

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE NO. 12-2010

IN THE MATTER OF AMENDING THE YAKIMA COUNTY COMPREHENSIVE PLAN - *PLAN 2015* FUTURE LAND USE MAP AND THE OFFICIAL ZONING MAP OF YAKIMA COUNTY

WHEREAS, the Growth Management Act, RCW 36.70A.130(2)(a), allows counties to amend their comprehensive plans no more frequently than once a year; and

WHEREAS, pursuant to YCC 16B.10, Yakima County provides the process for considering amendments to *Plan 2015* and development regulations on a biennial basis; and

WHEREAS, in accordance with YCC 16B.10 and YCC 15.76.035, nine comprehensive plan and zoning map amendment proposals were initially docketed for consideration in 2010; and

WHEREAS, Plan and zoning map amendments are subject to environmental review under the State Environmental Policy Act; and

WHEREAS, the SEPA Responsible Official issued Determinations of Significance (DS) for the four mining related map amendment proposals, resulting in their deferral until the next amendment cycle (unless withdrawn) in accordance with YCC 16B.10.040(12); and

WHEREAS, the Yakima County Planning Commission held duly advertised public hearings on May 19, 2010 to consider the five remaining map amendment applications at; and

WHEREAS, after deliberating on the proposed amendments the Planning Commission issued its *Findings of Fact and Recommendation* dated July 29, 2010 (Exhibit 1 attached hereto) for consideration by the Board of Yakima County Commissioners (the Board); and

WHEREAS, the SEPA Responsible Official reviewed the potential environmental impacts of the five remaining proposals, issued a *Mitigated Determination of Non-Significance and Notice of Adoption of Existing Environmental Documents* on October 4, 2010 for comment; and

WHEREAS, after considering all comments received, the SEPA Responsible Official retained said notice and MDNS on October 21, 2010; and

WHEREAS, the Board held duly advertised public hearings on November 15, 2010 on the five remaining proposals that involve amendments to the *Plan 2015* Future Land Use Map and to the Official Zoning Map of Yakima County; and

WHEREAS, the Board deliberated on the five proposed plan and zoning map amendments after considering all written comments received, the testimony at its public hearing,

the Planning Commission's findings and recommendations, and Planning Division staff recommendations now; therefore,

BE IT HEREBY ORDAINED BY THE BOARD OF YAKIMA COUNTY COMMISSIONERS:

Section 1. Findings. The Board hereby adopts the *Findings of Fact and Recommendation* of the Planning Commission in the record of this ordinance, except as follows:

- A. ZON10-04 (Steve Smith). The Board adopts the findings and recommendations of the Planning Commission to approve the land use and zoning change from Remote Rural/Extremely Limited Development Potential to Agricultural Resource plan designation and Remote/Extremely Limited Development Potential to Agriculture zoning on the parcel. The Board is persuaded that the change in land use and zoning will work a hardship on adjoining small lots due to the 150' agricultural setback for *Especially Sensitive Land Uses* required by Section 15.20.085 of the zoning ordinance. To remedy the concern, the Board will approve the proposed map amendments subject to the applicant signing a *Declaration of Covenant and Concomitant Agreement* (Exhibit 1 attached hereto) stipulating that will be applied to his property, not adjacent property owners.
- B. ZON10-05 (Leon Savaria). The Board adopts the findings and recommendations of the Planning Commission to deny the requested land use and zoning change from Agricultural Resource to Rural Self-Sufficient plan designation and Agriculture to Rural Self-Sufficient zoning on the entire subject property.
- C. ZON10-06 (Ron Rutherford). The Board adopts the findings and recommendations of the Planning Commission to approve the land use and zoning change from Agricultural Resource to Rural Transitional plan designation and Agriculture to Rural Transitional zoning on the entire subject property.
- D. ZON10-07 (Robert Bonham). The Board adopts the findings and recommendations of the Planning Commission to approve the land use and zoning change from Agricultural Resource to Rural Self-Sufficient plan designation and Agriculture to Valley Rural zoning on both parcels.
- E. ZON10-08 (Lloyd Dovel). The Board approves the applicant's request to change the land use and zoning on the subject property from Agricultural Resource to Rural Self-Sufficient plan designation and Agriculture to Valley Rural zoning. The Board finds that Bittner and Warrior Roads provide a logical boundary for the RSS Plan and Valley Rural zoning in this area. The Board finds that the property is no longer suitable for farming based on soils, slopes and the testimony of the applicant and agent that orchardists in the area would not accept the property, even at a minimal or no cost.
- F. State Environmental Policy Act (SEPA). The SEPA Responsible Official has reviewed the potential adverse environmental impacts of the proposed amendments in accordance

with the provisions of YCC 16, culminating in a Final Determination on October 21, 2010 to retain his *Mitigated Determination of Non-significance and a Adoption of Existing Environmental Documents* issued on October 4, 2010. The Board finds that environmental review is complete and adequate.

G. Analysis of Cumulative Impacts. The cumulative impacts of the map amendments to *Plan 2015* and Yakima County Zoning Ordinance were evaluated as part of the environmental review process referenced in subsection F. above and have been considered as part of the legislative review process in reaching the decisions in this ordinance. The resulting land use and zoning changes are set forth in Exhibit 2 attached hereto.

Section 2. Comprehensive Plan Amendment – Policy Plan Map. The Policy Plan Map (Figures I-1A, I-1B, and I-1C) of *Plan 2015*, as adopted by Ordinance No. 4-1997 and subsequently amended, is hereby amended as depicted by the maps in Exhibit 4 attached hereto.

Section 3. YCC Title 15 Zoning Map Amendment. The Official Zoning Map, adopted by YCC 15.16.010(1) and subsequently amended, is hereby amended as depicted by the maps in Exhibit 5 attached hereto.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, sections, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This ordinance shall be effective at 11:59 PM on December 14, 2010.

ADOPTED this 14th day of December, 2010.


Attest: Tiera Girard



Clerk of the Board




Michael D. Leita, Chairman

Excused


Kevin Bouchey, Commissioner


J. Rand Elliott, Commissioner
Constituting the Board of County Commissioners for Yakima County, Washington

APPROVED AS TO FORM:


Deputy Prosecuting Attorney

Attachments:

Exhibit 1: Declaration of Covenant and Concomitant Agreement

Exhibit 2: Table 3. Cumulative Impacts

Exhibit 3: Approved Comprehensive Plan – Policy Plan Map amendments and Zoning Map Amendment (major rezones)

G:\Long Range\Projects\Plan Amendments\2010 Plan Amendments\BOCC_Ordinance\ordinance_adopting_2010_map_amendments_SE.doc

Table 3. Cumulative Impacts - County-wide Land Use Designation Changes 1998-2010*											
Adopted Changes in Plan 2015 Land Use Designations (In acres)	1998 Amend-ments	1999 Amend-ments	2000 Amend-ments	2001 Amend-ments*	2002 Emergency (Wal-Mart)	2003 Amend-ments**	2005 Amend-ments	2007 Amend-ments	2008 Amend-ments	2010 Amend-ments	1998-2010 Total
New areas designated AR		+110	+28.4	+250		+79.22			+42.32	+45.58	+554.90
Areas removed from AR	-90.4	-305.6	-436.8	-1,911	-12.6	-3,500	-189	-830	-118.26	-120.97	-7,514.23
Net change in areas designated AR	-90.4	-195.6	-408.4	-1,661		-3,421	-189	-830	-75.94		-6,959.33
New areas designated RT	+88.3	+34.6	+190.2						+12.0	+9.75	+334.85
Areas removed from RT		-9.8					-2	-324.23	-315.81		-651.84
Net change in areas designated RT	+88.3	+24.8	+190.2				-2	-324.23	-303.81		-316.99
New areas designated RSS		+237.1	+432.3	+1,538		+3,500		+370	+405.87	+111.22	+6,594.09
Areas removed from RSS	-15.9							-298	-12		-325.90
Net change in areas designated RSS	-15.9	+237.1	+432.3	+1,538		+3,500		+72	+393.87		+6,268.19
New areas designated UGA	+18	+9.8	+94.8	+373	+12.6		+243	+1,907			+2,658
Areas removed from UGA		-110	-28.4	-250				-814			-1,202
Net change in areas designated UGA	+18	-100.2	+66.4	+123			+243	+1,093			+1,456
New areas designated RS		+33.9	+7.8								+41.7
Areas removed from RS								-11.13			-11.13
Net change in areas designated RS		+33.9	+7.8					-11.13			+30.57
New areas designated RR								+9.54	+67.00		+76.54
Areas removed from RR			-288.3			-79.22	-52	-8.58	-372.73	-45.58	-846.39
Net change in areas designated RR			-288.3			-79.22	-52	+9.6	-305.73		-769.85
New areas designated MRO		+341	+680			119	79	+8,991			+10,210
Areas removed from MRO						-99		-23			-122
Net change in areas designated MRO		+341	+680			+20	+79	+8,968			+10,088

*Note: County-wide changes in land use designations approved by the Board of Yakima County Commissioners from 1998-2010.

**Note: Changes in agricultural resource designations were a result of 2-year county-wide agricultural resource land comp plan update.

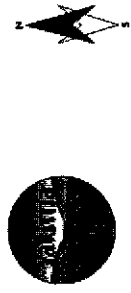
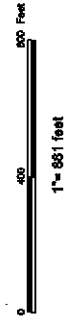
ZON10-04 Smith 16132541402 (45.58 acres)

RR/ELDP to Ag Resource
R/ELDP to AG
(Approved by Ord. 12-2010)

LEGEND

- Text Road Names All
All Roads
Plan, amendments.shp
Tax Lots
Cities
- County Zoning
Forest Watershed
Agriculture
Remote/Extremely Limited
Mountain Rural
Valley Rural
Rural Transitional
Rural Settlement
Highway Commercial
Mining
Planned Development(Ord. 8-1974)
Suburban Residential
Single-Family Residential
Two-Family Residential
Multi-Family Residential
Professional Business
Local Business
Historical Business
Commercial
Small Convenience Center
Large Convenience Center
Central Business District
CBD Support
Industrial
Light Industrial
Heavy Industrial
Federal Land/Tribal Trust
Yakima Nation Closed Area
Background.shp

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



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ZON10-05 Savaria (1,023 acres)

Ag Resource to Rural Self-Sufficient
AG to VR
(DENIED remain in AG)

LEGEND

- Text Road Names Small
- All Roads
- Plan_amendments.shp
- Tax Lots
- Cities
- County Zoning
- Forest Watershed
- Agriculture
- Remotely/Extremely Limited
- Mountain Rural
- Valley Rural
- Rural Transitional
- Rural Settlement
- Highway Commercial
- Mining
- Planned Development(Ord. 8-1974)
- Suburban Residential
- Single-Family Residential
- Two-Family Residential
- Multi-Family Residential
- Professional Business
- Local Business
- Historical Business
- Commercial
- Small Convenience Center
- Large Convenience Center
- Central Business District
- CBD Support
- Industrial
- Light Industrial
- Heavy Industrial
- Federal Land/Tribal Trust
- Yakama Nation Closed Area
- Background.shp

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ZON10-06 Rutherford **17133513403 (9.75 acres)**

Ag Resource to Rural Transitional
 AG to RT
 (Approved by Ord. 12-2010)

LEGEND

Text: Road Names All
 All Roads
 Plan_amendments.shp
 Tax Lots
 Cities

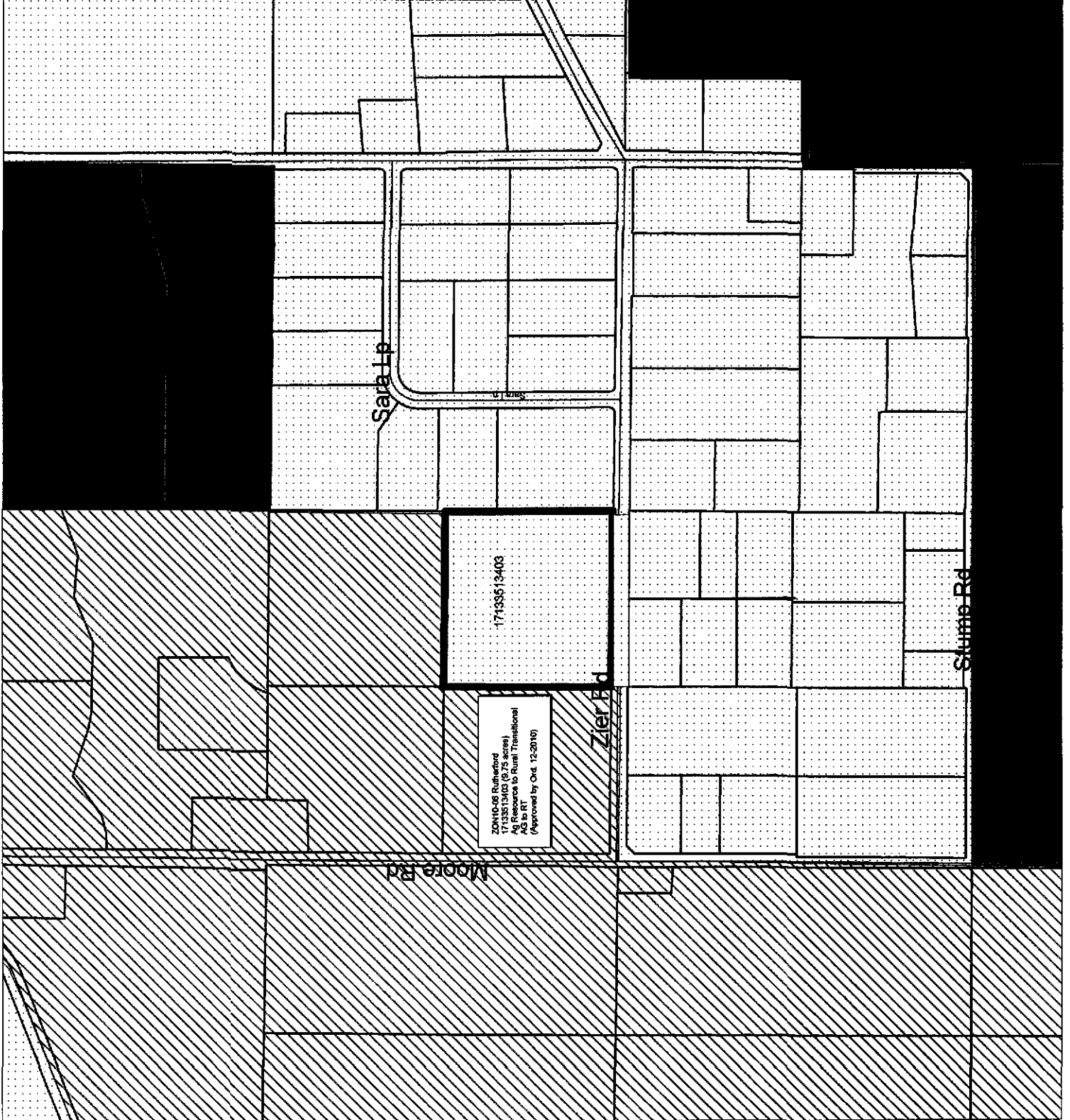
County Zoning
 Forest Watershed
 Agriculture
 Remote/Extremely Limited
 Mountain Rural
 Valley Rural
 Rural Transitional
 Rural Settlement
 Highway Commercial
 Mining
 Planned Development(Ord. 8-1974)
 Suburban Residential
 Single-Family Residential
 Two-Family Residential
 Multi-Family Residential
 Professional Business
 Local Business
 Historical Business
 Commercial
 Small Convenience Center
 Large Convenience Center
 Central Business District
 CBD Support
 Industrial
 Heavy Industrial
 Federal Land/Tribal Trust
 Yakima Nation Closed Area
 Background.shp

0 100 200 300 400 Feet
 1"= 300 feet



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ZON10-07 Bonham 20133311401, 20133311402 (39.45 acres)

Ag Resource to Rural Self-Sufficient
AG to VR
(Approved by Ord. 12-2010)

LEGEND

- Text: Road Names All
- AV All Roads
- Plan: amendments.shp
- Tax Lots
- Cities
- County Zoning
- Forest Watershed
- Agriculture
- Remote/Extremely Limited
- Mountain Rural
- Valley Rural
- Rural Transitional
- Rural Settlement
- Highway Commercial
- Mining
- Planned Development(Ord. 8-1974)
- Suburban Residential
- Single-Family Residential
- Two-Family Residential
- Multi-Family Residential
- Professional Business
- Fronting Business
- Historical Business
- Commercial
- Small Convenience Center
- Large Convenience Center
- Central Business District
- CBD Support
- Industrial
- Light Industrial
- Heavy Industrial
- Federal Land/Tribal Trust
- Yakima Nation Closed Area
- Background.shp

ZON10-07 Bonham
20133311401, 402 (39.45 acres)
Ag Resource to Rural Self-Sufficient
AG to VR
(Approved by Ord. 12-2010)

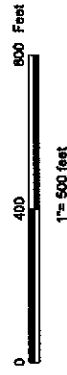
201333-11401

20133311402

Prairie Rd

Micras Rd

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ZON10-08 Dove **19132431402** **(71.77 acres)**

Ag Resource to Rural Self-Sufficient
 AG to VR
 (APPROVED by Ord. 12-2010)

LEGEND

Text: Road Names All

Plan: amendments.shp

Tax: Lots

Cities

County Zoning

Forest Watershed

Agriculture

Remote/Extremely Limited

Mountain Rural

Valley Rural

Rural Transitional

Rural Settlement

Highway Commercial

Planning

Planned Development(Ord. 8-1974)

Suburban Residential

Single-Family Residential

Two-Family Residential

Multi-Family Residential

Professional Business

Local Business

Historical Business

Commercial

Small Convenience Center

Large Convenience Center

Central Business District

CBD Support

Industrial

Light Industrial

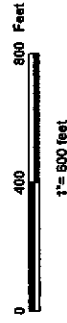
Heavy Industrial

Federal Land/Tribal Trust

Yakima Nation Closed Area

Background.shp

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RETURN TO: Yakima County Planning Division
Fourth Floor Courthouse
Yakima, WA 98901

**DECLARATION OF COVENANT
AND
CONCOMITANT AGREEMENT**

Parcel No: 161325-41402. The request is to change the land use designation for the subject "property", being part of Section 31 of Township 13 North, Range 16 East, W.M. Property Owner: Steve L. Smith

In consideration of the adoption by Yakima County of Ordinance 12-2010 (Attachment 1 to this document) approving File# ZON 10-04, amending the comprehensive plan map designation for the parcel (approximately 45.58 acres described in Attachment 2) from Rural Remote/Extremely Limited Development Potential (RR/ELDP) to Agricultural Resource (AR) and rezoning of that same parcel to Agriculture (AG):

The undersigned, their grantees and assignees in interest by the recording of this *Declaration of Covenant and Concomitant Agreement* hereby agree:

1. That the request for a plan map amendment for the Agricultural Resource designation shall be granted for parcel 161325-41402 subject to executing and recording this *Declaration of Covenant and Concomitant Agreement*; and
2. That the agricultural setback for especially sensitive land uses will be applied to development of parcel 161325-41402, not to adjacent properties as provided in YCC 15.20.085, for as long as the parcel is designated AR and zoned Agriculture; and
3. That this *Declaration of Covenant and Concomitant Agreement* shall not be removed without the express consent of Yakima County.

IN WITNESS WHEREOF, the undersigned, successors and assigns hereby acknowledge, agree and accept the provisions, conditions and stipulations as set forth in this document.

Owner: Steve L. Smith

Owner:

STATE OF WASHINGTON)
)ss.
COUNTY OF YAKIMA)

On this day personally appeared before me _____,
to me known as the individual(s) described in and who executed the within and
foregoing instrument and acknowledged that they signed the same as their free and
voluntary act and deed, for the uses and purposes therein stated.

Given under my hand and official seal this ____ day of _____, 2010.

Notary Public in and for the State of
Washington, residing at _____