

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for the four mining related map amendment proposals, resulting in their deferral until the next amendment cycle (unless withdrawn) in accordance with YCC 16B.10.040(12); and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.

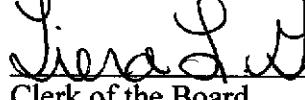
Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, sections, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity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

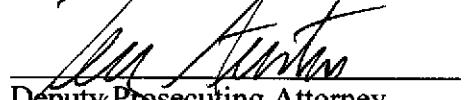
ADOPTED this 14th day of December, 2010.

Attest: Tiera Girard


Tiera Girard

Clerk of the Board

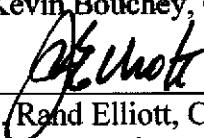
APPROVED AS TO FORM:


Deputy Prosecuting Attorney




Michael D. Leita, Chairman

Excused
Kevin Bouchey, Commissioner


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

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*

		1998-2010 Total									
Adopted Changes in Plan 2015 Land Use Designations (in acres)		1998 Amendments	1999 Amendments	2000 Amendments	2001 Amendments	2002 Emergency Amendments (Wal-Mart)	2003 Emergency Amendments**	2005 Amendments	2007 Amendments	2008 Amendments	2010 Amendments
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	+1538		+3500		+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	+1538	+3500		+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		+33.9	+7.8					-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	-346.39
Net change in areas designated RR	-288.3					-79.22	-52	+96	-305.73		-789.85
New areas designated MRO	+341	+680					119	79	+8,991		+10,210
Areas removed from MRO		+341	+680				-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 ship
□	Tax Lots
	Cities
	County Zoning
	Forest Watershed
	Agriculture
	Ramah/Ravenly 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 Businesses
	Local Businesses
	Historical Business
	Commercial
	Small Convenience Center
	Large Convenience Center
	Central Business District
	CBD Support
	Industrial
	Heavy Industrial
	Federal Land/tribal Trust
	Yakama Nation Closed Area
	Background ship

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



1'= 881 feet



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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 Roads	Small
✓/X All Roads	Large
Plan, amendments, ship	Reindeer/Extremely Limited
□ Tax Lots	Mountain/Rural
CR168	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 ship

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0 1000 2000 3000 Feet

1" = 2000 feet



Yakimap.com

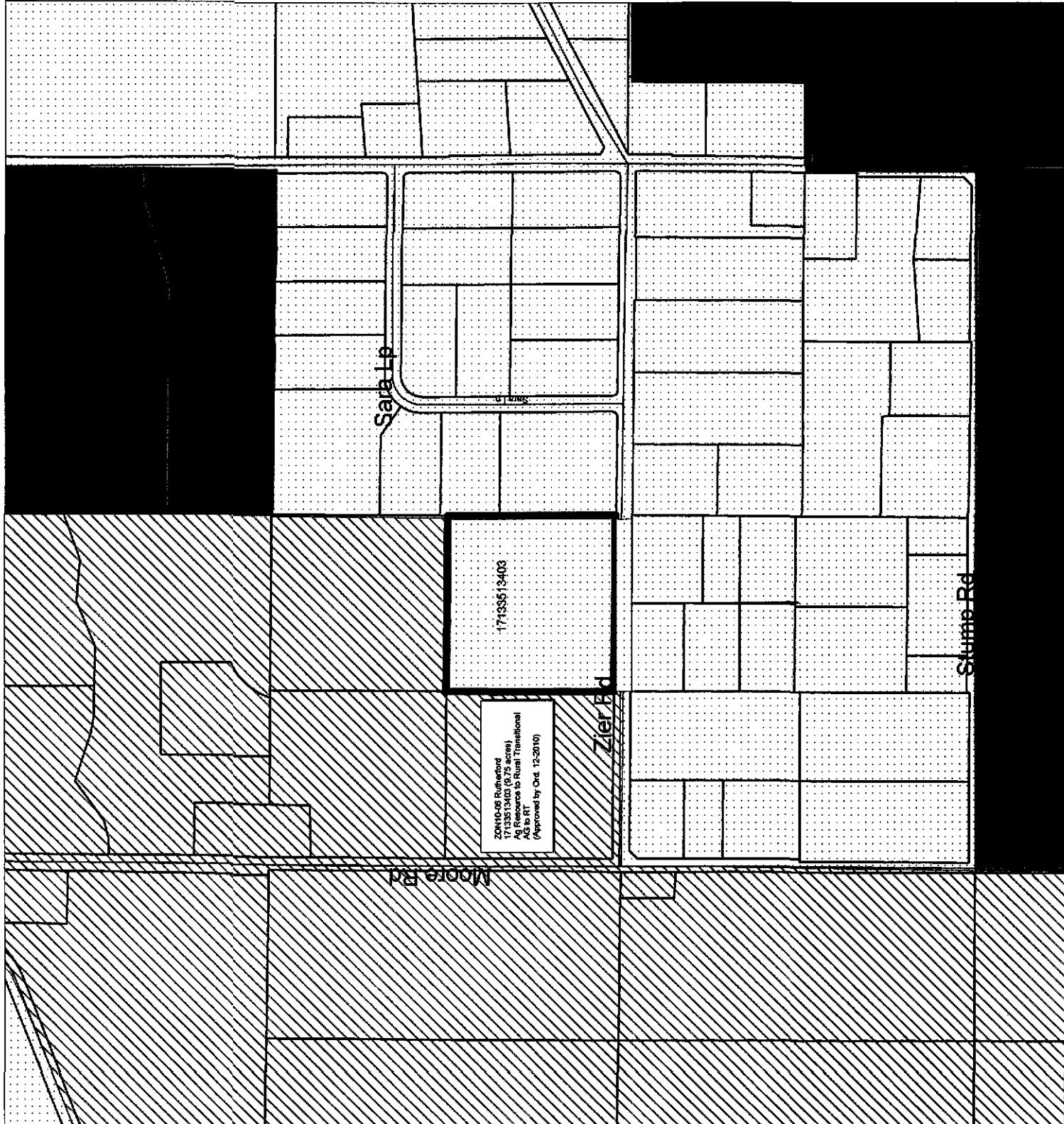
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ZON10-06 Rutherford
17133513403 (9.75 acres)

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

LEGEND

Text Road Names All	✓ All Roads
Plan Amendments ship	■ Tax Lots
Cities	
County Zoning	Forest Watershed
	Agriculture
	Residential/Extremely Limited
	Mountain Rural
	Valley Rural
	Rural Transitional
	Rural Settlement
	Highway Commercial
	Mining
	Planning 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
	Central Business District
	Industrial
	Light Industrial
	Heavy Industrial
	Federal Land/Tribal Trust
	Yakama Nation Closed Area
	Background ship



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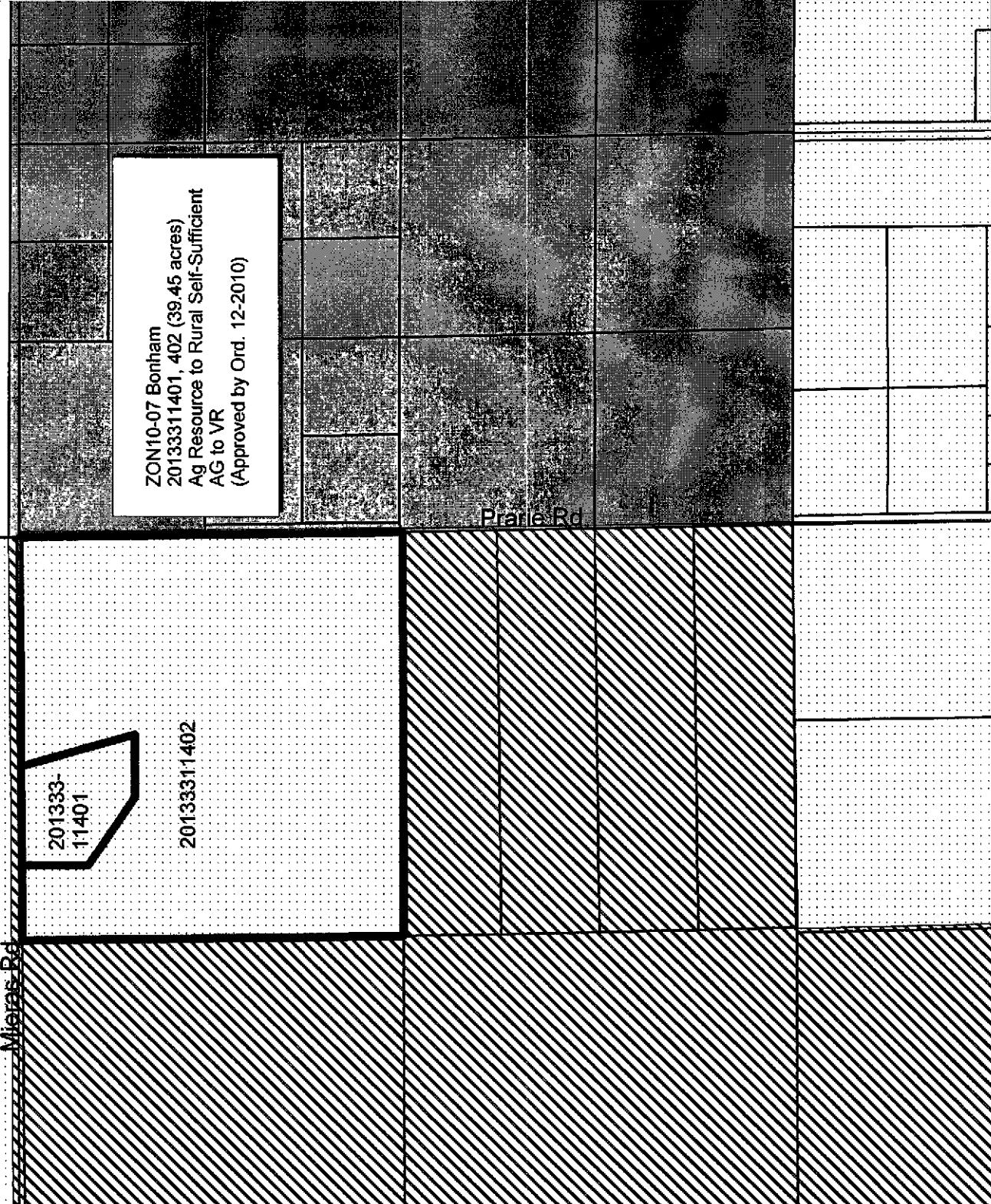
Yakimap.com
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ZON10-07 Bonham
20133311401,
20133311402
(39.45 acres)

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

LEGEND

- Text, Road Names, All
- ✓ 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
- Manufacturing
- Planned_Development(Ont. 8-1974)
- Suburban_Residential
- Single-Family_Residential
- Two-Family_Residential
- Multi-Family_Residential
- Professional_Business
- Local_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



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

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

LEGEND

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

County Zoning
Forest Watershed
Agriculture
Rural/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/Indian Trust
Yakama Nation Closed Area
Background.shp

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0 400 800
1= 800 feet



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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 _____