

Yakima County Planning Commission  
Findings of Fact and Recommendation  
July 12, 2023

IN THE MATTER OF CONSIDERING ) **FINDINGS OF FACT AND**  
AMENDMENTS TO YAKIMA COUNTY ) **RECOMMENDATION**  
DEVELOPMENT REGULATIONS, YCC TITLE ) File Nos: LRN2022-00005/SEP2023-00016  
19 UNIFIED LAND DEVELOPMENT CODE )

WHEREAS, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the Yakima County Comprehensive Plan – **Horizon 2040**, on June 27, 2017, and adopted development regulations – Yakima County Code (YCC) Title 19, on May 5, 2015; and

WHEREAS, RCW 36.70A.130 requires that Yakima County as a "fully planning" county shall update its comprehensive plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

WHEREAS, under RCW 36.70A.130, the plan and development regulations are subject to continuing review and evaluation, but the plan may be amended no more than one time per year; and

WHEREAS, on December 24, 2021, Kent McHenry submitted a proposed text amendment to amend portions of YCC Title 19 Unified Land Development Code; and

WHEREAS, the proposed text amendment (LRN2022-00005) to YCC Title 19, was presented to the Planning Commission for their docketing consideration on April 6, 2022; and

WHEREAS, on April 12, 2022, Yakima County submitted a 60-Day Notice of Intent to Adopt Amendment to the Department of Commerce, as required by RCW 36.70A.106 on the proposed development regulation amendment; and

WHEREAS, on September 14, 2022, October 26, 2022, April 12, 2023, and May 10, 2023, the Planning Commission held study sessions to review the proposed text amendment; and

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing on June 14, 2023, to hear testimony on the proposed development regulation text amendment; and

WHEREAS, the Planning Commission held their deliberations for LRN2023-00005 on July 12, 2023; and

WHEREAS, the Planning Commission, having carefully considered the staff recommendation in its deliberations, moved to make the recommendations described below (II. FINDINGS OF FACT) to the Board of Yakima County Commissioners concerning the proposed text amendment to YCC Title 19;

NOW, THEREFORE, the Yakima County Planning Commission hereby makes and enters the following:

## I. REASONS FOR ACTION

The 2022 amendment before the Planning Commission is as follows:

1. A development regulation text amendment to YCC Title 19 was proposed by Kent McHenry (applicant) as part of the 2022 docketing process and was selected for consideration.
2. The applicant's proposed development regulation text amendment was to allow heavy equipment and storage, and commercial trucking businesses in rural areas of Yakima County.
3. The applicant proposed development regulation text amendment is considered an official control under state law and must be reviewed by the Yakima County Planning Commission.
4. The proposed development regulation text amendment was modified by staff to address a number of potential issues between the applicant's proposed text changes and existing code language found in YCC Title 19.
5. Many of the staff proposed changes to the applicant's proposal was to add clarifying language, including new definitions and changes to the land use table requiring the Planning Commission to consider.
6. The Planning Commission must hold an open record public hearing on any Title 19 amendment proposal and provide a recommendation to the Board of Yakima County Commissioners.

## II. FINDINGS OF FACT

- 1 -

Yakima County, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the Yakima County Comprehensive Plan – **Horizon 2040**, on June 27, 2017, and adopted development regulations – YCC Title 19, on May 5, 2015; and

-2-

The Planning Commission reviewed and considered the proposed McHenry development regulation text amendment item at four study sessions on September 14, 2022, October 26, 2022, April 12, 2023, and May 10, 2023.

-3-

1 Yakima County staff submitted a 60-Day Notice of Intent to Adopt Amendment to the  
2 Department of Commerce on April 12, 2022, for the development regulation text  
3 amendment.

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6 The Planning Commission accepted oral and written comments at a properly  
7 advertised public hearing held on June 14, 2023.

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10 The hearing was closed on June 14, 2023, and the Planning Commission moved to  
11 deliberate and make a recommendation on the proposed amendment.

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14 Base on the testimony received at the June 14, 2023, public hearing and deliberations,  
15 the Planning Commission recommended a 6 to 0 vote that the proposed text  
16 amendment, as amended be **approved** by the Board of Yakima County  
17 Commissioners, as drafted in Exhibit 1.

18  
19 **III. RECOMMENDATION**  
20

21 By motion and vote described in II. Findings of Fact, the Planning Commission  
22 recommends that the Board of Yakima County Commissioners approve the proposed  
23 text amendments to Chapter 19.18 Special Uses and Standards of Yakima County  
24 Code Title 19 adding two new sections - Section 19.18.225 Heavy Construction  
25 Equipment Storage, Maintenance, Repair, and Contracting and Section 19.18.495  
26 Transportation Related Businesses, attached as Exhibit 1.

27 Voting in favor of the findings and recommendation:

28 Doug Mayo, Chair Absent  
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30 Michael Shuttleworth, Vice Chair \_\_\_\_\_  
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32 Holly Castle \_\_\_\_\_  
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34 Jerry Craig \_\_\_\_\_  
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36 Sergio Garcia \_\_\_\_\_  
37

38 Raul Martinez \_\_\_\_\_  
39

40 Isidra Sanchez \_\_\_\_\_  
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42  
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45 Attest:  
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Thomas D. Carroll,  
Secretary

1 Voting against the findings and recommendation:

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4 Dated: July 12, 2023

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Exhibit 1 – outlines the proposed changes to YCC Title 19.18, Table 19.14-1 Allowable Land Use Table and YCC Title 19.01.070 Definitions.

## Chapter 19.18

### SPECIAL USES AND STANDARDS

## Sections:

9 19.18.010 Legislative Intent.  
10 19.18.020 Accessory Buildings and Uses.  
11 19.18.030 Adult Entertainment Facilities.  
12 19.18.040 Airports, Heliports and Landing Fields.  
13 19.18.050 Agriculturally Related Industry Lots.  
14 19.18.060 Agricultural Tourist Operations.  
15 19.18.070 Agricultural Stand.  
16 19.18.080 Ambulance Dispatch Facility.  
17 19.18.090 Animal Husbandry and Animal Feeding Operations.  
18 19.18.110 Bed and Breakfast Inns (B&B).  
19 19.18.120 Building and Trade Contractors.  
20 19.18.130 Campgrounds and Recreational Vehicle Parks.  
21 19.18.135 Camping Accessory to Approved Recreational Uses.  
22 19.18.140 Cemetery Plots.  
23 19.18.150 Community Open Space Requirements.  
24 19.18.170 Reserved.  
25 19.18.180 Drive-Through Facilities.  
26 19.18.190 Electric Vehicle Infrastructure.  
27 19.18.205 Especially Sensitive Land Uses.  
28 19.18.210 Farm Labor Housing and Farm Dwellings.  
29 19.18.220 Reserved.  
30 19.18.225 [Heavy Construction Equipment Storage, Maintenance, Repair and Contracting Businesses](#)  
31 19.18.230 Historic Landmark.  
32 19.18.240 Home Businesses.  
33 19.18.250 Kennels.  
34 19.18.260 Linear Transmission Facilities.  
35 19.18.270 Manufactured Homes Regulated for Purposes of Siting as Site-Built Homes.  
36 19.18.280 Manufactured/Mobile Home Park Standards.  
37 19.18.290 Manufactured/Mobile Home Placement.  
38 19.18.300 Manufactured Modular Nonresidential Structures (“Commercial Coaches”) Placement.  
39 19.18.310 Mining.  
40 19.18.320 Mini Storage Facilities.  
41 19.18.330 Mixed Uses (Residential and Commercial).  
42 19.18.340 Nurseries.  
43 19.18.350 Off-Road Vehicle Recreation Facilities.  
44 19.18.360 Opiate Substitution Treatment Facilities.  
45 19.18.370 Outdoor Amusements.  
46 19.18.390 Residential Uses.  
47 19.18.405 Separation Requirements for Certain Uses.  
48 19.18.410 Service Stations, Automotive.  
49 19.18.420 Short-Term Rentals.  
50 19.18.430 Social Card Rooms.

1 19.18.440 Solid Waste Handling and Disposal Sites.  
2 19.18.460 Aggregate Stockpiling.  
3 19.18.480 Temporary Use Permits.  
4 19.18.490 Towers.  
5 **19.18.495 Transportation Related Businesses**  
6 19.18.510 Zero Lot Line Development.

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8  
9 • **PROPOSED NEW SECTION TO YCC TITLE 19, CHAPTER 18, SECTION 225 – HEAVY  
10 CONSTRUCTION EQUIPMENT STORAGE, MAINTENANCE, REPAIR AND CONTRACTING  
11 BUSINESSES (New Text – Blue Underlined)**

12  
13  
14 **19.18.225 Heavy Construction Equipment Storage, Maintenance, Repair and Contracting  
15 Businesses**

16 1. Legislative Intent. This Section is intended to:

17 a) Provide methods for the approval of Heavy Construction Equipment Storage, Maintenance,  
18 Repair and Contracting businesses in the Rural Zoning Districts listed in 19.14-1 Allowable  
19 Land Use Table.  
20 b) Ensure that the approval of Heavy Equipment Storage, Maintenance, Repair and Contracting  
21 businesses does not have a negative impact on the adjacent land uses or the rural character  
22 of the zoning district.  
23 c) Ensure that proper infrastructure is in place or proposed to be in pace to support the  
24 proposed use.

25 2. Applicability

26 a) Permit Required

27 1. Heavy Equipment Storage, Maintenance, Repair and Contracting businesses shall not be  
28 maintained, established, substantially altered, expanded, or improved until the person  
29 operating such site has obtained a project permit as provided in the Allowable Land Use  
30 Table 19.14-1 in Chapter 19.14.  
31 2. Operation of the proposed use is not allowed until such site has obtained all applicable  
32 Federal, State and Local permits.  
33 3. The property must be three (3) acres or larger and have direct access to a paved county  
34 road or state/federal highway.

35 3. Public Notice

36 a) Notice of the proposed Land Use change mailed under YCC Title 16B shall be sent to owners  
37 of property within 300 feet of the proposed use.

38 4. Information Requirements

39 a) In addition to the requirements of chapter 19.30 and the application procedures in YCC Title  
40 16B, the application shall include the following information:  
41 1. A narrative detailing the reasons for locating the proposed business at this location,  
42 including reasons why it could not be located within an Urban Zoning District.  
43 2. Water usage requirements.  
44 3. Information of the vehicle trips that would be generated daily as a result of this  
45 proposal.  
46 4. Circulation Plan, including locations of ingress and egress.

1                   5. Hours of operations

2                   5. Approval Requirements

3                   a) Findings. Before such approval shall be given, the Reviewing Official shall find:

- 4                   1. The proposed facility is designed, located, and proposed to be operated so the public  
5                    health, safety, and welfare will be protected.
- 6                   2. That the use will not prevent the orderly and reasonable use and development of  
7                    surrounding properties or of properties in adjacent zones.
- 8                   3. That all public or private utilities necessary for the use are available, and that the roads  
9                    serving the use are adequate to accommodate the type and extent of vehicular traffic.

10                  b) Review Criteria. In addition to the requirements outlined in YCC Title 19.30, the Reviewing  
11                  Official shall consider the following criteria, based on evidence provided by the applicant.

- 12                  1. Compatibility with the current uses of adjoining properties.
- 13                  2. Capacity on operation of the roadways serving the subject property.
- 14                  3. Adequate water supply for the proposed use.
- 15                  4. Adequate sewerage disposal for the proposed use.
- 16                  5. Suitability of the land for the proposed use.
- 17                  6. Whether a hazard to life, limb, or property, because of the proposed use is created  
18                  which or which might be reasonably be created as a result of the proposed use, and  
19                  what measures would mitigate any such hazards.
- 20                  7. What restrictions should or should not be imposed to secure the purpose of this section  
21                  and to protect the public and surrounding property owners.

22                  c) Ownership

23                  No approval shall be issued for a premise, except with written consent of the owner or  
24                  owners. Permission to engage in the use is granted to only the permit applicant or the  
25                  permit applicant's transferee. Permits shall be transferable unless the approval specifies  
26                  otherwise. Transferees shall engage in the use authorized by the permit only to the extent  
27                  authorized by this Section and the permit itself.

28                  6. Restriction upon operations

29                  In addition to the development standards outlined in YCC 19.10.040 and the requirements of  
30                  YCC 19.30, reasonable restrictions upon the operations may be imposed by the Reviewing  
31                  Official based on comments received, identified impacts resulting from the specific proposal,  
32                  and/or to maintain compliance with the Comprehensive Plan, and this Title. Such restrictions  
33                  may relate to any activity anticipated from the proposed use. Examples would be hours of  
34                  operation, site-screening, traffic volume, setbacks, noise, light, and glare, etc.

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37                  • PROPOSED NEW SECTION TO YCC TITLE 19, CHAPTER 18, SECTION 495 –  
38                  TRANSPORTATION RELATED BUSINESSES (New Text – Blue Underlined)

40                  19.18.495 Transportation Related Businesses

41                  1. Legislative Intent. This Section is intended to:

- 42                  a) Provide administrative process for the approval of Transportation Related Businesses in the  
43                  Rural Zoning Districts listed in 19.14-1 Allowable Land Use Table.
- 44                  b) Ensure that the approval of Transportation Related Businesses does not have a negative  
45                  impact on the adjacent land uses or the rural character of the zoning district.

1       c) Ensure that the proper infrastructure is in place or proposed to be in place to support the  
2       proposed use.

3       d) Ensure that Transportation related businesses in rural zoning districts will not constitute  
4       nuisances to other land uses, especially residential neighborhoods.

5       2. Applicability

6       a) Permit Required. Transportation related businesses shall not be maintained, established,  
7       substantially altered, expanded, or improved until the person operating such site has  
8       obtained a project permit as provided in the Allowable Land Use Table 19.14-1 in Chapter  
9       19.14.

10       b) Transportation related businesses apply to operations that either do not require parking of  
11       vehicles on the property, such as dispatch operations, or those that do require parking of  
12       vehicles, such as brokerages.

13       c) Operations that require storage of vehicles used seasonally, whether agriculture related or  
14       not.

15       d) The property must be three (3) acres or larger and have direct access to a paved county road  
16       or state/federal highway.

17       3. Public Notice

18       a) Notice of the proposed Land Use change mailed under YCC Title 16B shall be sent to owners  
19       of property within 300 feet of the proposed use.

20       4. Information Requirements

21       a) In addition to the requirements of chapter 19.30 and the application procedures in YCC Title  
22       16B, the application shall include the following information:

23       1. Information on the vehicle trips per day that would be generated as a result of this  
24       proposed use, whether for seasonal or year-round use.

25       2. The size of the parking lot, if applicable, including the layout, surface type and number  
26       of parking spaces.

27       3. Circulation Plan, including locations of ingress and egress.

28       4. Hours of operation.

29       5. Approval Requirements

30       a) Findings. Before such approval shall be given, the Reviewing Official shall find:

31       1. The proposed facility is designed, located, and proposed to be operated so the public  
32       health, safety, and welfare will be protected.

33       2. That the use will not prevent the orderly and reasonable use and development of  
34       surrounding properties or of properties in adjacent zones.

35       3. That all public or private utilities necessary for the use are available, and that the roads  
36       serving the use are adequate to accommodate the type and extent of vehicular traffic.

37       b) Review Criteria. In addition to the requirements outlined in YCC Title 19.30, the Reviewing  
38       Official shall consider the following criteria, based on evidence provided by the applicant.

39       1. Compatibility with the current uses of adjoining properties.

40       2. Capacity on operation of the roadways serving the subject property.

41       3. Adequate water supply for the proposed use.

42       4. Adequate sewerage disposal for the proposed use.

43       5. Suitability of the land for the proposed use.

44       6. Whether a hazard to life, limb, or property, because of the proposed use is created  
45       which or which might be reasonably be created as a result of the proposed use, and  
46       what measures would mitigate any such hazards.

1           7. What restrictions should or should not be imposed to secure the purpose of this section  
2           and to protect the public and surrounding property owners.

3           c) Ownership.

4           No approval shall be issued for a premise, except with written consent of the property  
5           owner or owners. Permission to engage in the use is granted to only the permit applicant or  
6           the permit applicant's transferee. Permits shall be transferable unless the approval specifies  
7           otherwise. Transferees shall engage in the use authorized by the permit only to the extent  
8           authorized by this Section and the permit itself.

9           6. Restriction upon operations

10           In addition to the development standards outlined in YCC 19.10.040 and the requirements of  
11           YCC 19.30, reasonable restrictions upon the operations may be imposed by the Reviewing  
12           Official based on comments received, identified impacts resulting from the specific proposal,  
13           and/or to maintain compliance with the Comprehensive Plan, and this Title. Such restrictions  
14           may relate to any activity anticipated from the proposed use. Examples are, hours of operation,  
15           site-screening, traffic volume, setbacks, noise, light, and glare, etc.

16           • **PROPOSED CHANGES TO TABLE 19.14-1 ALLOWABLE LAND USE TABLE –**  
17           **TRANSPORTATION RELATED BUSINESSES (New Text – Blue Underlined)**

20           **Chapter 19.14**  
21           **ALLOWABLE LAND USE TABLE**

22           **Sections:**

23           **19.14.010 Allowable Land Use Table.**

24           (1) The following Table 19.14-1 indicates those uses which may be permitted through Type 1,  
25           2, 3 or 4 review in the various zoning districts defined in this title. In addition to Table 19.14-  
26           1, reference to the individual zoning districts and, where indicated, the notes following the  
27           table and definitions of 19.01.070, is necessary in order to determine if any specific  
28           requirements apply to the listed use.

29           (2) Uses. The uses set out in Table 19.14-1 are examples of uses allowed in the various zoning  
30           districts defined in this title. The appropriate review authority is mandatory. See YCC  
31           Title 16B for more explicit definitions of Type 1, 2, 3, and 4 uses/reviews.

“Type 1”      Uses allowed subject to approval of applicable permits where required. Type 1 uses usually require Type 1 review but may require Type 2 review under certain conditions.

“Type 2”      Uses allowed upon Type 2 administrative review and approval as set forth in Section 19.30.030 uses subject to review and approval. Type 2 uses require administrative review by the Administrative Official and may be referred to the Hearing Examiner.

“Type 3”      Uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

“Type 4”      Uses which may be allowed subject to the approval of a project permit as set forth in Section 19.30.030. Type 4 uses require both the Hearing Examiner

and Board of County Commissioners review of applications subject to a Type 4 review under the procedures of Sections 19.30.080, 19.36.030, and YCC 16B Subsection 16B.03.030(1)(d).

“Blank” Uses specifically prohibited.

A higher level of review may be required for a use located within one or more overlay districts, designated in Chapter 19.17, or where circumstances merit a higher level of review as described in Section 19.30.030. Where a use is not listed, it is specifically prohibited or subject to a similar use interpretation in Chapter 19.31.

TRANSPORTATION	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Contract truck hauling, <del>rental</del> and trucks with drivers*				<u>3</u>	<u>2</u>		2	3									3	1	1
Taxicab terminals, maintenance and dispatching centers, etc.							2									3	3	1	
Transportation brokerage offices*; with truck parking				<u>3</u>	<u>2</u>		3	2								2	2	1	1
Transportation brokerage offices*; without truck parking				<u>3</u>	<u>2</u>		2	1								1	1	1	1

RETAIL TRADE AND SERVICE	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Heavy construction equipment storage, maintenance, repair and contracting services				<u>3</u>	<u>2</u>		2	3									3	1	1

• **PROPOSED CHANGES TO YCC TITLE 19, CHAPTER 01, SECTION .070 DEFINITIONS**  
**(New Text – Blue Underlined)**

***Chapter 19.01.070  
DEFINITIONS***

For this Title, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified unless the context requires a different meaning. Where terms are not defined, they shall have the ordinary accepted meaning within the context with which they are used. Where an activity or land use could fall under two definitions, the more specific shall apply. The Webster’s Ninth New Collegiate Dictionary, with the assistance of the American Planning Association Planning Advisory Service’s “A Planner’s Dictionary” and Black’s Legal Dictionary shall be the sources for ordinary accepted meaning and for the

1 definition of words not defined below. Specific examples are included as illustrations but  
2 are not intended to restrict a more general definition.

3 (1) "A" Definitions.

4	<p><a href="#"><u>Contract truck hauling, rental and trucks with drivers</u></a></p> <p><a href="#"><u>"Contract truck hauling, rental and trucks with drivers," means any person, whether through a franchise or private contract, paid to collect and move material from a generator to a reporting entity, end user, or a destination. Any material delivered by a contract hauler is referred to as "contract-hauled." These land uses are regulated under YCC Title 19.18.495 Transportation Related Businesses.</u></a></p>
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5 (Note: New definition)

6	<p><a href="#"><u>Transportation brokerage offices</u></a></p> <p><a href="#"><u>"Transportation brokerage offices" means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo. These land uses are regulated under YCC Title 19.18.495 Transportation Related Businesses.</u></a></p>
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14 Amendments\LRN2022-00005\_McHenry\_Title 19 Text  
15 Amendments\PC\FindingsandRec\_LRN22-005\_tc.doc  
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