy to answer them, otherwise thank you.

1169 **Ashley Garza:** Any questions? I have one quick question. I'm curious if the overlay
1170 change, does that help you along, with the, is it required for the appraisal?

1171 **James Carmody:** No

1172 **Ashley Garza:** No, ok.

1173 **James Carmody:** No. this was a purely, purely internal decision that HPQ and Miocene
1174 and Dave Williamson and I simply to put in place because we know that will take place.
1175 So, if we can accomplish it we don't have to worry about another year or two to get through
1176 the designation process and then another year or two to get through the permitting
1177 process. So we want the basics in place. Ok thank you very much.

1178 **Ashley Garza:** Thank you Jamie. Anybody else? Ok. Thank you Tua.

1179 **Tua Vang:** Thank you.

1180 **Ashley Garza:** So, I think we're gonna work on text amendments. We got a presentation
1181 for Tom Durant. (inaudible) 004. (inaudible) Is that yours?

1182 **Keelan McPhee** - I was thinking that the maps might help. Thank you, guys.

1183 (several people talking)

1184 **LRN2018-00004/SEP2018-00022 – TOM DURANT**

1185 **Keelan McPhee:** Alright. I'm Keelan McPhee project planner with long range. I have the
1186 text amendments, there's three of them. LRN18-04, LRN18-05, and then 18-06 includes
1187 four staff proposed. So, the first one, LRN18-04 is mini storage siting. Tom Durant
1188 submitted the application. The request was to remove the M-1, M-2, and the General
1189 commercial zones from the requirements that they had to be continuous to a designated
1190 urban arterial or urban collector road. So that used to read mini storage facilities subject
1191 to the following requirements, location: the site is contiguous to a designated urban arterial
1192 or urban collector road. And staff is recommending to change it to in all zoning districts
1193 except for the M1 and M2 and GC the set shall be continuous. (inaudible) that's not
1194 supposed to be there, it's not that in the staff report. We analyze that mostly on this intent
1195 statements of those zones which draw or made a pretty good point of them being already
1196 accessing major roads. Just in the zoning district. So, we recommend approval for that.

1197 **Ashley Garza:** That's pretty straight forward, Questions for staff?

1198 (inaudible)

1199 **Ashley Garza:** Well you need to address that concern.

1200 **Ashley Garza:** Do you want to speak on it?

1201 **Tom Durant:** Hi this is Tom Durant, Durant Development Services Incorporated, 513
1202 North Front Street Suite Q, in Yakima. I made this request for this text amendment. My
1203 specific application was to remove the M1 and M2 zoning districts from this requirement
1204 of code. Although I did suggest that the planning commission might want to consider
1205 (inaudible) apparently staff has recommended that. The basic reason for it, is that as it
1206 stands right now you're not allowed to have any storage facility unless it is adjacent to an
1207 urban arterial or rural collector road. And then it goes on to say it doesn't matter if that
1208 property has access to the road. I without any direction, because there isn't any specific
1209 direction, and this is the comprehensive plan earlier or the zoning code. I surmise that the
1210 reason for that was that since residents. It says many stores can be allowed in residential
1211 areas if they... make sure that it didn't get put right in the middle of a residential area. By
1212 having it next to an urban arterial or collector road it would probably be at the edge of the
1213 neighborhood. Which is something that is not an issue in the M1 or M2 zone because
1214 you're not in a residential area. And that's the basis for making that request. Obviously, I
1215 have clients and I've had clients and I've had clients that done storage warehouses and
1216 this would be to the benefit of (inaudible). So that's basic presentation and if you had any
1217 questions for me?

1218 **Ashley Garza:** Thanks Tom. Oh comments, I'm sorry. You've been sitting so patiently.
1219 Appreciate it.

1220 **Ashley Garza:** I do want to say, most people have been having to bend over quite a bit.
1221 Is there any way we can, or should they just take it off?

1222 **Tua Vang:** It picks up. Their voice is fine.

1223 **Phil Hoge:** It's not a PA system, it's just being recorded.

1224 **Ashley Garza:** So, don't bother bending over.

1225 **Matthew Seaman:** My name is Matthew Seaman, 8902 Tieton Drive, Yakima,
1226 Washington. I'm speaking against the Durant proposal. I do not think the board here
1227 should be making this ordinance change by Mr. Durant. Until more information is known.
1228 I know that Mr. Durant represents Mr. Bainter, and as you apply this to the Bainter site I
1229 think that more information should be needed. When you look at the Bainter site they
1230 presented information to this hearing board and flipped from residential to B2 and if they
1231 then flip again to general commercial mini storage facility could be placed at this site. On
1232 the site of environmental crimes that have already been committed, I'm concerned about
1233 that. I should mention that I have just eleven points to make and hopefully not a long
1234 dissertation. Hopefully I'm not being redundant. But my point number 3 would be that
1235 Bainter and Durant would be in the position to flip the existing B2 land to general
1236 commercial constructing a mini storage facility on illegally filled waters of the United
1237 States. Meaning a jurisdictional stream that was filled and jurisdictional wetlands that were
1238 filled at that site. Officials at Yakima County have participated with Mr. Bainter and Mr.
1239 Durant, with well documented violations of the, of state law and federal law. Including
1240 felony violations of the federal clean water act. Yakima County officials who have
1241 extensively violated Bainter site, include Mr. Jeff Leng, Mr. Terry Keenhan, Mr. Cliff
1242 Bennett, Phil Hoge, and others. Some of these individuals are here in this room. And I
1243 wish Mr. Bartrand remained (inaudible). When Yakima County makes ordinance changes
1244 to benefit Mr. Durant and Mr. Bainter, Yakima County creates the appearance that
1245 developers are rewarded by the county when the developers participate in environmental
1246 crimes directed by county officials. I'm just going to list a concise timeline of facts. In 2003,
1247 Bainter and Durant circulated a falsified site plan during land use hearings and that
1248 falsified site plan was included into the land use ordinance 132003. In 2004, Bainter
1249 performed his first violation of the clean water act by illegally dredging Shaw Creek without
1250 permits. In 2004, Mr. Durant and Mr. Hoge violated the growth management act by making
1251 ordinance changes after the close of open record hearings. They removed the circulated
1252 site plan and replaced the site plan with a significantly altered site plan with different
1253 access routes and different buffer zones. In 2012 Mr. Bainter performed four violations of
1254 Section 404 of the federal clean water act and performed a felony violation of the clean
1255 water act. Which was endangering the adjacent community. The jurisdictional water
1256 course of Shaw Creek was relocated to an unsafe and insufficient man-made ditch. The
1257 Cottonwood Grove flood event of February 2017, was the direct result of the Bainter clean
1258 water act violations of 2012. Yakima County officials Mr. Jeff Leng and Mr. Terry Keenhan
1259 participated in those felony violations of the clean water act in 2012 endangering the
1260 adjacent community. In 2014, Thomas Durant participated in a scheme to create wealth
1261 resulting from violations of the clean water act creating a Bainter site plan showing that
1262 the filled water course and filled wetlands were B2 commercial land. Bainter and Durant
1263 had not gone through land use and land use hearings are zoning hearings. All they had
1264 done was fill Shaw Creek and fill wetlands. In 2015, Mr. Thomas Durant used and invalid

1265 SEPA authorization to obtain an illegal prescription from Mr. Eric Bartrand at the
1266 Washington Department of Fish and Wildlife. The illegal prescription is for an illegal
1267 damming diversion and dewatering of Shaw Creek. In essence, Bainter, Durant, and
1268 Bartrand colluded to violate Section 404 of the Federal Clean Water Act and that illegal
1269 prescription has not expired. The last date 2018 of the present, Bainter is offering the site
1270 for sale. You can pay 3.7 million and buy the filled water course and buy filled wetlands.
1271 From the environmental crimes of 2012. So, Mr. Durant has participated in violations of
1272 the growth management act participated in violations of SEPA, participated in violations
1273 of the clean water act, and colluded to violate the clean water act. By preventing Bainter
1274 site restoration in compliance of the clean water act, Durant may have culpabilities for
1275 those felony violations of the clean water act and may be identified as a party that is liable
1276 for the flooding of the Cottonwood Grove subdivision in 2017. If you're keeping track, I'm
1277 on point number 8, I just have four more points here. So, I believe land use hearing boards
1278 should affirm facts about Mr. Durant. Mr. Durant should not be allowed to sponsor changes
1279 to ordinances due to repeated involvement with violations of state law and federal law.
1280 The land use hearing board should obtain legal counsel from Mr. Brusic at Yakima County
1281 prior to moving forward with approved changes to ordinances sponsored by Mr. Durant.
1282 Yakima County should work with me to create an affirm judicial record that includes
1283 documentation of the roles played by Yakima County Officials with serious environmental
1284 crimes. Now when Mr. Durant or when Mr. Bartrand, here as mentioned that they
1285 participated in violations of the clean water act, the correct legal response is to come clean,
1286 make remedies, resolve all of the charges. The incorrect response is to double down on
1287 schemes to prevent enforcement of the clean water act or to participate in a scheme to
1288 gain wealth resulting from violations of the clean water act. So that's the summation of, or
1289 that's basically my outline and I am here to respond to any questions you may have.

1290 **Mike Shuttleworth:** So out of all the allegations you've made, have you contacted the
1291 Corps of Engineers?

1292 **Matthew Seaman:** Yes

1293 **Mike Shuttleworth:** And have they moved forward with any kind of enforcement action?

1294 **Matthew Seaman:** The EPA and the Army Corps have not.

1295 **Doug Miller:** Can you please state your name and your organization you're with?

1296 **Matthew Seaman:** My name is Matthew Seaman. I'm a citizen, I don't have an
1297 organization. Yup I guess I should mention, in response to your question. It's not really
1298 the army corps that enforces the clean water act, it's the Environmental Protection Agency.
1299 And the EPA has had a chance to weigh in and they can decline. Up to this point in time I
1300 know that they have notified agencies, they've expressed concern. But they have not
1301 proceeded to litigation. As a citizen there is an opportunity to file a citizen's lawsuit under
1302 the clean water act. I have filed a citizen's lawsuit against Bainter Group LLC, Mr. Greg
1303 Bainter, and Mrs. Adele Bainter. The goal is to restore the site of environmental crimes.

1304 **Ashley Garza:** I think I understand what your concern is for going against the proposal.
1305 But this specific proposal, your concern is that it's going to be used as a way to continue
1306 the growth of an area that you believe shouldn't need to be develop.

1307 **Matthew Seaman:** I would say that number one. A few days ago, I saw that Mr. Durant
1308 was sponsoring a change in the language of an ordinance. And I looked at that proposal
1309 and I knew that he was representing Bainter. Or at least has in the past and I questioned
1310 if the changes in this language were applied to the Bainter site what that would mean.
1311 There are portions that are on Tieton Drive and there are portions that are not. There's
1312 supposed to be a roadway south 90th. It's just an ill-defined area of gravel and dirt at this
1313 time. It appeared to me that there would be an incentive to flip from B-2 to general
1314 commercial. And thus, allow large areas that have been subjected to environmental crime
1315 to be a mini storage facility taking advantage of the fact that we now have this language
1316 within an ordinance for general commercial. In addition, I believe that Mr. Durant should
1317 not be in the position to make changes to any ordinances. When he has been entangled
1318 with very serious and repeated violations of state and federal law.

1319 **Ashley Garza:** But you're not concerned about the M-1 and M-2 areas being...

1320 **Matthew Seaman:** I cannot conceive that at the Bainter site one would be able to flip that
1321 land. To what is it?

1322 **Ashley Garza:** M-1 and M-2

1323 **Matthew Seaman:** These are very industrial... surrounded by residences. I personally
1324 would not conceive of that occurring, but I believe with Mr. Durant and Mr. Bainter it could
1325 be possible to flip from B-2 to general commercial. That's what I am concerned about.

1326 **Mike Shuttleworth:** Can I ask staff if it was to do that, what process would we have to do
1327 a comp plan amendment?

1328 **Tommy Carroll:** You'd have to de annex the land involved.

1329 **Phil Hoge:** Yakima has annexed that land.

1330 **Matthew Seaman:** Oh ok so it's not even, so this ordinance would not even apply to that
1331 property.

1332 **Matthew Seaman:** because it is now within the jurisdiction of the city of Yakima

1333 **Phil Hoge:** This would apply to unincorporated areas only.

1334 **Ashley Garza:** Oh ok, thank you.

1335 **Matthew Seaman:** Alright I have some relief that this would not solely or significantly
1336 benefit Mr. Bainter. I believe this commission should still investigate and independently
1337 affirm the facts that I have alleged to be true. I do not believe that Mr. Durant should be

1338 making any changes to any ordinances because of repeated involvement with violations
1339 of law.

1340 **Mike Shuttleworth:** Madam Chairman I believe the planning commission does not have
1341 the authority to do that. It's not under our (inaudible) from county commissioners we only
1342 have certain things we can do, and I believe that's not one of them that we can do.

1343 **Matthew Seaman:** I guess I would question if he has come before this commission and
1344 circulated a falsified site plan if you would have concern about that.

1345 **Keelan McPhee:** Can I make a point? There's no site plans for these, it's just a text
1346 amendment.

1347 **Matthew Seaman:** When he came to with a site plan for the Bainter site in 2003 he
1348 presented a false site plan to this commission.

1349 **Doug Miller:** Do you have any proof of that? Or any records of any kind?

1350 **Matthew Seaman:** I have proof of that, I can show you the circulated site plan and I can
1351 show...

1352 **Tommy Carroll:** We need to stick to the topic.

1353 **Matthew Seaman:** I was asked a question. Do you want me to answer your question?

1354 **Tommy Carroll:** No

1355 **Matthew Seaman:** Do you want me to answer the question?

1356 **Tommy Carroll:** No, never mind.

1357 **Ashley Garza:** Maybe after because I think we just need to stay focused on the text
1358 amendment for this and then that can be addressed with the proper. I don't think we are
1359 the proper forum for that portion of it, but I do appreciate your comments concerning this
1360 project just this project. Because that's what we have to deliberate today. Is there
1361 somebody else he can take that other stuff to? Outside of us?

1362 **Tommy Carroll:** It's been done already

1363 **Ashley Garza:** Oh ok, ok so it's been addressed? Ok. But we do appreciate your
1364 comments.

1365 **Matthew Seaman:** I had mentioned that perhaps Mr. Hoge should not... might be in the
1366 position to recuse himself from any decision making if he has a role with that.

1367 **Ashley Garza:** And he doesn't on this, yeah definitely.

1368 **Matthew Seaman:** Ok. How about Tommy Carroll.

1369 **Ashley Garza:** Nobody does it just the planning commission has the decision and then
1370 Keelan who took the text amendment, she's doing the recommendation. And all we're
1371 doing is recommending to the Commissioners. And it's not even us to vote it through. So,
1372 the commissioners will actually decide at that time if they want to approve take our
1373 recommendations and Keelan's. Does that make sense?

1374 **Matthew Seaman:** Any other questions? Thank you so much.

1375 **Ashley Garza:** No. Thank you, appreciate it. Good job Keelan.

1376 **Keelan McPhee:** So the next amendment LRN18-05

1377 **Tom Durant:** I'd like to respond, I should be allowed(inaudible)

1378 **Ashley Garza:** Can we just stick to, I know, can we just stick to

1379 **Tom Durant:** I just want to say one (inaudible) Only because it's on the record and I know
1380 most of us are well aware of who we're dealing with and so on so forth. But I want to make
1381 one statement since it was raised the quote falsified site plan was an error the error was
1382 corrected and that's all upon the record as well.

1383 **Ashley Garza:** Thank you I appreciate it. So, I should reiterate at the beginning of the
1384 meetings I'm going toward that. If we could just stick our... Keep our public comments to
1385 what we are discussing here. I think that's what we're doing. I think you guys all know that.
1386 But maybe I need to start the public hearing with making that comment going forward.

1387 **Doug Miller:** And I have to apologize too maybe I shouldn't have ask that question. He
1388 answered simply yes and no, and he wanted to elaborate.

1389 **Ashley Garza:** Go ahead...

1390 **LRN2018-00005/SEP2018-00020 – WESTERN BUILDING DESIGN**

1391 **Keelan McPhee:** Ok so the next text amendment is the issue of crematoriums in the
1392 general commercial zone. Currently the land use designation table separates the
1393 crematoriums with cemeteries' and funeral homes without crematoriums, so our
1394 recommendation is to add the new land use with funeral homes with crematoriums and
1395 regulate them in the same way as funeral homes are regulated. Except in the LCC zone
1396 and the GC zone because we feel this wouldn't have (inaudible) comments with questions
1397 coming in. Just about the potential impact the neighbors want to have addressed. So, type
1398 1 you wouldn't have the opportunity, so we are recommending the approval of that
1399 amendment application.

1400 **Michael Weber:** Hi I am Michael Weber and I represent Keith and Keith Funeral Home.
1401 We have owned and operated our Keith and Keith Terrace Heights Chapel Rainer
1402 Memorial Center since 1971. At that time, we constructed a funeral home service center
1403 that did not include a crematorium. At that time the client families chose cremation that
1404 18% of the time. Now in 2018 client families are choosing cremation six out of 10 times.

1405 So, we feel it's about meeting the needs and the wants of the client's families and it is an
1406 increasingly popular choice for families in final mode of disposition. A couple of other
1407 talking points is the advance technology with crematoriums as it exists now. Has reduced
1408 environmental impacts and now more than ever before and I really don't have anything
1409 further to ask or to see if you have any more questions for funeral home operation.

1410 **Ashley Garza:** Ok. Appreciate it, thank you. Do we have anyone else that wants to
1411 comment on this?

1412 **Bill Hordan:** Thank you, Bill Hordan, 410 North Second Street, Yakima, 98901.

1413 (murmuring)

1414 **Bill Hordan:** I'm just going to let that one rest. You guys know I've been in this business
1415 a long time I would've have never been blasted like that. So anyways neither here nor
1416 there. But yeah, it's tough to sit and take that no doubt.

1417 **Ashley Garza:** Yeah, and I apologize, I should... that was awful.

1418 **Bill Hordan:** I think the best part about it was that he found out, it doesn't affect him
1419 because he's in the city.

1420 (chatting)

1421 **Bill Hordan:** So that's a good thing, I got a couple of things I want to say here. I know
1422 Michael Weber very well, we've worked in the past. I've done some work for Keith and
1423 Keith. He knows I have friends and acquaintances that's had Keith and Keith and some
1424 other subsidiaries. Some people are still there and some still are not, and I have a pretty
1425 good understanding of the industry. But the reason I'm here this evening is I was contacted
1426 by the general manager and the board of directors for Terrace Heights Memorial Park.
1427 Which has property on the east and the north side of the particular property that we are
1428 looking at. I've kind of broken my presentation down into two parts and the reason I did
1429 that is to take a look at the project from the global standpoint. And then they did submit a
1430 site plan showing what their intention was. And I know they don't have a pending
1431 application. I'll address all that in here. But there's, I've also address that, so you can
1432 understand where we are going from. But the general manager and the board of directors
1433 asked me to kind of monitor this. I've been in touch with Keelan through phone calls and
1434 emails throughout the process and she's aware of that. The first thing we want to state is
1435 that Terrace Heights Memorial Park are not opposed in any fashion to the request to add
1436 crematoriums to the general zoning district. But the board believes it should be a higher
1437 level of review. Basically, a type 3 instead of a type 2 because the use should be, should
1438 not be generally permitted it should be generally not permitted, ok. Currently, just so you
1439 get the dynamics of this. Terrace Heights Memorial Park actually performs all the
1440 cremations for Keith and Keith Funeral Home and their subsidiaries. And that includes
1441 Rainer Memorial which is the property right next door. And we know that from the site plan
1442 they've submitted. Terrace Heights Memorial Park understands that they'll lose all of Keith

1443 and Keith's business. And they've stated to me that yes, it will hurt their business, but it
1444 will not take them under. That Terrace Heights Memorial Park is very strong financially
1445 and will be just fine. So, Terrace Heights Memorial Park does not want this to sound like
1446 sour grapes because they are losing the customer because that is just not the case. So,
1447 Terrace Heights Memorial Park understands the dynamics of the industry and
1448 understands the changes in the business that Michael indicated when he spoke. What I'd
1449 like to share with you tonight is some history and research that I've found, and this is based
1450 on me being in contact with the board and the manager. First, I'd like to state that I believe
1451 in the air as incurred in title 19 and I believe you do too and that's why we are looking at
1452 this. I believe it should, that the entry in the table should, there should, there were, what
1453 we are missing is a slash mark and words with funeral home at the location where
1454 crematory or cemetery crematorium comb area and museums is listed. And so, what I did
1455 is I ran a copy of title 15A which is no longer the law of the land. But has been since 1986.
1456 There's should be enough copies for I think everybody and if someone wouldn't mind
1457 handing one to Michael.

1458 **Ashley Garza:** And we need to give one to Nicole (Noelle).

1459 **Bill Hordan:** I ran I think 14 copies. And I also ran a copy of the current city of Yakima
1460 urban area code. And at the top you'll see one says Yakima County Urban Area YCC 15A
1461 that's the old county and city of Yakima YMC 15. And I've highlighted those portions that
1462 I felt are germane. And I think for the "germaine-nes" comes series. This situation has
1463 already been worked out. And if you look closely at how the entries are in here. It talks
1464 about cemetery slash crematorium to planner slashes me the big thing. Just like Mr. Mayo
1465 indicated something about I think it was, if I heard it right an obnoxious comma. Because
1466 mean things were that technical. And somewhere things got lost in title 19 and we don't, I
1467 can't figure out what has occurred there. But this had been the law of the land from 1986
1468 until title 19 was adopted. So, at the study session a couple of weeks back there seem to
1469 be questions about why some of this use were permitted in residential zones such as
1470 cemeteries, funeral home, crematoriums and not in the commercial zones. So, when we
1471 would look at the chart that we had in our pockets two weeks ago I think it was. That staff
1472 had provided that looked like that, it didn't kind of seem to make sense to them as to why
1473 this has was occurred. Why this has occurred. And I believe this answer is twofold. There
1474 is the administrative business. And there is what I want to call the business of business.
1475 And the administrative business of this industry takes place in the commercial zones which
1476 permit certain aspects of the industry to locate on small size commercial lots. And there is
1477 the business, business of burying people and cremating people which normally takes
1478 place through the prior code and the current city code on large lots which is where
1479 cemeteries are located and were previously permitted. So, what my research shows, is
1480 that currently Terrace Heights Memorial is has two zones to it. Several parcels, part of it
1481 is in the M-1 and part of it the R-1. Calvary Cemetery and Tahoma Cemetery which are
1482 both on 24th avenue are both zoned R-2. Westhill Cemetery is zoned rural transitional all
1483 very large lots. I think most of us have been to those cemeteries. They can, they are so
1484 large they can accommodate a crematorium and provide substantial buffering surrounding

1485 land uses. That's why the area, or that's why they are permitted at these locations. And
1486 the best way to explain this to you is if you look at elementary schools and middle schools,
1487 high schools they're out the urban areas. Every public school is located in a residential
1488 zoning district and this is similar comparison of land uses that need large tracks of land
1489 for certain land uses. And this holds true for crematoriums and their historical use being
1490 permitted on large tracks of land such as cemeteries to provide buffers. So, permitting
1491 crematoriums in the general commercial zoning district as a generally permitted use would
1492 not be compatible on small lots within shopping centers which are permitted uses in the
1493 general commercial zoning district. Some additional information I found out is the existing
1494 funeral homes, Langevin is in the B-1, Keith and Keith is B-1, Shaw and Sons is in the
1495 general commercial zone. So, what we're saying is Shaw and Sons which is just sitting on
1496 the corner across from city hall and kiddie corner from the court house. Which is zone GC,
1497 would have the opportunity to put in a crematorium. And that's just not seem compatible
1498 with surrounding land uses. Westhill is zoned rural transitional. And there actually no
1499 crematoriums on any of these except Valley Hills funeral home which is in the M-1 zoning
1500 district. And I believe if you look at the old charts that was a permitted use in the M-1. And
1501 it's not at this point in time. So, what, we believe that it should be incumbent upon the
1502 property owner would propose this use to demonstrate substantial compatibility with
1503 surrounding land uses and not make this land use a generally permitted land use. Terrace
1504 Heights Memorial Park would request that the proposal to permit cremations in the general
1505 commercial zoning district be classified as a type 3. Regarding the conceptual site plan,
1506 which I talked about earlier, we understand it is not up for review as there is no application
1507 pending. But for compatibility purposes we would like to point out how important it is.
1508 Currently if there is a burial taking place at Terrace Heights Memorial Park, no cremations
1509 are performed at that time. There's crematorium at Terrace Heights Memorial as I stated
1510 earlier it is always shutdown when there is a burial onsite. So, having loved ones at funeral
1511 at the cemetery, observing any aspect of the cremation is insensitive and it is in poor taste
1512 of decency. Likewise having a crematorium under a different ownership without strict
1513 controls or conditions of approval could be detrimental to Terrace Heights Memorial Park.
1514 The submitted site plan shows the proposed crematorium located at the extreme north
1515 end of the property. Which is adjacent to burial grounds of Terrace Heights Memorial Park.
1516 This should require strict conditions of approval and generally not be permitted in the
1517 general commercial zoning district. Terrace Heights Memorial Park would like the county
1518 hearings examiner to issue those strict conditions of approval. As a side note, what I have
1519 found out in the language in the chart. Cemeteries are not permitted in the M-1 zone. If
1520 you look in the past they were permitted as class 3 in the M-1. Terrace Heights Memorial
1521 Park has a portion of the existing cemetery within the M-1 zoning district now, and they
1522 are actually burying people there. In their future plans indicate moving westward into what
1523 we call buffer area this time. A quick map I would like to share with everybody. And what
1524 you will see when you look at this map is the location of Valley Hills which is to the west
1525 of the cemetery and that's going down one. You will see Rainer Memorial located down
1526 on Terrace Heights Drive which is general commercial. You'll see what we refer to as to
1527 kind of the main cemetery as R-1. And to the west of that, there's what we call, the term
1528 they are using is expansion area. It's been going on for a long time obviously. But that is

1529 where current burials are occurring. To the west of that where it says buffer M-1, that is
1530 an area that they have purchased for long term use as a cemetery. And presently the way
1531 this code is written I don't believe that cemetery is even, is even permitted in that M-1.
1532 Where its occurring and has, its proposed to occur, and obviously to the north there's
1533 some additional expansion area at that location as well. So, these plans that you're looking
1534 at here were made a long time ago. And land purchase for this purpose based on historical
1535 zoning and uses that you would find in the code. The comp plan calls for land use
1536 consistency and predictability. Taking a look at the history of the zoning code in the current
1537 City of Yakima code. Should give us some indication that the old way might have just been
1538 fine. We should probably look at that prior to a recommendation to the Board of County
1539 Commissioners. I believe if we take a look at this older chart and compare it to the new
1540 chart by adding a slash and adding with funeral home to this we might be able to figure
1541 out a way to quickly correct it. I believe that we need to make cemeteries/crematoriums,
1542 calvariums, and mausoleums a type 3 in the M1 zone as they historically have been. I
1543 think the last reason that crematoriums need to be a type 3 use in the general zoning,
1544 general commercial zoning district is because it never has been permitted to use in that
1545 zoning district. We are just proposing that now for the very first time. I think this is a big
1546 step proposing it as a type 2 instead of a type 3. Particularly in an existing general
1547 commercial center. One other, I have two notes I added after the meeting started and I
1548 kind of forgot. I think part of Keith and Keith issue to this, that we're trying to be really good
1549 about at this point in time but we're taking into consideration since the cremations are
1550 performed by Terrace Heights Memorial Park. They have to make appointments to bring
1551 their bodies to the Terrace Heights Memorial Park to have them cremated. And so, what I
1552 think this does it has a potential to delay their services, ok. If we are burying people and
1553 we're not operating they aren't able to bring human remains to be cremated to the site.
1554 And so, our concern is when we look at the site plan is, they have the opportunity to be
1555 cremating somebody right next to two of our property lines. As close as the property as
1556 you can get. When we're having burials and we just think that is improper. So, I believe
1557 we had it right in the past if you look at the two documents I provided you. But the funny
1558 thing is there's just not a lot of request for these types of uses. I think most people will sit
1559 here and they'll go, you know I've never worked on one of these before. And I think most
1560 people will sit here and go, you know what, I've never worked on one of these before. I
1561 think we just kind of need to take a second look at it. I think this is a quick fix/how to couple
1562 words and you guys can take a look at the uses I know we're a little bit more liberal now
1563 than they were. But they're really close in some of the zones. That's what I'd like to say,
1564 we want to continue to work with Keith and Keith if this is the site for them that's fine, but
1565 we would like to have the opportunity when the application comes in to make a really good
1566 determination and have some strict conditions. We believe things like hours of operation
1567 are extremely important we don't want this use next door to be a detriment to the existing
1568 facility which has been there for a very long time. Longer than 1971, that's not a jab at
1569 Keith and Keith, but it has been there for a very long time. And with that I'll end my
1570 comments entertain any questions. Yes...

1571 **Doug Mayo:** You talk about sufficient area what in your mind is sufficient area?

1572 **Bill Hordan:** Well it's not ten feet. What I can tell you is. When, if I was out in Terrace
1573 Heights Memorial today I could look over and I could see Valley Hills and they were
1574 cremating a body today. And there is probably 700 feet there.

1575 **Doug Mayo:** Ok, what emissions have (inaudible)

1576 **Bill Hordan:** Well so here's the deal. Cause I asked my clients that as well. There's not
1577 always, what emissions will be smoke and there will be odor, but it is not with every single
1578 cremation. You don't know what's going to happen. They tell me it's based on the body
1579 composition and you don't know obviously until you start the process. And I don't think it's
1580 a process that once you start you stop. It's about a two-hour process is my understanding
1581 after meeting with the manager today. I would love to hear what Mr. Weber has to say.

1582 **Michael Weber:** I guess I have (inaudible) whether they're having people coming in
1583 service when you schedule your client's cremations.

1584 **Bill Hordan:** Well our facility is near the center of the Terrace Heights Memorial Park, it's
1585 not adjacent to the property or the proposed (inaudible). The answers to your questions
1586 directly is no, we do not. But we are, I don't know how many people been there if you'd
1587 been to the office. But what I'll do is track it with a dot here on (inaudible) Let's see...

1588 **Michael Weber:** (inaudible) so is this right in the main gate there.

1589 **Ashley Garza:** You say it's right in the middle, the building right there.

1590 **Bill Hordan:** Let me quickly pass that around, like its right here and this is their property
1591 there.

1592 **Ashley Garza:** But you are proposing that or suggesting that we add the M-1 as well.

1593 **Bill Hordan:** Well I don't think if you look at cemetery, right?

1594 **Ashley Garza:** right.

1595 **Bill Hordan:** By itself you go down to the M-1, I don't see a number in there.

1596 **Ashley Garza:** Right, so that's part of...

1597 **Mike Shuttleworth:** So you're not going to be able to expand (inaudible)

1598 **Bill Hordan:** Exactly, which was purchased for that and that's where it gets back to land
1599 use being predictable. That's one of the things that people rely on. You heard earlier I
1600 think that Gilbert had a ten-year plan that they've been working on with the county. And
1601 so you know obviously these folks here they are in the business of running the cemetery
1602 they can't run out of land anytime soon so they've gone out and purchased as much as
1603 they could possibly could that adjoined there's. And that happen to be zone M1 where it
1604 was a permitted use as a class 3 in the code when they purchased it. So, again we're not
1605 here to bash Keith and Keith we just don't think we should go from a use that's not

1606 permitted at this point in time, to one that is generally permitted it should generally not be
1607 permitted. And have them state their case as to why that use is appropriate and
1608 compatible, it boils down to compatibility with what's already there. And the more you
1609 (inaudible) in the site specific because a site plan was submitted but other than that I think
1610 if you wanted to go with a level 3 a class 3 type 3 in the general commercial go for it, but
1611 you have to remember when you at general commercial zoning and what's already
1612 established there, there's a lot of uses there. This may not be compatible with it, you're
1613 going to say gee its generally permitted because that's what the code says. That's where
1614 we see the error in the proposal right now.

1615 **Ashley Garza:** So, Keelan when you guys get a proposal for a crematorium, what are
1616 some of the conditions of approval. I've never gone through that process.

1617 **Keelan McPhee:** Neither have I.

1618 **Ashley Garza:** Oh ok, I was just curious what kind of conditions of approval that you guys
1619 would consider.

1620 **Jason Earles:** Well basically like Bill had said we haven't had a lot of applications for
1621 crematoriums. I can actually think of one, I think was south of this property. In the M-1
1622 zone.

1623 **Bill Hordan:** Keys Road in the M-1 that's what I recall.

1624 **Jason Earles:** Yeah, and I can't remember off the top of my head what all the conditions
1625 associated with that were. I know there were concerns pertaining to the emissions. And
1626 so, there was, I know requiring permits from clean air authority and that sort of thing. It
1627 was just a crematorium so there was no services or anything that was going to be done.
1628 Associated with that. So, it. Obviously, they're going to vary depending on what the
1629 proposal is. If there's a funeral home associated with it or not. That sort of thing, at this
1630 point we would probably rely heavily on what comments we receive as well as from
1631 agencies, neighbors, that sort of thing. But it is kind of difficult to say for sure exactly what
1632 the conditions would be at this point.

1633 **Ashley Garza:** So class 3 would require it to go to, out it'd be out of your hands, right?

1634 **Jason Earles:** Well the, right. The class 3 would require it to be a recommendation to the
1635 hearing examiner as opposed to a decision by the administrative official.

1636 **Ashley Garza:** And that would allow for a public hearing?

1637 **Jason Earles:** Right, so both processes would require comment to, opportunity for
1638 comments from neighbors and agencies. The difference is really that a decision for a Type
1639 2 would be made by the administrative official as opposed to hearing examiner. And like
1640 Bill had said it's more of a Type 2, is viewed as generally allowed. Where a Type 3 is
1641 viewed as generally not allowed unless you can demonstrate it is compatible to area. And
1642 so, it allows it to be looked at through a public hearing process. But the planning

1643 department would essentially make a recommendation and then the hearing examiner
1644 would make the decision.

1645 **Bill Hordan:** And they would have the opportunity to accept that recommendation, deny
1646 it, add additional conditions if need be.

1647 **Tommy Carroll:** Correct. Based upon the testimony at the hearing and then what he also
1648 observes.

1649 **Doug Mayo:** My question (inaudible) but how about the veterinary crematorium what
1650 process do they go through?

1651 **Ashley Garza:** Oh as far as approval?

1652 **Jason Earles:** At this point we really haven't made a distinction between it would be for
1653 human remains or animal remains. Essentially if someone came in and wanted to do a
1654 veterinary crematorium we would likely take it through the same process to what's on the
1655 table because it's the most similar use. So, we would essentially use the same line item.

1656 **Ashley Garza:** Would you, because I was unaware of the emissions would it be ok if you
1657 spoke to. Do you know, I'm sure you know how the process works?

1658 **Michael Weber:** The question that I have could you answer the question as to how old
1659 are the retorts in Terrace Heights?

1660 **Ashley Garza:** Can you, would you mind? It's just record. You guys can both stand up
1661 there if you want.

1662 **Michael Weber:** So the question is that when were the retorts installed at Terrace
1663 Heights?

1664 **Bill Hordan:** I don't know the answer to that.

1665 **Michael Weber:** So when you have retort units that are 10, 20, 25 years of age. The
1666 technology is much different than it is today. We know we need to go through the usual
1667 and normal permit process to move through the process. Pollution control authority any of
1668 those agencies that are involved to make sure we cross the T's and dot the I's. That we
1669 are following the guidelines that are set forth. All I can tell you is just that the technology
1670 of today you wouldn't even know whether or not there is a cremation that's occurring or
1671 not in today's world. The technology is just so much different. So that's the reason I would
1672 ask, and I know because we have been a long-term customer since 1959 with the
1673 crematories and have a good working relationship with Terrace Heights. Is that there are
1674 challenges at times where you have smoke and that type of thing for visual effect that
1675 when you have burials that occur within the park. We understand that, but when you are
1676 serving 750 families and 6 out of 10 families are choosing cremation and (inaudible) we
1677 can't operate and serve our customers in the way that they've been asked to be cared for

1678 when we are on such a tight limited schedule. So, we're moving forward so that we can
1679 proceed and care for client families.

1680 **Ashley Garza:** Thank you.

1681 **Doug Mayo:** (inaudible) because if you have these many cremations going on (inaudible)
1682 its cutting in to the availability (inaudible)

1683 **Bill Hordan:** We actually have two, oh wait I got to up here, they actually have two retorts.

1684 **Ashley Garza:** And I don't think it's allowed in the AG zone. Is it? Oh, it is.

1685 **Doug Miller:** To add to that the technology is where it's at and you would never know that
1686 might take care of the whole problem all together. Has there been any research or
1687 documentation that show how more efficient they are than the old ones.

1688 **Michael Weber:** Well we submitted when we did our seventeen page report the types of
1689 retorts that we were going to install. And...

1690 **Keelan McPhee:** Yeah, we were, I mean it was too technical exactly for me but just the
1691 understanding that they have changed a lot. And I looked into laws and there's not
1692 considered a hazardous substance. We were operating under the assumption that they're
1693 not all that noticeable now.

1694 **Ashley Garza:** Jerry (inaudible)

1695 **Jerry Mellen:** I think we gotten off track we're talking about a specific site. When really,
1696 we're talking about a change in a definition and my concern is when you go to a class 2
1697 and a general commercial zoning. I think you just create all kinds of issues that could be,
1698 in other words, your issue aside because you happen to be physically close but if you just
1699 made it a class 2 review, and a general commercial zone I think you're setting yourself up
1700 for a real problem.

1701 **Doug Mayo:** And also if you look at this (inaudible) if you can just think crematorium
1702 (inaudible) If you have the funeral home with the crematorium (inaudible) and that seems
1703 doesn't make sense. Which comes back to what he was talking about before (inaudible)
1704 together. Yeah just look at this and you go wow that's all over there and that's over here,
1705 kind of weird.

1706 **Mike Shuttleworth:** I have an off the subject question but is it too late to look at the
1707 cemeteries in the M-1 and M-2 zones. Because I think I had those in there because that'll
1708 take care if this issue come up we probably should address that.

1709 **Doug Mayo:** If an issue (inaudible) in the application so I don't know (inaudible)

1710 **Mike Shuttleworth:** Well, so I'm asking if we can suggest a change here since it's come
1711 up, you know.

1712 **Tommy Carroll:** Yeah, when Title 19 was developed we tried to considerate, Title 15 and
1713 15A. But also develop for those of you that were here, we were also kind of given the
1714 directive to loosen it up a little bit. Make it a little bit (inaudible) liberal. And so that's why
1715 a lot of the 3's got turned to 2's. Is we were just trying to make development easier for
1716 people. Obviously, you can have general commercial in an area that would be conducive
1717 for a crematorium and then obviously you could have some that wouldn't. And we were,
1718 relying on the noticing procedures for the type 2 to notify the neighbors and to effectively
1719 give us enough information to condition it appropriately. In regards to missing the type 3
1720 cemetery and the M-1 that was probably just a clerical mistake. It's very difficult to create
1721 the land use table because we had a lot of different land uses we were trying to
1722 accommodate, but I would recommend that the type 3 for the M-1 be put back in it makes
1723 sense. Also, maybe doing a simple fix like Bill was talking about with the crema doing the
1724 slash maybe kind of going back to the way it was written a little bit. However, when it
1725 comes to the type of review for a funeral home with a crematorium, we're going to probably
1726 leave it up to you folks to make that call on whether it's a 2 or a 3.

1727 **Doug Mayo:** Just a thought, just have cemetery by itself as far as out as AG, because
1728 there are some cemeteries out in Wenas, you got them out in Moxee and outside of Selah,
1729 if you don't have any of the other things there. So there more (inaudible) move all of the
1730 other stuff (inaudible) along the line. All the rest of it. Then figure out what to do with the
1731 numbers(inaudible) Just a thought.

1732 **Tommy Carroll:** We definitely can take a look at (inaudible) something back.

1733 **Ashley Garza:** That's something you would need to consider (inaudible)

1734 **Tommy Carroll:** Well it depends on when you want to deliberate really. I, right off of the
1735 top of my head I don't know how to word it appropriately at this moment.

1736 **Ashley Garza:** Yeah, I think we would need some time to maybe get another staff
1737 recommendation. If that's...

1738 **Mike Shuttleworth:** Are we going to make decisions on all of these tonight?

1739 **Tommy Carroll:** It's entirely up to you folks. Its nine o'clock, I doubt it.

1740 **Bill Hordan:** May I get one more (inaudible) real quick. Just so it's on the record there are
1741 two reports there. One is older one is newer. We contacted Valley Hills today, they do not
1742 do cremations during their services either. It's a little different reason why, but they don't
1743 do it but I'm not going to mention what it is because it's not nice to hear. So, this morning
1744 I was working in Moxee, from Moxee you can see Brookside. There was a cremation going
1745 on, from 12:30 to one o'clock I got up to Terrace Heights Memorial Park. There were two
1746 cremations going on. When I walked out on the grounds to look at this particular property
1747 in (inaudible) It melded with Terrace Heights Memorial Park there was a cremation going
1748 on Valley Hills I don't if you consider this an omission but its heatwaves serious heat
1749 waves, you can see them. So, you may not see smoke, you may not get odor. But you

1750 see heatwaves, I can see them from Terrace Heights Memorial Park to Valley Hills this
1751 afternoon. You know it's a pretty hot day today so I kind of fall back on where we are. I
1752 think we might have had it right the first time in some older codes. The combination of
1753 what Tommy had mentioned. He and I and I believe Tom Durant prior to the adoption of
1754 title 19 went through a whole bunch of stuff. Because we thought maybe like 40 percent
1755 of it needed to be changed and it was brought to the planning commission and those
1756 changes were made but this wasn't one of them. Because it wasn't anything that caught
1757 anybody's eye.

1758 **Tommy Carroll:** That's why I think it was clerical to be honest with you.

1759 **Bill Hordan:** So thank you very much I appreciate it.

1760 **Ashley Garza:** Thank you guys for being so professional. So, my question would be if
1761 we're going to table something do we have vote on that tonight or do we do that during
1762 deliberations?

1763 **Tommy Carroll:** Deliberations, I mean they're not making a decision on anything tonight
1764 unless you want to.

1765 **Ashley Garza:** I guess we should vote on it, do we need to vote on one (inaudible)

1766 **Mike Shuttleworth:** Before we make a motion can we finish up with what we have. I think
1767 we have one more. Yes, staff report, get all staff reports done and then we can just sign
1768 off on that deliberation report. If that's ok with Madam Chairman, chairperson.

1769 **Ashley Garza:** Do we need to take a break?

1770

1771 **LRN2018-00006/SEP2018-00023 – YAKIMA COUNTY PUBLIC SERVICES**

1772 **Keelan McPhee:** So LRN18-06 is Yakima County's proposed text amendments. And
1773 these are usually in response to issues we are having with implementing Title 19. Auto
1774 wrecking yards, nurseries, accessory dwelling units and administration officials signing
1775 final plants plats with the issues addressed. The automotive wrecking yard post changes
1776 the land use table that was left out of the land use table in Title 19. So, we are
1777 recommending put in it as a type 3 use in the R10/5 Type 2 and Light Industrial and Type
1778 1 in Heavy Industrial.

1779 **Ashley Garza:** Any questions? Any public testimony? Ok

1780 **Keelan McPhee:** This is really long but I wanted to include all of the language. The new
1781 language is supposed to be yellow, but it was completely unreadable if you had all of the
1782 (inaudible) yellows so I kind of tried to make it a green it doesn't really show up really well.
1783 All of the language is new. We added a new definition of nursery and this is based on our
1784 discussion that the study session. We had so many questions and issues we decided to
1785 do a new definition and then have the subcategories of nurseries retail and nursery
1786 wholesale. So, the new definition basically with their propagated and grown to a usable
1787 size. There's a lot of things that the plants can be used for gardens, agriculture, forestry

1788 or conservation biology. That was kind of an interesting idea we got from another source.
1789 So, our new definition of retail, they can be, they don't have to be grown onsite, the plants,
1790 and they may include incidental items that are sold to the general public. For the wholesale
1791 nursery they must be grown onsite and they cannot, well actually this ok so this one is
1792 where plants are sold to business such as retail nurseries. Wholesale nurseries (inaudible)
1793 landscapers, wholesale nurseries may not include greenhouses. So, we put that in
1794 because the greenhouses issue was confusing. Basically, everything is confusing and so
1795 we feel like we got this one pretty well down. So, the regulatory notes are where we added
1796 that wholesale nurseries may not sell incidental related products. So that's, kind of the big
1797 differentiation between them, so the definitions are first and then the regulatory notes are
1798 19.18.340. And then the Land use table we added wholesale nurseries to agriculture and
1799 kept it as Type 1 in all of the zones where agriculture is already Type 1. And then refer
1800 that wholesale nurseries to that regulatory note. And then the retail nursery we kept as the
1801 same as it had been in the other category, or when it was combined. So, Types 3's, Type
1802 1's and the RS. Type 1's in B2 the business zones commercial zones, and Type 2
1803 industrial zone. The reason being that they become designations like you were saying.
1804 So we're hoping that we addressed that.

1805 **Doug Mayo:** I'm curious they have rendering plants and slaughter houses allowed.
1806 Slaughter houses smell worse than crematoriums...(inaudible)

1807 **Mike Shuttleworth:** No they're excluding (inaudible) no animal feeding operation,
1808 livestock auction sale (inaudible)

1809 **Doug Mayo:** So where are those other uses? Just on another page somewhere.

1810 **Keelan McPhee:** Yeah.

1811 **Ashley Garza:** Any other comments, questions? Ok. Was that it? (inaudible)

1812 **Keelan McPhee:** Nope. Accessory dwelling units.

1813 **Ashley Garza:** Oh you're going in the same?

1814 **Keelan McPhee:** Yes, it's all under (LRN)1806. We decided after discussion at the
1815 meeting to just add, except for previously permitted temporary aged and infirmed
1816 residences, provided that they meet the requirements to the end of that requirement and
1817 that's basically just to address the issue of existing aged and infirmed residences that
1818 have been approved that are trying to get turned into accessory dwelling unit.

1819 **Mike Shuttleworth:** This wouldn't apply if somebody wanted to put a trailer out there?
1820 Without a permit.

1821 **Keelan McPhee:** It has to be permitted, yeah.

1822 **Jason Earles:** so basically what we're trying to get out here is the Title 15 when we have
1823 the aged and infirmed relative option. Sorry, Title 15 required that the any temporary aged

1824 and infirmed relative permit had to be within 200 feet of the primary residence. But then
1825 also in Title 15 when we had the accessory dwelling unit option or accessory apartment,
1826 it restricted it to the 100 feet. So, when Title 19 was adopted we eliminated the aged and
1827 infirmed relative with the idea that the accessory dwelling unit would replace that. But we
1828 didn't realize that some of those or didn't think about the fact that the existing aged and
1829 infirmed relative application or units could be converted over to accessory dwelling units.
1830 And so, we ended up in a situation where we have previously permitted units to be greater
1831 than 100 feet from the primary residence. And now we are in a big situation where we
1832 have to move them to be within 100 feet. The only way to change that was to in a variance
1833 as opposed to administrative adjustment. Which has been, has proven to be pretty difficult
1834 to do. So, we basically want to recognize the situation with the age and infirmed relatives
1835 and acknowledge those with that distance allow that. We had talked about I know, and I
1836 believe, at your last meeting you had talked about the possibility of an administrative
1837 adjustment and after talking about it we thought this might be a better way to go because
1838 the reality is that we probably would end up approving the administrative adjustment
1839 anyways. At which point it seemed like it was putting people through an unnecessary
1840 process and fee for something that we would essentially approve. So, we thought this
1841 might be a better way to deal with that situation.

1842 **Doug Mayo:** From what I'm reading it has to either be a (inaudible) it has to be attached
1843 to a garage. It still has to be attached to the garage.

1844 **Jason Earles:** The accessory dwelling unit either has to be attached to the primary
1845 residence to a garage or it can be detached as long as it within a hundred feet of the
1846 primary residence. It's how the language currently works.

1847 **Tommy Carroll:** Is that at the, is there a mistake in that language, or maybe a number 2
1848 in that..

1849 **Keelan McPhee:** There was an issue and I remember I thought I fixed it. (inaudible) It was

1850 **Mike Shuttleworth:** I think you need to say it because it really doesn't say that. So, you're
1851 saying it's 100 feet, but you have to be attached. Or detached.

1852 **Keelan McPhee:** Yeah it says attached to the primary residence attached to or above an
1853 existing detached garage serving the primary residence or detached from the primary
1854 residence or detached garage.

1855 **Mike Shuttleworth:** Just yeah. Leave number 3 as it is and add 4 within a hundred feet.

1856 **Doug Mayo:** (inaudible) So even 12.

1857 **Keelan McPhee:** It's just on this slide, its correct in the staff report.

1858 **Jerry Mellen:** So in this (inaudible) that's the bottom. You're creating a grandfather clause
1859 with no time frame. With previously approved.

1860 **Jason Earles:** So it's just a mistake in the slide is what you're saying

1861 **Keelan McPhee:** And still yeah.

1862 **Jason Earles:** An accessory dwelling to conversion of the aged and infirmed unit to the
1863 accessory dwelling unit will still have to meet all of the requirements of the accessory
1864 dwelling unit. So, for example it has to connect to share water system it would have
1865 (inaudible) there's a district of covenant that would have to be signed saying it can be
1866 divided off from the primary residence. So, of all of those existing other requirements would
1867 still apply it is just allowing us to recognize the distance difference between the old code
1868 and the new code.

1869 **Mike Shuttleworth:** Would this take care of your client's issue?

1870 **Bill Hordan:** Yes and no. Bill Hordan again, this is the first time that I've seen the language
1871 trying to work through it here. I'm great with it until we get to, provided (inaudible) moved.
1872 And so, I've got the code right here and I'm looking at 19.18.020. General requirements
1873 of (inaudible) going to give you an example of one of them. The accessory housing unit
1874 shall meet current standards of the residential building, mechanical, electrical and energy
1875 codes. Is required for single family dwellings. Current standards, I don't know how they're
1876 going to meet current standards.

1877 (inaudible)

1878 **Bill Hordan:** Yeah, the one I was looking at was like 1997, right? I think was the year on
1879 that permit. And then the home was new then I think. Those things change. Here's what I
1880 can tell you. I could accept that right there if we add the comma and said unless otherwise
1881 adjusted through the administrative adjustment process.

1882 **Ashley Garza:** So you're suggesting administrative adjustment process.

1883 **Bill Hordan:** They're basically saying they're good there but if you don't meet some of this
1884 criteria or they make that determination. I don't think they're going to make that
1885 determination here. They might but that's really getting, how is somebody who has a 1997
1886 manufactured home going to be able to tell you what the insulation standards are in there.

1887 **Noelle Madera:** What was the section that you are referring to?

1888 **Bill Hordan:** This is 19.18.020(1)(b)ii. That's just the first one that's. I have a copy here, I
1889 don't know if that helps.

1890 **Doug Miller:** I see how that were that would be vague all other requirements obviously
1891 they're not going to bring the building up to energy codes or rip the walls up.

1892 **Bill Hordan:** Or redo electrical or something like that.

1893 **Tommy Carroll:** Our original intent was to say, meet all other siting criteria. (inaudible)

1894 **Noelle Madera:** Probably also then sewer and water.

1895 **Bill Hordan:** But than can be problematic too because if you got aluminum siding. And I'll
1896 tell you guys right now I got one today. Exact same situation got the letter from the county.
1897 The person isn't there, granddaughter is in there with MS now. Been there a long, long
1898 time. They're in the floodplain. You couldn't even fix that thing and pit setting under that
1899 standard wouldn't work. So, does it need to be removed?

1900 **Tommy Carroll:** Good point.

1901 **Jason Earles:** Siting criteria can be adjusted through the administrative adjustment
1902 process set forth in the urban boundary urban areas (inaudible) in the Rural Transitional
1903 zone.

1904 **Bill Hordan:** Right.

1905 **Jason Earles:** Which currently those areas can't. You can't adjust the set increase period.
1906 I don't know how many of the existing active aged and infirmed relative permits are within
1907 those areas or outside of it. But if they're outside those areas the setting criteria will be
1908 taken care of through the administrative adjustment process.

1909 **Bill Hordan:** Some of those zones didn't even exist when the permits were issued...

1910 **Jason Earles:** Right, and when we were thinking what the provided, that second half of
1911 (inaudible) was really still referring to the other criteria such as, the need for the covenant
1912 restricting the further division from the primary residence. The requirement for the water
1913 and septic, like Tommy said set the siting criteria. In terms of the unit itself, meaning
1914 energy code and that sort of thing. That wasn't necessarily the intent with that language.
1915 So, some modification of the language I think.

1916 **Bill Hordan:** Yeah, I think the important thing to remember is, you still have to go through
1917 a class to review for this. So everybody within 300 feet is going to get noticed of what's
1918 going on. And if there's some issues, with the neighbors that really going to be the time
1919 where kind of gets moved out.

1920 **Noelle Madera:** But as far as the, and it's kind of trying to think this out. As far as siting
1921 criteria and then this one that you mentioned then housing shall make the standard of
1922 residential building blah blah, they don't, they're already permitted they won't need a new
1923 placement program. So, they wouldn't have to meet that anyway?

1924 **Noelle Madera:** Correct, so you go through the process you get a type 2 you get the land
1925 use approval and then if needed you get building permits, but if they already have the
1926 building permits it might not be an issue. I know I'm reading it...

1927 **Bill Hordan:** If you are building new I would expect these standards to go into effect or if
1928 you are moving a 980 square foot manufactured home on as an accessory detached

1929 accessory dwelling I would expect this to be met and we know it would meet that 2018 is
1930 obviously about as current as you can get, right?

1931 **Noelle Madera:** Yeah but these are for, so if this is the old aged and affirmed that's being
1932 converted it shouldn't need a new building permit, it should already have one, right?

1933 **Keelan McPhee:** Yeah it's just a planning permit.

1934 **Bill Hordan:** Are you going to run into square footage issues too?

1935 (inaudible)

1936 **Jason Earles:** It would also still need to meet the 1,000 square feet.

1937 **Bill Hordan:** That will come up, I'm sure it will.

1938 **Ashley Garza:** Is that the only major, because we can add that language, if that's the
1939 only...

1940 **Jason Earles:** You mean the energy code language or ...?

1941 **Ashley Garza:** Is the square footage primarily what you're ...?

1942 **Jason Earles:** Well the other re...

1943 **Noelle Madera:** I think it's probably well and sewer and square footage, really, is what it's
1944 trying to say.

1945 (inaudible)

1946 **Bill Hordan:** The standards right now a 1000 you'll find small manufactured homes at
1947 1100, 1200. One of the other requirements is that the accessory dwelling unit has to be
1948 smaller than the primary residence. And right now, there's no way to adjust that, I don't
1949 believe with that language in there. And I think the intent, I hope the intent of everybody
1950 here is, let's do what we can to keep these things here as long as we can with the housing
1951 situation that we have. Whether it's for an age infirmed relative or for a rental. We're trying
1952 to maintain those. I agree we can't go crazy with it, I definitely agree but...

1953 **Jerry Mellen:** Ok, you've got this, what do we call them? Aged and infirmed. So, we went
1954 through a permit process at one time. Notified the neighbors and stuff like that, is there
1955 any way we can exempt them just consider (inaudible) without, because I don't see if its
1956 already existing why go through a permit, you're creating an issue where there's not an
1957 issue.

1958 **Jason Earles:** the issue is that the original aged and infirmed relative permit was meant
1959 to be temporary, so it was only approved to be on there on a temporary basis, not on a
1960 permanent basis.

1961 **Noelle Madera:** Yeah because they were told that this was a temporary, to me that makes
1962 a big difference. Even though in all fairness...

1963 **Bill Hordan:** Even though I agree with Noelle 100 percent that's why I think it's appropriate
1964 to go through that class to review to tell the neighbor, came on as a temporary unit and
1965 now the property owner is asking for it to be permanent.

1966 **Jerry Mellen:** There is no such thing as temporary land use.

1967 (Inaudible)

1968 **Tommy Carroll:** I did one for a lady that had narcolepsy, and she was in her forties and
1969 she wanted to be close to family because she had a tendency to fall asleep while tea's
1970 boiling on the thing. She can still be (inaudible) today well hopefully she is, til she's eighty
1971 years old. So temporary to me is more than (inaudible)

1972 **Jason Earles:** And the reality is that the old aged and infirmed relative temporary nature
1973 has been problematic. Obviously for what you're saying it doesn't become temporary it's
1974 become a code enforcement nightmare. People have removed the homes, but a lot of
1975 people want to keep them. And so that's essentially why we went to the accessory dwelling
1976 unit so that people can keep these. But we do have these left-over units that we're trying
1977 to recognize. We have had some situations, I can think of one where the unit did exceed
1978 the thousand square foot and they went through L & I to have it modified. To reduce below
1979 the thousand square feet so that has happened. But what, what probably needs to happen
1980 which is evident with this conversation is that this probably needs to be vetted a little bit
1981 more. And it may be bringing it back and table it and bring it back. Cause the, what we're
1982 trying to get out obviously is to recognize those old units and make someone have to
1983 remove it if there's a mechanism to take care of it. But I think we just need to vet more.

1984 **Jerry Mellen:** And I hate to see them go through the process again, I mean especially if
1985 you're having a neighbor's comments something that we can do much about, it's there. I
1986 mean what are you going to do say repaint it, reside it, re do something or other.

1987 **Noelle Madera:** I do know that one of Keelan's, you had an aged and infirmed were a
1988 neighbor commented about a septic issue that was a valid complaint and then, so we have
1989 useful comments that we like stop the process and haven't gone through without some
1990 corrective action and then moved forward, so for the most part we don't do much about
1991 the comments, we don't want to – we still permit it anyway -(inaudible) but we have had a
1992 few where it has brought to light some issues that needed to be worked out before
1993 (inaudible) continue processing, even though there aren't many of them.

1994 **Keelan McPhee:** It seems like as long as we can make it clear from what Noelle was
1995 saying, that these things are current building code, right? These are just a planning permit
1996 for the aged and infirmed residence so if we can somehow make it clear that these other
1997 things that you're talking about are just for a new building.

1998 **Jason Earles:** The only time we've ran into issues with that is that unfortunately most
1999 people don't do a final inspection on them

2000 **Keelan McPhee:** Yeah that's an issue.

2001 **Jason Earles:** (inaudible) the whole issue of well has the permit expired, (inaudible) so
2002 then it didn't require a new permit.

2003 (inaudible)

2004 **Tommy Carroll:** I wish you hadn't brought that up, because I think (inaudible) until our
2005 next meeting of (inaudible), we'll be here till 11:00.

2006 **Doug Miller:** My wife and little boy are waiting in the truck outside. Yeah, well...

2007 (chatter)

2008 **Keelan McPhee:** One more. This is just allowing its, to, in line with an RCW its allowing
2009 the administrative official to sign the final plat after it has already gone through full approval
2010 by the Board so that basically it does not, the Board does not have to approve it then
2011 bringing in to another meeting and sign it. And we're recommending approval of that.

2012 **Mike Shuttleworth:** Sounds good.

2013 (inaudible)

2014 **Ashley Garza:** Wait I'm closing the hearing, I know I'm supposed to do that. We're actually
2015 closing the hearing for public testimony 9:20'ish.

2016 **Tommy Carroll:** Your next meeting in August would be the next meeting were we
2017 deliberate or if you guys wanted to do it sooner we can try to work with you on a date and
2018 time at the end of this month. I would probably recommend doing it in August, we'll get
2019 you some crematorium stuff and get you some stuff on accessory dwelling units in the
2020 next few days and we'll just do it all then if that works for you guys.

2021 **Mike Shuttleworth:** Can we do a recommendation on the cemeteries and the M-1 and
2022 M-2? Is that something we can maybe vote on? To have you add it in there.

2023 **Tommy Carroll:** Yeah I don't care.

2024 **Keelan McPhee:** Is there any way we can run drafts, I mean, cause this was, this was the
2025 quintessential purpose of the hearing. He just talked with them this morning, so we didn't
2026 have any of that information, we're making the recommendation he has really great ideas.

2027 **Tommy Carroll:** I'd much rather have it done here than with the Commissioners (BOCC).

2028 **Mike Shuttleworth:** Well I think it will take care of an issue that is going to come up.
2029 Cemeteries are hard to place they really are.

2030 **Tommy Carroll:** It was a mistake I could tell you that cause, because we knew that they
2031 property adjacent to them was M-1.

2032 **Ashley Garza:** So when we, those other issues, when we're deliberating we don't
2033 deliberate (inaudible) we have to have another public hearing? Just deliberate on the new
2034 findings?

2035 **Phil Hoge:** Oh I see. We're introducing more information.

2036 **Ashley Garza:** Yeah, you've already seen the information.

2037 **Tommy Carroll:** The information has been introduced today. I think we're ok.

2038 **Mike Shuttleworth:** And these are legislative that have not met, they're not quasi judicials.

2039 **Ashley Garza:** So, does everybody agree on August or next week? Good, good.

2040 **Mike Shuttleworth:** I would move that we continue this hearing process to August
2041 whatever the day is, 8th at this location at 6 p.m., 5:30, ok 5:30 to consider our
2042 recommendations and findings.

2043 **Jerry Craig:** Second

2044 **Ashley Garza:** Second, all in favor?

2045 **Various people:** "Aye."

2046 **Ashley Garza:** Seven "ayes" no new business, no old business. Done? Done.

2047 **III. New Business:** None

2048 **IV. Public Comment:** None

2049 **V. Communications:** None

2050 **VI. Adjournment of continuance to date, place and time certain**

2051 Meeting was adjourned at approximately 9:20 pm.

2052 Minutes approved by the Planning Commission on August 8, 2018

2053
2054 Signed: Ashley Garza
2055 Planning Commission, Chair
2056
2057