

YAKIMA COUNTY PLANNING COMMISSION

Open Record Public Hearing Minutes

Wednesday, September 8, 2021, 6:00 PM

<https://global.gotomeeting.com/join/379825941>

United States: +1 (571) 317-3122 Access Code: 379-825-941

I. **Call to Order:** Doug Mayo (Chair) called the meeting to order at 6:01 pm.

A. **Roll Call:** A quorum was present.

1. **Commissioners Present:** Jerry Mellen, Doug Mayo, Kyle Curtis, and Jerry Craig. Mike Shuttleworth joined the meeting before the open public record hearing.
2. **Commissioners Absent:** None (two vacant positions).
3. **Yakima County Planning Staff Present:** Noelle Madera, Tua Vang, Phil Hoge, Olivia Story, and Aman Walia.
4. **Public Present:** Johnathan Thompson, Terry Walker, Trudy Walker, Teo Tocce, and Eugene Thompson.
5. **Virtual Public Present:** Mike, 1(509)840-3385, 1(509)952-0302, Connor Phelps Mya Stivner, Jeffrey Davis, Kailan Dunn Jr., Roxanne Thompson, Sue Dunn, Kailan Dunn, and Tiffany.

B. **Approval of August 11, 2021 meeting minutes.**

There being no objections to the meeting minutes, The Planning Commission approved the August 11, 2021 minutes and were declared approved by the chair.

II. **Public Comment:** None.

III. **Open Record Public Hearing – LRN2021-00001/SEP2021-00010 Naches Emergency Urban Growth Area (UGA) Amendment**

Doug Mayo – We'll move on to the open public record hearing. We got the rules of order. Public Rules of Procedure. All persons speaking to the Planning Commission shall stand, approach the rostrum and microphone, if provided, and identify themselves by name, address and whom they represent. Testimony shall be kept factual and on the subject. The Chair is charged with the responsibility of discouraging and stopping irrelevant, unnecessarily long, repetitive, or abusive testimony, and at the onset may limit the length of testimony. Time permitting, an opportunity will be provided for additional public comment from previous speakers after everyone who so desires has had an opportunity to testify. All comments shall be directed to the Chair, and interruptions, demonstrations, applause or other distractions during or at the conclusion of anyone's testimony are not permitted. Anyone making "out of order" comments shall be subject to removal from the meeting, and the Chair may call a recess in, or adjourn, the meeting in the event of excessive disruption. Speakers shall not question one another. Instead, questions from Speakers shall be addressed to the Chair. Upon request of a majority of Planning

Commission members present, the Chair may allow direct questioning of an expert witness who has previously testified on behalf of an opponent or proponent, or on other business before the Commission. If written statements are made, a copy shall be presented to the Planning Commission and to the Secretary. The first item shall be LRN2021-00001/SEP2021-00010 Naches Emergency UGA Amendment. Introduce exhibits into the record. Each of you should have gotten a packet and then there is another packet of papers on our desk when we got here. And so we'll enter all of that into the record. And now we go to public testimony, and I ask any of you that wish to speak have you signed in. Do you have the sign-in paper?

Tua – Yes, I believe everybody is already signed in.

Doug Mayo – Well I was just going to call them in order that they signed in.

Tua – Ok, could we actually go through a quick presentation.

Doug Mayo – We should do that.

Tua – For the record and you can call for public testimony.

Doug Mayo – That would be typically on the agenda.

Tua – The applicant Jeff Ranger for the Town of Naches, he actually couldn't make it today and so, they typically make their presentation about the proposal but since he can't be here, I'll just do a quick presentation about what we discussed at the study session and then we can move forward to public testimony if that's ok? Ok, alright so moving ahead, my name is Tua Vang. I'm a senior project planner, long range planning, Yakima County. This proposal was brought to us back in March of this year. Basically, it was a request by the Town of Naches to look at bringing in approximately 40.17 acres for residential use. I just want to clarify something. I know that I got a lot of comments, neighbor's comments, about that this is not an emergency. And you are absolutely correct, it isn't an emergency, but it's an out-of-cycle comp plan amendment to a map rezone to the comp plan. And so we typically have a biennial amendment which is every two years. A five-year UGA update and then an eight-year comprehensive plan update required by growth management. And so this out-of-cycle ones, which would be this year, when the Town of Naches made this request, that is just what we call it. It's just an emergency request because it's out-of-cycle. And yes, there is no emergency, however, that is just what we called it. But I just want to make that clear about that before we move forward. This proposal is for eight parcels. A lot of you have seen the maps, four of them to the north and three of them, I'm sorry five of them to the north and three of them to the east. I can show you a map of that here in a little bit once we move into the public testimony portion of it. Typically what we have to do for Urban Growth Area amendments, we review it to see if it is consistent with the Growth Management Act. We look at reviewing it under the County Code, under the major rezone and plan amendment review criteria, and look at the county-wide planning policies, and then in any city or town's comp plans, their capital facilities plan to make sure they're consistent with that. A lot of that information is in the staff report and it has been reviewed under that. A second portion of it, we have to do a land capacity analysis and basically what we look at is the current land that is vacant for development and then what is being

proposed at hand to accommodate the projected population for the next 25-years. Third portion of it because seven of the eight parcels are designated AG, agricultural land, we have to do an AG de-designation criteria review, and it's in the comp plan, and we have to look at it to see whether it meets 8 out of 10 for it to be, 8 out of 10 impacts in order for it to be in favor of de-designating the property. Not that it says it has to be, but it has to meet that criteria if it is being considered to be de-designated. The land capacity analysis currently right now there are 41 acres of vacant land in the city, 24 outside in the unincorporated UGA. As of right now, the Town of Naches only needs 23 acres of residential land for development. Altogether, in consideration for land capacity analysis, you have to look at the vacant residential land, commercial, and community facilities land, altogether, and that's what comes up with the total 54 years of growth. So you can have more community facilities land and less residential land, or vice versa, and it all comes out based on the equation it's still 54 years of growth. And so with this proposal, basically the 40.17 acres it's going to increase the urban growth area years of growth to 66 years. The four small parcels, they're all less than one acre in size. They all have homes on them. If they were brought into the Urban Growth Area, it would be considered developed and they would be, wouldn't count against the town's years of growth. The AG de-designation criteria, like I said 7 out of the 8 parcels are designated AG so you have to look at that, must obtain 8 "yes" impacts to agriculture in order for you to consider in favor of de-designating. Here are the results for that. If you look at this you have soil. All the soils are prime or better so it's not an impact to AG. Proximity to Urban Growth Area, it's less than a mile. Predominant parcel size, it looks at it, if it's less than 10 acres it could be a potential impact to AG. There's available public facilities within this area because all of the parcels are adjacent to Urban Growth Area. Some of them are adjacent to the Urban Growth Area and the city or the Town of Naches. Tax status of these, none of these are taxed for AG production or open space. One of the Planning Commission members asked at the last study session as to whether if any of them were being taxed for agriculture production. I looked at all of them. The only one that's not, is the R-10/5 property, the farthest one to the north by the canal. So none of them are being taxed for AG use or open space. The availability of public services, there's police, fire, fire station, county paved roads, city paved roads. Land use settlement patterns, they're all adjacent to the town so everywhere else around there, it's either developed or being developed. You got small parcels. You got a combination of different stuff, a bunch of agricultural lands, within the Urban Growth Area that are still being used for AG. Intensity of nearby land uses an impact to AG. There is one property to the south of the properties to the east that is zoned General Commercial. But then again, if you look at the map you can see that there is an intensity of uses and there is a combination of different types of uses there. History of land development, within half a mile, I looked at several different parcels around the subject parcels that we're talking about today, there has been more than 15 subdivisions within half a mile. Now subdivisions meaning could it be one lot to four lots being in the rural, most of them, everybody is kind of parceling off their farmhouse and then leaving the rest and then somebody coming and building another house on it and then 15 years from that then they could divide on that property too. Land use under alternative uses, back to that, that's kind of what it is being assessed as, they're all non-AG, besides the R-10/5 property. So out of all those, a total of 9 "yeses" except for one parcel to the east, I can't remember off the top of my head who owns that parcel but it's a 15-acre parcel and I can show you that here in a second. So exhibits, we got total, a combination, of 18 letters from adjoining property owners and neighbors. We got a letter from HLA. A letter from the Department of Commerce, State of Washington

Ecology, and Mr. Mills & Ms. Mills sent another comment letter. They actually own one of the properties that's being proposed to be brought into the Urban Growth Area. To sum it up, Exhibit 1 all the neighbors oppose it. They don't want it. They think it's an impact to their rural living, impact to agriculture, and basically, they're saying there is enough land to be developed within the Urban Growth Area. HLA, as part of the Urban Growth Area amendment, GMA requires that the proponent has to do a capital facilities addendum, and basically what this involves, it provides, it asks questions like, how are you going to fund the proposal, where are you getting the funding from, what are you proposing to do with stormwater, timeline for you to bring in water/sewer and then basically it has to be adopted, an ordinance, the addendum has to be adopted by an ordinance by the city council or town council. And we haven't got that yet but HLA's letter says that Jeff is actually working on that right now. State of WA Department of Commerce commented. They wanted us to consider by sharing this letter with you, and all of that stuff that you guys got to the right of you are all of the exhibits that you didn't get besides the comment letters that were emailed to you. And so they're just for you to view. But the Department of Commerce basically just wanted us to consider working with the city and looking at sizing it down to 20-years, removing lands that are not going to be served within the next 20-years, and adding lands that are ready for development. Now that's something that we've always considered and that something that we always wanted to do, however, that's for another conversation, but you have their comment and it's something for you to consider. Exhibit 4, Ecology says that these proposed areas are areas that have been historically identified as areas where lead arsenic was used for pesticide and so that at the time of development basically, they would have to get the testing done before any development goes up. When that comes up. Exhibit 5, the Mills again, they do not want their property in the Urban Growth Area, and I just wanted to make sure that I shared that with you. Let me finish this up and I'll show you where the Mills property is at real quick. Again, I mean staff recommendation, we, we're working with the town, the town's saying that they need more land for development. Didn't go into the details as to why or why they can't develop on those smaller lots or why they can't go ask other farmers stuff, sell their lands and whatnot. That's something we leave up for the town to do but when the town comes and proposes something like this to us, we just take it and consider it, look at it, review it. All their UGAs are oversized. They're all over 20-years of growth. And so, anyways, staff recommends approval of all parcels to be added into the Urban Growth Area and then if you guys have any questions you guys can go ahead and ask them. Mr. Chairman I am going to bring those pictures up real quick of those parcels. So, this is the Mills property. Is this not sharing?

Noelle Madera – Can you just point it out on that map Tua?

Tua Vang – Ok, here we go. Let me see if I can share this. Ok, so anyways, the Mills property is this one to the north here. I'm going to highlight it for you there. And then this one is that's the 15-acre parcel to the east there, that doesn't, it still gets an 8 out of 10 yes impacts to agriculture, but it's the one that's only got 8 the rest got 9, and so.

Noelle Madera – Are you sharing something Tua? I'm not seeing these. I'm not seeing anything being shared.

Doug Mayo – So Tua, the long parcel there is the Mills property that doesn't want to be a part of this?

192
193 **Tua Vang** – Yes. This one is the one I believe they said that they just bought. Phil says he
194 can't see the shared screen.
195
196 **Noelle Madera** – We can't see anything being shared on GoToMeetings. And if there was
197 a question, I didn't hear what the question was and if you could repeat it.
198
199 **Doug Mayo** – Just confirming which is the Mills property.
200
201 **Noelle Madera** – Yes.
202
203 **Tua Vang** – Can you guys see the screen now and did you hear Doug?
204
205 **Noelle Madera** – Yes.
206
207 **Tua Vang** – Ok. Yes, it's this one right here.
208
209 **Noelle Madera** – Tua I didn't hear the question (x2).
210
211 **Tua Vang** – Ok. Doug basically asked which one is the Mills property? It's the one that I
212 highlighted here. You see that Noelle?
213
214 **Noelle Madera** – Yes.
215
216 **Tua Vang** – Ok. Except for this little parcel here. That's somebody else's, owns that one.
217 But yes, it's that one Doug. So if that one's not considered that one's not brought into the
218 Urban Growth Area then basically it would be these small ones that are already
219 developed and this top one that is in the R-10/5 here that's not in the Agriculture zoning
220 district but it is being farmed. Ok. Do you have any more questions? Anybody, or? Ok so
221 if there aren't any more questions, then Chairman you can go ahead and move to
222 testimonies if you would like. And so we can do it one or two ways, Phil you call the folks
223 online or we can take the folks that are here, presently first. It's up to you what you would
224 like to do.
225
226 **Doug Mayo** – I think we'll start with the people that are here. They would come forward,
227 state your name and I would like to, also if you would, put the map back up and if you
228 would just go over and show us where your property is.
229
230 **Trudy Walker** – But we didn't want to talk. And we weren't asked but we were signed up.
231
232 **Sue Dunn** – Can you tell where our property is?
233
234 **Doug Mayo** – Just a minute can you turn that off?
235
236 **Tua Vang** – Yes.
237
238 **Doug Mayo** – Sorry but.
239
240 **Trudy Walker** – So we're not going to talk.

241
242 **Doug Mayo** – So is there anybody here to talk?
243
244 **Johnathan Thompson** – I’m the first one that signed up on there so it makes sense if I go
245 first.
246
247 **Doug Mayo** – Well? You must be Jonathan Thompson.
248
249 **Johnathan Thompson** – I understand that I just come up to the podium there.
250
251 **Doug Mayo** – Put your mask on, please.
252
253 **Johnathan Thompson** – Oh yes, yes it’s deadly. Alright, my name is J. L. Thompson,
254 Thompson’s Farm. We’re at the, oh I’m never good at these maps.
255
256 **Tua Vang** – That’s the Old Naches Highway.
257
258 **Johnathan Thompson** – The Old Naches, so we’re, let’s see that’s proposed right? So
259 we’re...
260
261 **Doug Mayo** – Can you turn off...?
262
263 **Johnathan Thompson** – I’m right along Kailan’s property.
264
265 **Olivia Story** – You’re part of the green part. The green overhang.
266
267 **Johnathan Thompson** – Is it the green?
268
269 **Doug Mayo** – Are you part of the Thompson with the corn maze and the pumpkins?
270
271 **Johnathan Thompson** – Correct! Correct!
272
273 **Doug Mayo** – Ok I don’t think that’s where you are but ok.
274
275 **Johnathan Thompson** – Well like I said I’m not very good at looking at that. Right there.
276
277 **Doug Mayo** – Yes, they’re right there.
278
279 **Johnathan Thompson** – There’s a bunch of different little parcels in there. And so I don’t
280 know, I just, I came here to represent the farm and family. Give you our opinion of what’s
281 going on here. I understand to stick to the fact so I won’t make any speculation on
282 exactly why this is happening, why it is, but I do believe there is a couple of issues here,
283 obviously the thin property, he eluded to the property south of this proposed annexation
284 doesn’t seem to have been considered. Actually it’s closer to the sewer treatment plant
285 than the proposed annexation and it would fit more logically into the development of
286 the town. That also, the fact that you’re going to run this development up against the
287 graveyard of this town, where a lot of our family’s buried and when there’s funerals there,
288 from time to time, and you’re going to have a construction site perpetually there for a
289 foreseeable future right next to this, which doesn’t have to happen. It’s happening I won’t

speculate why, cause that's not factual, but there is no reason to do what they're doing other than, well like I'm saying, there's other places to build the housing that is wanted. And so I would ask why it's important to have this particular 40-acre lot versus the other places already that are in urban growth, which are developable right now and you don't have to jump through any hoops. The pieces that is south of this proposed area is already in commercial, so you don't even have to, you just have to transfer it out of commercial into residential and bam, lickety-split, you got this done. So, I'm sure I'm not seeing some things all the professionals here are but I do think I see some things that maybe you don't. So that's what I got to say. Any questions?

Tua Vang – Actually I did read your letter and I did see that you did comment on those things. No, I appreciate your comments and the Planning Commission will look at them at and consider them.

Johnathan Thompson – Okay.

Doug Mayo – Anyone else?

Eugene Thompson – I'm last on the list to sign in.

Tua Vang – It doesn't matter. If you guys could speak up a little bit. The folks at home can't really hear that well.

Eugene Thompson – I'm Eugene Thompson, I represent Suntaree and Roxanne Thompson at 9131, 9133 Old Naches Highway where this little divot in here right across from Dunn Farm. And I got the email you see and I did a whole lot of math homework on that. Just looking at what's in Naches what appears to be the available number of lots and if they want to develop Naches for Naches and not move into the Yakima County area, I believe there's enough lots, granted one house per lot, not a duplex, triplex apartment building, anything like that to serve population growth. But I believe there's an excess still of about 23 lots. So moving out of Naches, I don't know why Naches, they don't want houses built. They don't want neighbors so people in the county need to accommodate new neighbors. I'm not really sure what's going on there. Other spots I just didn't really know with like the flood plains. I know you can build on that if raise the lands. I'm just curious because I've seen that in the Zillah area where there's marshes swamps and other areas, does that incurred by the builder is that a cost to Naches, and if you have to put in three feet of rock and backfill to raise it out of a plain who incurs the cost? Also with that is when you're running sewer lines and city water lines, I'm curious who incurs the cost? Because that is a big relevance to the issue is how close these outside areas are to city utilities. Zillah Lakes is a prime example. I actually reside in Zillah. My parents, sisters, they're in that Naches property area. Zillah Lakes had a heck of a time because they didn't really plan their sewage correctly and they to pump uphill to get to, from Zillah Lakes to Zillah. So I'm not sure who incurred that cost. I thought there was some grant things like that. So I'm not sure if this is cheaper for the taxpayer for whomever might want to come and build? The only other comments, I see it as two ways in particular I invested in it because I'm one of the potential heirs of my parent's property. My sister is the primary. I'd be considered secondary. I may be there someday. My childhood home not really there because the lots around it have already torn up the orchards. It's still nice open country land. Not what I'm used to. But if the area across from it, Dunn's property ends

up with a minimum of one house per 0.2 acres, you're looking at what 30 neighbors? At least one or two cul-de-sacs that go in there. I know my mother does not appreciate that. Neighbors that bring in anywhere from barking dogs to trash on the street or sidewalk. She wants to retire in the country. So country dream, be out in the country. You could view it as those dreams. Same with Dunns. I'm sure they're on the phone. I thought I saw them on there. If they have a dream of giving it to their kids, grandkids. Even if they're not actively using it now, as what's shown on satellite images, maybe he's just old and doesn't have the energy, but he still wants his kids, grandkids, someone else to farm it in the future, not resilient residential. That's up to him I believe, that's his choice that he can make or his heirs can make. In along with that, it's six acres, it may not meet all the criteria for AG impact. I think she can do quite a bit with six acres, anywhere from heirloom hops for microbreweries. You can still make money. Corn mazes and pumpkin patches or expanding ones that already exist can bring in money. Possibly a rare breed of grape for a small winery for drinking money. It can still be agricultural. It's already irrigated. The pipes are still in the ground I believe, the last time I drove by. And the soil is good. The gradient's good and we see all that in the AG impact and have cultural things like that. So I think it's still viable even if it doesn't specifically meet all the criteria, most of those criteria that knock it down, is because it's near the city. Inevitably, everything is near city. Cities always grow despite the fact that enrollment in the school is down. I don't know if that's the chicken or egg. I don't know if it's down because there's not enough housing or the other way around if people aren't interested in moving into Naches. Building houses might not necessarily prove that but looking at school enrollment, but the marker could be an indicator. But that's the other inevitability, is okay, well eventually everything becomes city. 50 years from now, 100 years from now, city should grow. But if it does, look at the old highway and all the other properties along the old highway going all along the county road is pretty big and pretty spacious. You can see how their size versus these small ones in the city. I know that you can't guarantee who comes in and who develops, and what they do, that's their choice when they get there. My parent's primary concern is, it's going to be highly packed. Just like the other one that came in on the other part of the city from someone I think is biased in the development of that area. If it's going to be an inevitability, it'd be one thing if it's one house per acre. Six neighbors. Nice big lawns. You still have that country feel. If it's duplexes and 30 houses. I lived everywhere in cities, duplexes, apartment buildings, suburbs, cul-de-sacs, you want to come back to the country when you're older. Everything else on old highway are pretty big, pretty spacious. City of Zillah, commercial businesses that come in are supposed to adhere to their motif. They want all the new businesses to look like some kind of Tuscan winery theme. So restaurants have to conform to that. I doubt there's any kind of stipulation that says these lots need to be bigger, conform to a county type motif would be nice but I think that's primarily the concerns of my parents is again why aren't they developing in Naches if this is about Naches population and why are they creeping into the county. And other things that J. L. said I can't go into conspiracy theories or things that don't have solid proof just conjectures. So I guess that's all I really have to say. Any questions? I kind of talk fast on that.

Doug Mayo – Ok let's go to the phone calls. Tua who's got the control on that?

Tua Vang – Hey Phil? Why don't you go ahead and go through and call one by one and see who wants to testify virtually?

388 **Phil Hoge** – Okay, can everybody hear me?

389

390 **Noelle Madera** – Yes, I can.

391

392 **Phil Hoge** – Okay. How about...? I don't know who that first person testifying was so I hope
393 I'm not repeating but Kailan Dunn Jr.?

394

395 **Kailan Dunn Jr.** – Yes, can you hear me?

396

397 **Phil Hoge** – Yes.

398

399 **Kailan Dunn Jr.** – Okay, yes, my name is Kailan Dunn Jr. I own three parcels that are
400 adjoining two on the from the east side and my father and mother who you will hear
401 from, yes, right there, here soon, owns some parcels just to the west and. My, I grew up in
402 this area and ended up purchasing some parcels right next to my parents with the dream
403 someday of being able to farm more parcels, and my wife and I, both moved out here
404 from the West Valley area. We lived in a development out there and we moved out here
405 to, with the one purpose of just being able to raise our daughters in the country in a rural
406 area where they run around, drive four-wheelers, have cattle, have orchards, and just
407 live a rural lifestyle. I, I'm very worried about what the city of Naches is proposing here as.
408 It really takes away from why we moved out here and it takes away from being able to
409 have cattle right up against the growth, Urban Growth Boundary, where someone's
410 trying to tell us that we can't raise cattle there, and one thing that I think that frustrates
411 me I heard earlier is the soil and kind of how good it is for agriculture, and I am in the
412 agriculture fruit industry myself and one thing that we all know is this, this area is very good
413 ground for lots of varieties of pears and apples in particular honey crisp apples I'm sure
414 all of us like to eat and so it's just I hate to see agricultural ground taken especially when
415 they're in good senior water rights and this is very old agricultural ground. So I'm just very
416 much opposed this as, this isn't why we moved out here and I don't know if we would
417 stay out here if this was the case. I think all of my neighbors and myself included are out
418 here so we do not have to have neighbors right next door. So also another issue I see is
419 spraying. When we spray for our pears and my parents spray on their apples, that's going
420 to be a major concern. I know it has been on many other properties where drift of spray
421 is an issue and I don't want to have to deal with that. I work full-time in town and I want
422 to be able to farm on the side and I just don't want to have to deal with the regulations
423 of having an Urban Growth Boundary right next door. So, if, are there any questions at
424 this time from anybody? I can go on all night because, this is, I'm very, very passionate.
425 I'm very passionate about this and it's just something that I hope does not happen. And
426 you probably hear my daughters in the background, sorry.

427

428 **Doug Mayo** – Yes, thank you.

429

430 **Phil Hoge** – Thank you Mr. Dunn. The next person I'll call on is someone named Mike.
431 There's no last name given. It's not Mike Shuttleworth. It's another Mike apparently. I'll
432 send you an. You're somehow Mike but not through the platform we're using because I
433 cannot unmute you.

434

435 **Noelle Madera** – Yes, I don't know that we've heard from that Mike the whole time so
436 I'm not sure.

437
438 **Phil Hoge** – I think you're right. He may have, he may have mic, unconnected mic or
439 something. So let's move onto the next person. Someone named Tiffany. We don't have
440 a last name again and she's the same situation. She's showing as muted but I cannot
441 unmute her.
442
443 **Doug Mayo** – Is there another phone number they should call or...
444
445 **Phil Hoge** – There is a phone number. They could call in on yes.
446
447 **Doug Mayo** – Assuming they can hear us.
448
449 **Phil Hoge** – Is it on the agenda?
450
451 **Kyle Curtis** – It is on the agenda yes.
452
453 **Phil Hoge** – Can someone read the number off on the agenda for people that want to
454 testify that aren't able to speak yet? Mike and Tiffany in particular.
455
456 **Kyle Curtis** – Yes, I'll go ahead and read the numbers. So the number is 1 (571) 317-3122.
457 And you'll need to input an access code which is 379825941.
458
459 **Doug Mayo** – You'll probably have to go through that again.
460
461 **Kyle Curtis** – Should I go through it one more time?
462
463 **Noelle Madera** – I don't think so.
464
465 **Phil Hoge** – Yes.
466
467 **Noelle Madera** – Oh go ahead. Yes, that's fine.
468
469 **Kyle Curtis** – Go ahead?
470
471 **Doug Mayo** – Sure.
472
473 **Kyle Curtis** – Sure really quick. The number again is 1 (571) 317-3122. The access code is
474 379825941.
475
476 **Phil Hoge** – Thank you. So let us try to go onto the next person. Roxanne Thompson is
477 another one that cannot be unmuted so that's three people that maybe having audio
478 problems.
479
480 **Noelle Madera** – She's unmuted now.
481
482 **Roxanne Thompson** – Hello?
483
484 **Phil Hoge** – Oh there you go. Okay.
485

486 **Roxanne Thompson** – Hello?

487

488 **Phil Hoge** – Yes, we hear you Ms. Thompson.

489

490 **Roxanne Thompson** – Sorry. Okay.

491

492 **Phil Hoge** – Go ahead.

493

494 **Roxanne Thompson** – It's myself and my mother here. We live at 9131 Old Naches
495 Highway. So we are across from Mr. Dunn. And it sounded like earlier you had said that
496 there are lots within town limits that you're not sure why you didn't have a reason why
497 they were not being developed which is a little concerning to me. But my, we've been
498 here for five generations. I brought my children out here to raise them because I didn't
499 feel that I didn't feel that I didn't want them in town. I lived in Seattle. I brought them
500 back out to Naches to grow up here. This is where I grew up, my brother grew up. We
501 were used to running around outside. We didn't have to worry about neighbors that
502 might come take something that's not theirs. We didn't have to worry about drive-bys. I
503 have noticed that since I have returned it sounds like I hear about more break-ins and
504 vehicle problems in Naches than there were when I was growing up. And I feel that some
505 of that is related to there are more people here. People are coming in from Yakima that
506 don't necessarily have the best goals but I understand the need to develop but you're
507 looking at properties that have been in families for generations and the plan was to pass
508 those properties onto their children. I think that there's a better way to develop the town
509 rather than taking property from families that have been here for a very long time. That's
510 all I got.

511

512 **Doug Mayo** – Thank you.

513

514 **Phil Hoge** – Alright thank you, Ms. Thompson. We'll go on next to Sue Dunn.

515

516 **Kailan Dunn** – Hi. I'm Kailan and Sue's husband. And Sue and I moved here and bought
517 our farm in Naches in about 1973 and we raised our families and I was an agriculture
518 teacher for many years but I farmed on the side and now I'm able to farm full-time but I
519 hate to see good farm ground taken up in housing. One of the properties that adjoins
520 me on two sides has probably the best water rights in the valley and that as most of you
521 know is probably worth more than the land and it's good agricultural ground. I don't think
522 that a housing development should be put in a piece of ground that could be used for
523 prime agricultural ground. Again, there's, as been stated by many of the other people
524 here, there's a, all of us like to live in a nice area and I can understand why they might
525 want to develop the area and try to have more people out here but as I've notice,
526 people bring problems and whether it be dogs or water or whatever, I think we've got a
527 wonderful place to live and I think right now that there's some ground that can be
528 developed in town. There's ground to the south by the railroad tracks around the
529 treatment plant that would make a fine area. I know it's already in the agricultural zone,
530 not in housing maybe but to me that's where housing should be adjoining the McDowell
531 addition, not taking up a good piece of farm ground. I hope you'll consider this. Thank
532 you.

533

534 **Doug Mayo** – Thank you Kailan.

535
536 **Phil Hoge** – Thank you.
537
538 **Sue Dunn** – Can I say something? May I say something please?
539
540 **Doug Mayo** – Certainly Sue.
541
542 **Phil Hoge** – Yes.
543
544 **Sue Dunn** – Sue Dunn. And I’m Kailan Dunn’s wife and Kailan Jr. Dunn’s mother. But I’m
545 just asking a question. I know that there’s a growth plan right now, management plan, to
546 the west of town and I’m just wondering why that can’t be finished. There seems to be
547 land over there. Is it still available from what I’ve heard?
548
549 **Kailan Dunn** – That’s part of it. It’s in this plan Sue. They’re trying to annex ground over
550 there too.
551
552 **Sue Dunn** – Can you hear me?
553
554 **Phil Hoge** – Yes, we can.
555
556 **Sue Dunn** – Alright, anyway I just wondered why that isn’t being finished or annexed
557 there? My question.
558
559 **Tua Vang** – Mr. Chairman, can I kind of answer that question? Basically I think that would
560 be a better question for Jeff Ranger. And I mean I don’t know why he would not look at
561 those options too or why he’s looking at options outside, but I mean ultimately that’s a
562 question that I think only Jeff could answer. Even when you’re making these proposals,
563 there’s a lot of things that you have to take into consideration like, he, part of this I mean
564 the town makes its own decision. They don’t even have to actually talk to the property
565 owner’s to even propose to bring their properties into the Urban Growth Area and so I
566 don’t know if you guys reached out to Jeff and ask him why they don’t consider some of
567 those and then, if there’s lands that can’t be developed, we can look at removing some
568 of those in the future too. But I think it’s kind of a conflict where we have to look at resizing
569 Urban Growth Areas and then we have to look at preserving agriculture too. And so it
570 makes it difficult for us to make those decisions without those types of considerations
571 because if we have to look at removing people out of the Urban Growth Area, those
572 people probably have wanted their lands in, to be annexed someday, so that they could
573 look at selling them off and retiring also. And maybe they’re just not ready to sell those
574 properties either but yes, I don’t have a really good answer for you, but I think that when
575 it comes to the town and how they want to develop, that’s a question that you would
576 have to ask them. We just have to work with the towns and try to figure out whether these
577 lands are good to be brought into the Urban Growth Area or not. So hopefully that kind
578 of helps.
579
580 **Sue Dunn** – Okay. Thank you. Thanks.
581
582 **Phil Hoge** – This is Phil Hoge with staff. I’m sharing my screen. I hope that you can see it so
583 you can get the call-in number so people can get the call-in numbers if you’re trying to

reach us and are unable. So the phone number, there is 1 (571) 317-3122. It's in blue and then the access code follows it if that can help anybody. Noelle, can you call on the next person because while screen sharing and I cannot see who's on anymore?

Noelle Madera – Yes, it looks like maybe Jeffrey Davis is next.

Phil Hoge – Thank you.

Jeffrey Davis – Alright. Can you hear me?

Phil Hoge – Yes.

Noelle Madera – Yes. Go ahead.

Jeffrey Davis – Okay, so yes, I'm an adjacent property owner. 9140 Old Naches Highway. I'm not in favor of the R1 designation and that change doesn't seem to fit in with the nature of all the adjacent properties which are either farmland, active farmland, recently inactive farmland or larger parcels with say single residents or sometimes a couple houses but really, I have to agree and concur with all the comments that have been expressed so far against this proposal. And I guess I find it surprising that the town I mean I know Jeff Ranger's, not, couldn't be here but I'm surprised that the town couldn't have anybody here to respond to any questions. And it does seem a little disconcerting that the town didn't go into any details with the Yakima County Planning Commission. And then you guys don't seem like you're required to kind of ask for those details and yet you could, the staff recommendation that was on the screen earlier was that you recommend that all eight parcels be added or amended or whatever the right terminology is so. That just seems to be like there's a little bit of a disconnect or the perception from a citizen is that it doesn't feel like you really have much say in the process that you can speak out here but is it really going to make a difference

I guess, so it's hard not to have that perception, just knowing that there's not really anybody here that could respond to those questions that should be directed to the Town of Naches. And I guess I did have a question. I don't know how this works, if I can ask a question of the Planning Commission but can these changes actually be made without the concurrence or without agreement from our parcel owner. So that's a question I haven't heard the answer that yet. It is it is disconcerting here there's lots or areas within the town limits that aren't being developed and yet the town wants to go outside of the, into the unincorporated area to look for Urban Growth Area. I guess the other the second question I would ask is why is this an off cycle change? Why does it have to happen now? What's driving that? So that's all the comments I had but I did have the two questions I don't know if that's something that you can answer here?

Tua Vang – Hi this is Tua again. So can you repeat your first question?

Jeffrey Davis – Okay so can these changes be made, can this amendment to the Urban Growth Area actually add parcels where the owner of that parcel is in disagreement and does not want their property added to the Urban Growth Area because it was already shared earlier I think when you were kind of going over the proposal that the Mills property I believe they're not in favor but their parcel is one I know that in a at least one of the other neighbors of mine I think didn't even realize what was going on and so is he not in

favor or does he even understand what the process is that's going on right now so I can't speak for him but I do know that the comment that I heard was that what's this all about. So can this kind of change happen if the parcel owner is not in agreement or doesn't even, is not aware I guess?

Tua Vang – Yes, and I think that's a great question. I really appreciate you sharing that with us and. Yes, that's why we have this public process. Whether the Town of Naches proposes all those parcels would be brought into the Urban Growth Area or not. Whether staff makes a recommendation to approve, not approve, the recommendation it's really this process that you guys have an opportunity to come and talk and testify in front of the Planning Commission, to help them. Ultimately it comes down to the Board of County Commissioners to make that decision. And so everything is taken into consideration. And that's the thing, I know that the Mills they're mostly concerned about just they just purchased that property. They just divided their house off onto a one to three-acre lot and they plan to farm the other lot and once you do that with an AG small lot you can build another home and then wait another 15 years and divide it. So whether it gets divided now or later it's up to them and it's going to take some time to do that. However even if it's brought into the Urban Growth Area whether they end up selling it down the road 10, 20 years from now it's in the R1 zoning district, it's in the County's jurisdiction, you can farm on that land for as long as you want. It's just that it would just be an urban zoning. It would be brought into the Urban Growth Area and it doesn't mean that it's automatically going to get developed, and so. But there's a lot of things to consider and so this is an opportunity and that's why we notice people so that they're not blindsided that the town is proposing to bring their property into the Urban Growth Area. And not only do we notice people within 300 feet of the properties, that are going to be subject to consideration, we also post the legal ad for this hearing. And so this is an opportunity, and then you'll have another opportunity depending on what the Planning Commission does whether they decide to approve, deny, modify staff's recommendation and the town's proposal you'll have another opportunity at the Board's hearing to testify again and make your case to them as to why these shouldn't be brought into the Urban Growth Area. And so, I understand where you're coming from. I feel like this should be something taken into consideration where the neighbors that are actually property owners of these properties should be notified, should be discussed, but it kind of makes it a little difficult too because Jeff is a town administrator and he is also a developer. So there would be a conflict of interest for him to work with these property owners whether he buys these properties or not. And so beyond that, I'm not sure why these properties but like I said he proposed them and we looked at them and I felt, staff felt, that basically the land within town, the lots are too small. If you're going to actually do a lot of homes, and then the lands that are too big are basically still being farmed and who knows when they'll sell them, or if they'll sell them. And so that's kind of where Commerce comes in and the primary Commerce wants us to work with the cities and towns but then we can't force them to reduce their years of growth to remove people who are speculating their R1 properties to be sold for retirement. So, who none of them want their lands out they want to continue to farm make money in hops, make money in orchards, but they're not ready to sell yet. So it's difficult. It's kind of a balance act that I think the town faces most of the cities do. Town of Tieton, they have 400 years of growth. They still wanted more land last time we talked to them and basically, they wouldn't even swap 10 acres for 10 acres to be put in, to be taken out. And so, I understand your frustration but those are just kind of things that we have to work with. And then what was your second question?

682
683 **Jeffrey Davis** – Oh why is this an off-cycle? So is there some reason why that the town is
684 doing it now cause you, that's, you kind of clarified which was helpful. I know when I saw
685 the notice of that, well what's the emergency? Is it, why is this called an emergency? So
686 I understand that now but what's the reason that it's an off-cycle change that the town
687 is wanting?

688
689 **Tua Vang** – There's no secret to it. Basically like I said, GMA allows cities and towns and
690 counties to basically update their comp plans once every year but no more than once
691 per year and so this stuff besides that what we have in our code under the county-wide
692 planning policies with the cities and towns is that we have a two-year cycle a five-year
693 cycle and then the eight-year cycle with the GMA update every year for the comp plan
694 update and that's the time when people can do map and text amendments. And so
695 beyond that we don't have a one-year cycle for that stuff. And so in a situation where a
696 town or city wants to come and propose to us, not during those cycles, then they make
697 a recommendation, they make their requests to us, we forward it to the Board of County
698 Commissioners, the Board of County Commissioners review it, and they look at it and say
699 yes this would be, go ahead Planning Division you guys can go ahead and do a review
700 of their proposal and take it through the public process, and, but yes there's no
701 emergency. It's just an off-cycle amendment because we don't have the one year. We
702 don't have we didn't, we basically didn't adopt GMA's guidelines into our county policies
703 and so we still can use GMA, their provision that allows us to basically look at updating
704 our comp plan once a year, and this is this is the one this year that was made to us in
705 March. And so, okay? Alright I hope that answers your question.

706
707 **Jeffrey Davis** – Yes that helps.

708
709 **Doug Mayo** – I just wanted to emphasize to everyone that regardless of what this Board
710 does this evening or in the near future, that whatever we do, that action will go to the
711 County Commissioners, whether we voted up, vote it down, split the vote whatever, that
712 goes to the County cCmmissioners, they make the final decision on what happens. And
713 that's, so they just look to us as kind of a sounding board and then we move it forward.

714
715 **Jeffrey Davis** – So this Board just pretty much gives a recommendation based off of
716 feedback you receive at this meeting to the County Commissioners, all the County
717 Commissioners?

718
719 **Doug Mayo** – Well I'm assuming they get the whole packet, right?

720
721 **Tua Vang** – They do. They will basically, what will happen is once after the hearing is done
722 and closed and you guys go through deliberations, make your recommendation, then
723 we'll do a draft findings and then we'll set up a study session with the Board of County
724 Commissioners, all three of them, if they're all there and then we'll make your, we'll
725 forward your recommendation to them, and then we'll have another open public record
726 hearing, and there'll be more opportunity for the public to testify, and raise some issues
727 or concerns or support or whatever they want to do to that, and then the Board will
728 eventually make a decision based off of all the information. But yes, they are the final
729 decision-makers.

731 **Jeffrey Davis** – And we will be getting mailed documentation on when the next hearing,
 732 is that correct?
 733

734 **Tua Vang** – Yes, I will forward everything to you, everybody that sent in a comment letter,
 735 everybody within 300 feet of those properties. You're all parties of record now and so if
 736 even if you're one of the neighbors that got mailed something and I got your email and
 737 said hey Tua you I just want to make this comment. I don't live near this area but I want
 738 to provide this. You're a party record, you'll get notified of the open public record hearing
 739 with the Board of County Commissioners.
 740

741 **Noelle Madera** – Okay, so I think we can move on to the next person. Mya looks like. Mya
 742 you are muted still. I don't know if you muted yourself? Phil, I don't really have access to
 743 the back end so I'm not sure if you want to stop sharing the thing so that you can check
 744 to see if you can unmute people?
 745

746 **Phil Hoge** – Yes, well I can't, I cannot unmute her. I tried.
 747

748 **Noelle Madera** – Okay.
 749

750 **Tua Vang** – We have too, Noelle. We actually have administrative changes...
 751

752 **Phil Hoge** – Oh, she's here.
 753

754 **Noelle Madera** – Okay Tua.
 755

756 **Phil Hoge** – Mya's here.
 757

758 **Mya Stivner** – Hi. My name is Mya Stivner and I live on the Walker's property. My boyfriend
 759 Connor Phelps is their grandson and we are currently living on their property. We are
 760 planning to buy this property from them so this is kind of our future we're looking at here.
 761 And it's concerning as well to us that there's not really a say for why they're not
 762 developing in the Town of Naches. It brings some questions forward on if they're really
 763 looking. I also have a concern with the condition of Old Naches Highway. Is there
 764 anything in this that goes to the road conditions? So I don't know about anyone else but
 765 I get in a car wreck almost every time at the intersection of Allen Road and adding some
 766 more to that kind of brings some concern. I don't think I have any specific questions but
 767 we were in attendance in the fact that this affects our children, our future children, and
 768 the property we own.
 769

770 **Noelle Madera** – Great. Thank you. Mike, can we try you this time? Tua and Aman can
 771 you, have you guys tried unmuting Mike?
 772

773 **Phil Hoge** – Cannot be done.
 774

775 **Tua Vang** – We have been trying everybody.
 776

777 **Noelle Madera** – Okay.
 778

779 **Tua Vang** – I think they'll have to do it themselves.

780
781 **Noelle Madera** – I'll move on to Tiffany then. Tiffany?
782
783 **Tiffany** – Yes, so I'm here. I'm sorry you have to allow the app to use your mic. So I got
784 that figured.
785
786 **Noelle Madera** – Oh okay.
787
788 **Tiffany** – So it is something on our end that we're not doing. So I live at 9480 Old Naches
789 Highway, which is actually the last house in the city limits, but I also have vacant property
790 up on Old Naches Highway. One of my concerns is I'm hearing, excuse me, I'm hearing
791 that you don't know why Jeff Ranger wants to develop this. He's a developer. He's a town
792 administrator. I'm going to say what everybody else is thinking. He's going to (inaudible).
793 I know that you guys can disagree with that but it's going to happen and that's why this
794 is happening. That aside, my concern is the condition of Old Naches Highway. I used to
795 jog that road all the time. The road condition is terrible. You can barely get two cars
796 passing each other and then you're going to put more traffic on that road. You guys have
797 said we have cops out there, we have one deputy that has to be assigned to the Naches
798 area four hours a day. So bring more people to that four hour a day deputy and we're
799 just going get more crime. I live out there, I am in the city limits, but I live out there because
800 I want the country living. There's other land that Jeff can develop. He doesn't need to
801 take it away from these farmers and that's about all I have to say.
802
803 **Noelle Madera** – Thank you. And then Stacy and Ryan Mills.
804
805 **Stacy and Ryan Mills** – Can you hear me?
806
807 **Phil Hoge** – Yes, we can.
808
809 **Stacy and Ryan Mills** – Okay. We don't need to take up a lot of time but I think it's probably
810 clear we don't want to be part of this. We didn't buy our property to be changed from
811 AG to residential and there is other property that can be developed, but it doesn't need
812 to be ours. We didn't know that this was happening and we were surprised when we got
813 the paperwork for it, so we just want to make sure that it's on record we don't want to be
814 part of this.
815
816 **Noelle Madera** – Thank you. And then I think Mike is the last one so we'll try Mike one last
817 time and see if he can get unmuted.
818
819 **Phil Hoge** – We understand Mike that you have to somehow and allow your application
820 to use your mic.
821
822 **Noelle Madera** – It looks like he might have dropped and is maybe we'll see if he tries
823 again. But I think that's everybody Doug and I guess we can just monitor to see if Mike
824 tries to get back on, but that's everybody that is, that I'm seeing.
825
826 **Kailan Dunn Jr.** – I don't know if it's property quorum but I, this is Kayla Dunn again and I
827 totally agreed, Jeff Davis brought up some really good points and I guess one of the
828 points that he brought up, I have the same question. Does it make any difference what

829 we think or is this something that is going to be probably railroaded through by our city
830 administrator?
831
832 **Noelle Madera** – Doug do you want to answer that or do you want me to take that?
833
834 **Doug Mayo** – It's up to the Board of Commissioners.
835
836 **Noelle Madera** – Yes.
837
838 **Doug Mayo** – We'll do what we do but the final vote is with them.
839
840 **Noelle Madera** – So I would make sure that you show up to the Board hearing also and
841 so that once we're done with all of the public testimony, the Planning Commission will
842 make their recommendation, and then that will be forwarded, kind of like what Tua said,
843 and so I would also make sure that you show up to the Board hearing just so that you can
844 have your public comment again. And then Mike did you want to?
845
846 **Kailan Dunn** – This is the Board of Commissioners?
847
848 **Noelle Madera** – Board of Yakima County Commissioners correct. And like Tua said he'll
849 provide, just similar to the way that you got this information for this hearing, you'll have
850 something similar sent to you.
851
852 **Kailan Dunn** – Thank you.
853
854 **Noelle Madera** – Mike do you want to try one more time to unmute? I don't think that he's
855 able to unmute so I think it's back to you guys.
856
857 **Tua Vang** – And I just want to share one more thing, is that we accept comments even
858 though I've sent out a request for comments earlier with the first 14 days for SEPA and
859 then I sent out another comment 14-day period for the open record hearing today and
860 the actual SEPA threshold. There's, we accept comments all the way up to the Board of
861 County Commissioners hearing and they'll accept comments, your additional testimony
862 then also. And so, if you've got any new information, any new concerns stuff like.
863
864 **Noelle Madera** – That'll be part of the notice. Yes, that'll be part of Tua's notice.
865
866 **Tua Vang** – (Inaudible) your comments to me. If it's anything new than what you've
867 already submitted okay.
868
869 **Jeff Davis** – And can you maybe share a time, approximate timeline are we for the, when
870 would the Board of County Commissioners meeting be for this, is it six months, is it three
871 months, is it just so that we kind of know what the timeline is?
872
873 **Tua Vang** – It's going to be kind of hard to make that determination because after the
874 hearing, basically either the Planning Commission deliberates today, and makes a
875 decision today. Or they can wait and take some time to think about it and deliberate at
876 the next meeting. And then that next meeting is if Planning Commission regular meeting
877 deliberations is every second Wednesday of every month. And so it's going to take some

878 time to possibly do that but if they deliberate today, we potentially could have something
879 to the Board. They the Board usually likes; we like to work backwards from them. It's usually
880 like a, Noelle correct me if I'm wrong but it's like, what, we work backwards about two
881 months out from them?

882
883 **Noelle Madera** – Well I would say yes that's correct but at the earliest the hearing would
884 be late October. But that's just a rough estimate, a complete rough estimate. So just
885 make sure that you're paying attention to the notice that you received for this hearing.
886 I'm assuming most of you got it through the mail so just kind of keep paying attention to
887 that, but I would say the earliest would be late October.

888
889 **Jeff Davis** – And then Tua will we hear what the Board, your Board, decides and
890 recommends to the County Commission, when will that, when will we hear kind of their
891 decision and recommendation?

892
893 **Tua Vang** – That is that is up to them. What they want to do. So it's up to the Planning
894 Commission as to when they want to make that decision.

895
896 **Doug Mayo** – I'm thinking in about 20 minutes. If not sooner. We'll kick it around here in
897 front of you and take a vote.

898
899 **Tua Vang** – Yes, you can deliberate today if you'd like and make a decision.

900
901 **Doug Mayo** – And I think it's time to do that. On the deliberations, I want to split the two
902 parcels, that are the two areas, and all of the people here are with the what's listed as
903 the Kel-Lowry Road, which is I don't know where the name came from, but anyways
904 which is the area that I think is a concern of everybody here.

905
906 **Tua Vang** – Mr. Chairman are you deliberating now?

907
908 **Doug Mayo** – Yes.

909
910 **Tua Vang** – So you need to close the public hearing.

911
912 **Doug Mayo** – Close the public hearing and we'll move on to deliberations. It's the public
913 hearing only on the Naches.

914
915 **Mike Shuttleworth** – Mr. Chairman?

916
917 **Doug Mayo** – Yes?

918
919 **Mike Shuttleworth** – I, I'm just concerned that we had a lot of requests for questions to be
920 answered and Mr. Ranger was not at the meeting and I have some additional questions
921 too related that probably he's the only one that can answer and also, I've always been
922 a stickler on having their capital facility plan for us to review before we make a decision.
923 I wonder if I can make a recommendation that we continue to the next regular hearing
924 date and that request Mr. Ranger to be there to answer questions.

925
926 **Doug Mayo** – Well we've got the capital facility plan in front of us.

927
928 **Mike Shuttleworth** – Okay I’m sorry but I haven’t had a chance to look at it. I know it may
929 be in front of you but it wasn’t emailed or anything to me, so I would like to review it before
930 I make a recommendation.
931
932 **Doug Mayo** – Well, would you like to make a, well okay. I’m again I’m going to close the
933 public hearing on Naches issue. And would you like to make a motion?
934
935 **Mike Shuttleworth** – Well that’s kind of my concern because if we close the public hearing,
936 we can’t take additional testimony and I’d like to have additional testimony.
937
938 **Doug Mayo** – I think that we should vote on whether we want to extend this or deal with
939 it now. I’ll just throw it out there.
940
941 **Mike Shuttleworth** – Well if it’s appropriate I’d like to make a motion that we continue the
942 public hearing until the next meeting which would be in October and request that Mr.
943 Ranger be there or at least answer those questions that were proposed by the about
944 (Inaudible) or why not the other areas and that kind of stuff and then give us a chance,
945 at least me a chance to look at the additional data that’s come in recently since I’m not
946 actually at the meeting and I believe some stuff was given to you at the meeting.
947
948 **Doug Mayo** – There’s been a motion on the table that we table this to the following
949 meeting, so further information can possibly be presented, Mike has an opportunity. All in
950 favor of tabling this say aye.
951
952 **Jerry Mellen & Kyle Curtis** – Aye
953
954 **Doug Mayo** – All opposed.
955
956 **Jerry Craig & Doug Mayo** – Aye.
957
958 **Mike Shuttleworth** – Aye.
959
960 **Tua Vang** – So.
961
962 **Doug Mayo** – So who said aye on the phone?
963
964 **Tua Vang** – Yes, we need to make sure we get that clear.
965
966 **Doug May** – Well it was two to two.
967
968 **Noelle Madera** – Can we?
969
970 **Doug May** – Here.
971
972 **Noelle Madera** – So the vote was two to two?
973
974 **Doug May** – Of the four people in this room.
975

976 **Tua Vang** – So which two said aye, which two said table, which two said no?
 977
 978 **Doug May** – Okay Kyle and Jerry.
 979
 980 **Noelle Madera** – We could just. Go ahead Doug I'm sorry.
 981
 982 **Mike Shuttleworth** – Can we do a?
 983
 984 **Jerry Mellen** – I would support tabling this.
 985
 986 **Doug May** – Okay.
 987
 988 **Kyle Curtis** – Same.
 989
 990 **Doug May** – So Kyle and Jerry, which Jerry are you?
 991
 992 **Jerry Mellen** – Mellen.
 993
 994 **Doug May** – Mellen. They voted yes for tabling. The other Jerry and Doug voted no. And
 995 then I guess Mike gets to vote. I'm assuming.
 996
 997 **Mike Shuttleworth** – I vote yes.
 998
 999 **Doug May** – I'm going to assume.
 1000
 1001 **Mike Shuttleworth** – On tabling it.
 1002
 1003 **Doug May** – I guess it's three to two.
 1004
 1005 **Mike Shuttleworth** – Can you hear me?
 1006
 1007 **Doug May** – To table.
 1008
 1009 **Phil Hoge** – Yes. We can hear you, Mike. I heard the motion as the hearing would be
 1010 continued.
 1011
 1012 **Noelle Madera** - To October.
 1013
 1014 **Doug May** – You're right the motion will be, there's three to two to continue the public
 1015 hearing to such time hopefully the next meeting that the City can be represented and
 1016 that Mike has an opportunity to see all of the material.
 1017
 1018 **Phil Hoge** – That would be October 13th, normally.
 1019
 1020 **Doug May** – Normally.
 1021
 1022 **Phil Hoge** – Second Tuesday, Wednesday.
 1023
 1024 **Doug May** – I have to apologize it's not going to be 20 minutes.

1025
1026 **Tua Vang** – It's how these things go.
1027
1028 **Doug May** – With that being said it's continued; guess we're going to move on to the
1029 other item on the agenda.
1030
1031 **Noelle Madera** – Can I just make it, just one statement is that the location likely might,
1032 won't be the same for the people that are in person. We won't know if it will be virtual
1033 only or try to do the hybrid like we're doing now. So just make sure you're paying attention
1034 to the agenda that goes out that will give you the location and if it's virtual and in-person
1035 or if it's just virtual. Just to make sure everybody knows. Thanks everybody for attending
1036 that attended for the Naches portion.
1037
1038 **Kailan Dunn Jr.** - Tua just a quick question so are we all going to sometime in October
1039 have to come back and test give our testimony again to the group or?
1040
1041 **Tua Vang** – If you don't have any new information and you already testified and I've got
1042 your comment letter, the Planning Commission has already got those comments and
1043 then all five Planning Commission members are here and Mike I'm not sure when you got
1044 in and did you get in when they testified or not, but we record these meetings and so if
1045 Planning Commission member came in a little late, they had the opportunity to go back
1046 and listen to it. But yes, you are more than welcome to come back and listen to the
1047 testimony that's being requested of Jeff Ranger, if you can make it, and then for them to
1048 make their consideration and deliberation for this. And so, you can come back and listen
1049 and because it is another hearing we will have to notice, and so. Actually, is that right or
1050 do we...
1051
1052 **Noelle Madera** – Actually, I don't think that's true Tua. I don't think.
1053
1054 **Tua Vang** – Is it just everyone here is just made aware, Noelle, that the hearing is
1055 continued? I believe right now is just your notice, is that correct?
1056
1057 **Noelle Madera** – I think that we'll have to double-check but I don't think that we have to
1058 re-notice the hearing because it was continued, during this hearing, and the date of the
1059 next hearing was already discussed at this hearing so I don't think that we have to do a
1060 legal notice for it, but we will probably send out an updated agenda since the location
1061 will likely be different.
1062
1063 **Kailan Dunn Jr.** – Okay. Yes, one thing, I guess just thinking, I appreciate trying to get Jeff
1064 involved and that's a good idea. What I fear is a month goes by, you've all heard that
1065 landowners that are adjoining talk and then we've already spoke our peace. And then
1066 a month goes by and we hear from Jeff. I'm just worried that without the testimony that
1067 day, that could persuade one way or the other which I don't know scares me, but
1068 understanding we do need more answers from him so.
1069
1070 **Doug May** – Excuse me do we know who's talking right now?
1071
1072 **Tua Vang** – Yes, it's Mr. Kailan Dunn Jr.
1073

1074 **Doug May** - Oh okay.
1075
1076 **Tua Vang** - Yes.
1077
1078 **Doug May** - Well.
1079
1080 **Johnathan Thompson** - May I speak?
1081
1082 **Doug May** - Certainly.
1083
1084 **Johnathan Thompson** - Is it my understanding that the reason this is going to be delayed
1085 is because Jeff Ranger is not able to be here today? Is that correct?
1086
1087 **Doug May** - That's one reason.
1088
1089 **Tua Vang** - Actually.
1090
1091 **Johnathan Thompson** - Jeff Ranger could not be here to answer the questions so
1092 therefore this is tabled for now? Correct?
1093
1094 **Doug May** - Well not tabled but continued.
1095
1096 **Johnathan Thompson** - But continued. Okay, I understand now. Very convenient.
1097
1098 **Jerry Craig** - I agree with the previous speaker. If those people oppose to this annexation
1099 are not here, would we postpone it until they got here? I don't see the reason for
1100 postponing it because the Town of Naches did not come here to support this move.
1101 That's why I voted not to continue this on. Let's make a decision and go about it.
1102
1103 **Doug May** - The engineer isn't here. The City didn't show up.
1104
1105 **Jerry Craig** - I think we have done an adequate job of notifying them that this was to be.
1106 How many times are you going to ask them? I'm done.
1107
1108 **Doug May** - Well we voted.
1109
1110 **Mike Shuttleworth** - Mr. Chairman this issue has been continued we probably should not
1111 be discussing it still until the next public hearing.
1112
1113 **Jonathan Thompson** - Alright, fine f*** this. Obviously, this is a God d*mn kangaroo court.
1114 F*** it.
1115
1116 **Doug May** - Okay. You're all welcome to stay for the next issue.
1117
1118 **Jeffrey Davis** - Can you repeat the date on when that next hearing is? I didn't get that
1119 written down.
1120
1121 **Phil Hoge** - October 13th.
1122

1123 **Doug May** – Well the tentative schedule, that’s.
1124
1125 **Jeffrey Davis** – October 13th and you'll send out an agenda to everybody that was
1126 notified through paper mail for this meeting I mean, so I'll get something in the mail?
1127
1128 **Noelle Madera** – We can do that.
1129
1130 **Jeffrey Davis** – Okay. Thank you.
1131
1132 **Noelle Madera** – Thanks everybody for attending.
1133
1134 **Everyone** - Thank you.
1135
1136 **Noelle Madera** – For those that aren't staying for the next topic thank you for attending.
1137
1138 **Eugene Thompson** – Can you give us a brief synopsis of what the next thing is about?
1139
1140 **Doug May** – Short-terms rentals have to do with Airbnb’s.
1141
1142 **Tua Vang** – Thanks, everybody.
1143
1144 **Jerry Mellen** – Can’t we talk off-record for a minute?
1145
1146 **Doug May** – Right now we're still in the public, well I guess I haven't opened the second
1147 public hearing yet.
1148
1149 **Olivia Story** – No.
1150
1151 **Doug May** – You're saying no.
1152
1153 **Olivia Story** – You haven’t opened it yet so you’ll have to open up the next hearing.
1154
1155 **Doug May** – Right. So right now every everything's, the first public hearing is closed. We
1156 have not opened the second public hearing, so, but I guess we can't talk about the issue
1157 that just went before us because we've continued it so we can't talk about it again until
1158 we open it back up again. We can talk about something else. Okay. Alright, it is 7:27
1159 open public hearing on LRN2021-00003 Short-Term Rentals. We all should have gotten
1160 them. Did you have a revised draft?
1161
1162 **Olivia Story** – It was posted online after you corrected that one that we posted online
1163 and we (inaudible) the changes from the last session.
1164
1165 **Doug May** – So you should have a copy of the proposed, that’s mine, the proposed
1166 language, the blue line draft that you got, they did, they failed to put the corrected part
1167 having to do with signage that we discussed at our last meeting. So what you were given
1168 a couple days ago is not completely accurate. Do you have something to hand out to
1169 us?
1170
1171 **Kyle Curtis** – That's the email version that's not the one sent in the packet so.

1172
1173 **Doug May** – Here it is.
1174
1175 **Olivia Story** – So in the updated version, we're talking about the signage, that was
1176 changed to read, to comply with the Yakima County Code sign language, not
1177 necessarily prohibiting signs on the properties. That's the change there and also in the
1178 updated language near the top or the definition include within the underlines there and
1179 Kyle that was your recommendation to include that in the following as well, not just the
1180 definition section.
1181
1182 **Doug May** – As we're in the second public hearing, I suppose we should quickly repeat
1183 the rules of order. Do we have anybody online?
1184
1185 **Noelle Madera** – I think just staff just. Mike and staff. I don't see anybody else and it is hard
1186 to hear Olivia so I'm not really sure where she's sitting in relation to any of the
1187 microphones.
1188
1189 **Tua Vang** – Do you just want to come over here?
1190
1191 **Olivia Story** – Yes.
1192
1193 **Doug May** – This isn't the best setup in the world.
1194
1195 **Olivia Story** – That's fine just leave it. Alright this is Olivia and I'm sitting next to the
1196 microphone. Can people hear me now?
1197
1198 **Phil Hoge** – Yes.
1199
1200 **Noelle Madera** – Yes.
1201
1202 **Olivia Story** – Okay great. So for the past couple months we had some work sessions on
1203 the short-term rentals. And this is a background. Can you show me again? I don't see it.
1204 Okay so as a reminder a short-term rental is a residential unit where the whole house or
1205 portions within that house are rented on a temporary basis, less than 30 days, to overnight
1206 guests. So currently our code addresses traditional bed and breakfast, not the Airbnb
1207 that we're talking about tonight or the short-term rentals. And the difference between a
1208 traditional bed and breakfast and these short-term rentals is the short-term rentals can
1209 rent the whole entire house to a renter rather than just one room that's a traditional bed
1210 and breakfast. The property owners do not have to stay on the site for these short-term
1211 rentals, and then also because there's no code associated with these there's no
1212 requirement for lodging tax, there, or sales tax associated with these short-term rentals.
1213 So the lack of the regulation right now can lead to a lack of the life safety standards that
1214 are associated with other bed and breakfasts.
1215
1216 **Doug May** – Could you slow down and be a little louder please?
1217
1218 **Olivia Story** – Is this better can you hear me now?
1219
1220 **Doug May** – Slow down. We're having trouble. I'm having trouble here.

Olivia Story – Okay, I’m sorry about that. Another thing that has been brought up is the lack of parking when there's increased traffic to the property. There's more of a need for parking, and then also like I said the loss of lodging and sales tax associated with these. So there's a list of criteria to change anything with the Yakima County Code. It has to be consistent with 16B.10.095, and within there is the GMA and the SMA, other comprehensive plan goals and policies, so any changes have to be compliant with those. So after a thorough review, staff has determined that these underlying criteria do meet that criteria. It meets it for approval. So staff is recommending approval of the draft text change. So subject to any public testimony or questions for you, that is the end of my presentation. We also did not receive any exhibits or letters of recommendation for or against on this. So there's no recommendation letters here. So that's the conclusion of my presentation. Are there any questions associated with this?

Doug May – So I suspect that you have no idea how many there might be because they're not registered?

Olivia Story – There's no way to register or count them. I spent some time and I did a quick research and I think I found about 225 that are in the county, but again that was just a rudimentary search. There's no process to actually count these like an official count. It was just me looking to see what was available online.

Doug May – And this deals partially with the wineries, I think that's one of the things that kind of brought this to the table?

Olivia Story – It could have been part of what was brought up in part of it but these are specifically for residential uses, whereas the wineries would be a winery or an ATO use, and then I have separate criteria for that.

Doug May – So we haven't, we're not dealing with that yet?

Olivia Story – We’re not dealing with the wineries yet, no.

Doug May – But you had you've had a meeting or two with groups to speak to that.

Olivia Story – We've had several meetings with the winery owners and we're drafting that recommendation and proposal right now and so that will come to you soon but that would be outside of what these are regulating. These are regulating just more of an individual owner not a winery owner.

Doug May – Has any one of these people been identified and are they aware that this is on the table?

Olivia Story – Besides the public notice, it through, the hearing public notice that was the notification and we did not notify individual ones. There's no way to contact them. If you go onto Airbnb’s website, there's no addresses or owners listed until you actually go through the process of booking a room. So there's no way for us to know who these people are. We can't contact them in other words. So the notice and the Herald for the public hearing was the most that we could do, I think.

Noelle Madera – Hi Doug this is Noelle. One of the reasons that we added this on something to work on was because people are coming into the County asking how to get permitted and the closest thing that we have in our code is the bed and breakfast and it doesn't really meet that, and that's what triggered us to work on this. If that helps at all it.

Kyle Curtis – It does for me, I think. For some reason I thought that we were having folks in the county or city complaining about Airbnb's but that doesn't seem to be the case it's rather folks are coming in trying to figure out how do I comply with the County because other counties are trying to regulate this type of rentals.

Noelle Madera – Correct and so we have had one issue with a code violation but it was more, not just that they were operating an Airbnb, but they were also living in structures that weren't habitable. They didn't have building permits for residential use. So that was kind of more than just the issue with the Airbnb but we do have for years we've had people coming in asking how what kind of permitting do they need and we just don't really have a good answer for them. But then also there's a ton of articles around the state and other jurisdictions that are having issues with them, and with the what Olivia talked about with the noise, and so I don't know that we have a noise or the parking issues yet in Yakima County, but if we had something in our code and somebody was having a neighbor that was maybe using an Airbnb, it would be easier for us to say well this is what you would need to apply for and then you would have to meet these criteria to operate legally in the county. So it would give us something for us to tell them. But right now, if your neighbor, you called a noise complaint on your neighbor there's really not anything we could tell them to apply for that makes sense. So that's what kind of spurred us to work on it.

Doug May – Any questions from the Jerry's? Comments?

Kyle Curtis – No I think I've got my, well there's just the comment is I think it would be extremely hard to enforce this, right? And I don't think that's the intent. I don't think we're expecting the County to all of a sudden contact individually the 225 folks that are doing Airbnb and or reach out to Airbnb and instruct them that anyone with a certain zip code unless they show proof of a Yakima County business license that they're not going to be allowed to operate on their on their platform or their source. So I don't personally have an issue with this just because I think it satisfies some of the needs and the wants from the community there. And then it also sets us up, sets up the County, if there is an incident where an Airbnb becomes an issue, at least it's spelled out here to allow further discussion.

Doug May – Well and a guy might not like his neighbor and the neighbor having one and call up the County and said hey, then they find out he doesn't have a permit for that.

Kyle Curtis – Yes.

Doug May – Even though he's been doing it for the last five years because I'm sure they're not going to grandfather people in and then they have to go through the hoops to find out whether they can qualify. But one thing that comes up also is the tax, where it is in a way, you could argue unfair competition against an established hotel motel in town that

1319 is taking away someone that may have rented a room from them, go out to an Airbnb,
 1320 and so whomever loses a little bit of tax money plus the motel loses a customer.
 1321
 1322 **Jerry Mellen** – What was the basis for not taxing these facilities and taxing the others?
 1323
 1324 **Olivia Story** – I’m sorry I couldn't quite hear your question.
 1325
 1326 **Jerry Mellen** – My question is what was the basis for not taxing these facilities and yet
 1327 taxing others?
 1328
 1329 **Olivia Story** – These the way the draft text is written is these would be taxed. The plan is to
 1330 have them have a business license and be taxed just like an Airbnb or a regular bnb.
 1331 Right now there is no regulation so there is no tax but this would implement the tax.
 1332
 1333 **Doug May** – I think it's just kind of snuck up on them where they've been taxing the motels
 1334 and bnbs all along and then all of a sudden, they got a new industry out here the Airbnb's
 1335 the last couple years that kind of evolved and they just, the County and the taxman are
 1336 behind the curve on.
 1337
 1338 **Olivia Story** – So this would put them on the same playing field as a bed and breakfast.
 1339 Like a traditional bed and breakfast. Where they would have the same business license
 1340 and the tax requirements as they do.
 1341
 1342 **Jerry Mellen** – Are we saying that both of these facilities will be taxed?
 1343
 1344 **Olivia Story** – Yes.
 1345
 1346 **Jerry Mellen** – They will?
 1347
 1348 **Olivia Story** – Yes.
 1349
 1350 **Jerry Mellen** – Ok.
 1351
 1352 **Doug May** – Under this.
 1353
 1354 **Jerry Mellen** – Under this. Alright, that's correct.
 1355
 1356 **Olivia Story** – Yes.
 1357
 1358 **Jerry Mellen** – Thank you.
 1359
 1360 **Doug May** – Anyone one want to, any other testimony, comments, questions? I guess
 1361 we're still going to close the public hearing on this issue.
 1362
 1363 **Deliberations**
 1364 **Doug May** – We'll move on to deliberations. Somebody want to throw a motion out there?
 1365 To either I guess accept it or reject it as presented.
 1366
 1367 **Jerry Mellen** – I make a motion that we accept this.

1368
1369 **Kyle Curtis** – Kyle Curtis, I'll second.
1370
1371 **Doug May** – It's been moved and seconded that we accept the proposed language for
1372 Chapter 19.18 Special Uses and Standards on 19.18.420 Short Term Rentals. Comments?
1373 Jerry?
1374
1375 **Jerry Mellen** – No I think it's fair. I think this is a good start. Alright and it may be a start as
1376 these things develop but I'm willing to say that we need this on record.
1377
1378 **Doug May** – Kyle any comments?
1379
1380 **Kyle Curtis** – No I've already made my comments.
1381
1382 **Doug May** – So it's been moved and seconded. All in favor of adopting this, signify by
1383 aye?
1384
1385 **Doug, Kyle, Jerry Craig, and Jerry Mellen** – Aye.
1386
1387 **Doug May** – All oppose?
1388
1389 **Mike Shuttleworth** – Aye.
1390
1391 **Doug May** – Okay was the aye for, was the aye yes or a no? Mike?
1392
1393 **Mike Shuttleworth** – Aye, yes.
1394
1395 **Doug May** – Okay. So it's 5-0 yes. There's a delay Mike. So I guess I'm too fast cause you
1396 always come in with an aye after I've asked for the no's.
1397
1398 **Mike Shuttleworth** – Sorry about that there was a little bit of extra noise on the call for
1399 some reason.
1400
1401 **Doug May** – Yes. Okay. We did the deliberations are in here again.
1402
1403
1404 **IV. New Business:** None.
1405
1406
1407 **V. Old Business:**
1408 **A.** Vice Chair-Elections. The Chair made a motion to nominate Kyle Curtis as the Vice-
1409 Chair. Jerry Mellen and Mike Shuttleworth seconded the motion. All five Planning
1410 Commission members voted in favor of the motion and zero opposed.
1411
1412
1413 **VI. Communications:**
1414 **A. Reports of subcommittees and study groups.** None.
1415

1416 **B. Status report of cases before the BOCC.** The CAO Flood Chapters text amendments
1417 is scheduled for a hybrid public hearing with the Board on September 28, 2021,
1418 10:00 a.m. or shortly thereafter.

1419
1420 **C. Secretary's report.** None.

1421
1422
1423 **VII. Adjournment or continuance to a date, place, and time:** The next meeting to be held
1424 on October 13, 2021, 6:00 pm due to the continuance of the Naches UGA
1425 Amendment public hearing. In-person and virtual attendance will be determined. The
1426 September 8, 2021 meeting was adjourned at 7:48 pm.

1427
1428 Minutes approved by the Planning Commission on Oct 13, 2021.

1429
1430
1431 Signed: 
1432 Planning Commission, Chair

1433 \\nt2\Planning\Planning Commission\2021 - 2030\2021\Minutes Draft\Sep 8 Hearing Minutes Draft.docx