

**GRANDVIEW PLANNING COMMISSION
MEETING AGENDA
WEDNESDAY, MAY 27, 2015**



REGULAR MEETING – 6:00 PM

PAGE

1. **CALL TO ORDER & ROLL CALL**
2. **MINUTE APPROVAL**
 - A. Minutes of January 29, 2014 regular meeting 1-2
3. **ACTIVE AGENDA**
 - A. Growth Management Periodic Update Overview 3-10
 - B. Comprehensive Plan Update
 - Public Participation Plan 11-13
 - Administration Element Draft 14-23
 - Utilities Element Draft 24-32
4. **UNFINISHED AND NEW BUSINESS**
5. **REPORTS**
6. **ADJOURNMENT**

**GRANDVIEW PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 29, 2014**

1. CALL TO ORDER

Commissioner Dennis Byam called the meeting to order at 6:00 p.m., in the Council Chambers at City Hall.

Planning Commissioners present were: Dale Burgeson, Dennis Byam, Kathy Gonzalez and Jan McDonald. Commissioner Don Olmstead Jr., was absent.

Staff present were: City Attorney Quinn Plant and City Clerk/Secretary Anita Palacios.

2. MINUTE APPROVAL – REGULAR MEETING

On motion by Commissioner McDonald, second by Commissioner Burgeson, the Commission unanimously approved the April 25, 2012 regular meeting minutes.

3. ACTIVE AGENDA

A. Land Use and Recreational Marijuana

City Attorney Plant explained that the City Council requested that the Planning Commission consider municipal zoning and land use regulations relating to the siting of medical and/or recreational marijuana uses within the City of Grandview. A copy of the memorandum from the City Attorney was attached hereto and incorporated herein as part of these minutes.

City Clerk Palacios distributed the following documents to the Commission, copies of which were attached hereto and incorporated herein as part of these minutes.

- Attorney General of Washington's opinion dated January 16, 2014, AGO 2014 No. 2, whether statewide initiative establishing system for licensing marijuana producers, processors and retailers preempts local ordinances
- Washington State Liquor Control Board Fact Sheet on Initiative 502
- Washington State Liquor Control Board FAQs on I-502

The Commission discussed the issue.

On motion by Commissioner McDonald, second by Commissioner Burgeson, the Commission unanimously recommended that City Council consider banning recreational marijuana in the City of Grandview.

4. UNFINISHED AND NEW BUSINESS – None

5. REPORTS

City Clerk Palacios reported that the City was in the process of annexing property known as the Russell/Dahlin/Syverson annexation and the Port of Grandview annexation located on Forrest/Ogle Roads.

6. **ADJOURNMENT**

The meeting adjourned at 6:40 p.m.

Commissioner Dennis Byam

Anita Palacios, City Clerk

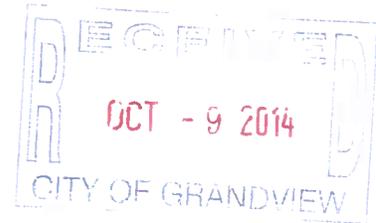


STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

September 29, 2014

The Honorable Norm Childress
Mayor of Grandview
207 West Second Street
Grandview, Washington 98930



RE: 2017 Growth Management Periodic Update Deadline

Dear Mayor Childress:

We want to make you are aware of an important upcoming deadline that could affect your ability to apply for state infrastructure funding. The Growth Management Act (GMA) requires that all cities and counties review and update their planning documents; these include comprehensive plans and development regulations, including your critical areas ordinance. Each city and county in the state is required to undertake this review process every eight (8) years, as outlined in the GMA (RCW 36.70A.130).

These updates are due for the City of Grandview on **June 30, 2017**. This due date is a few years off. We want to make you are aware of this requirement so that your community can complete the work needed and maintain state funding eligibility. Many communities like yours are already underway. You may also be underway.

We have assigned Scott Kuhta of our staff who will be contacting your staff to verify the status of your periodic update and provide any assistance we can offer with the update process.

What You Need To Do

There are four essential steps to the periodic update process: (1) Review, (2) Revise (if needed), (3) Legislative Action, and (4) Notify Department of Commerce.

1) Review: First, you must review the local planning documents you are required to maintain under the GMA to make sure they are current and meet all the state requirements. We provide a checklist you may use for this process, which will assist you in determining what to review and what changes may be needed. This review should also include a public hearing in front of your planning commission or council to give the public a chance to comment on any changes they think are needed. This is a very important step. Your public hearing, and the announcement of the hearing, must clearly state that this is part of the required GMA periodic review and update process. We recommend you read more about

this step on our web page: www.commerce.wa.gov/growth (under the topic “Periodic Update Process”).

2) Revise: If your review shows that you need to make changes to your plan or regulations, you will need to adopt these revisions. As with every amendment to your comprehensive plan or development regulations, you must provide notice to the state at least sixty (60) days prior to the planned adoption date (RCW 36.70A.106). As mentioned above, be sure to conduct an open and thorough public involvement program to enlist your community’s help in completing this review, as required by the GMA. Also be sure to list in your recitals that this action is part of the periodic update process.

3) Legislative Action: After reviewing, and revising (if necessary), your local plans and regulations, you must take legislative action to formally conclude the periodic review process. This means either (1) adopting an ordinance if there were revisions made, or (2) if your review concluded no changes are needed, adopting a resolution affirming your entire review process and declaring that your periodic update is complete.

The recitals of your ordinance or resolution should list the steps you took during the review, including the public hearing, to demonstrate everything you have done to accomplish the task. If your update is challenged, this is how you will demonstrate the actions you took as part of the periodic update. Such documentation has served other jurisdictions well in the past under similar circumstances. Our Commerce web site includes several examples of legislative actions for you to work from. We can also help you find an example that is right for you.

4) Notify Department of Commerce: Your final step to complete the periodic review process will involve submitting your work (including adopted ordinances or resolutions with findings or recitals) to our office in Commerce - Growth Management Services. You must send us notice no more than ten (10) days after final adoption by your legislative body (RCW 36.70A.106). We recommend you include a declaration of completion within your adopting ordinance or resolution, as well as within your final submittals, which explicitly states the required review and update process is complete. Again, we have sample language available to help guide you through this final step.

After we receive notice of adoption, we will confirm your status and send you a congratulatory letter indicating they you have completed this requirement. We also maintain on our web site a list of jurisdictions that have met this requirement.

How Commerce Can Help

We have experienced the same reductions that everyone in state and local government has faced during recent years. Unfortunately, we are unable to offer grant assistance for many of you in this review process. Our ability to provide direct staff assistance is also very limited right now. However, we are here to help, and we have developed a set of planning tools that are readily available on our Commerce, Growth Management Services web site.

Our specific written guidance on the periodic review and update process is available online, and you can access all of it through the web links below. Much helpful information, including

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sample material, is posted at this site for your convenience. If you need additional help, please ask; we look forward to assisting you!

Where to go for more Help and Information

Growth Management Periodic Update Information Page

<http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Pages/GMA-Periodic-Update.aspx>

We recommend you start by reading our posted Guidebook: ***Keeping your Comprehensive Plan and Development Regulations Current: A Guide to the Periodic Update Process under the Growth Management Act.***

Contact Commerce if you have any questions about or concerns about periodic review. Your contact for the periodic review is Scott Kuhta. They can be reached at (509) 795-6884 OR scott.kuhta@commerce.wa.gov.

Best Regards,



Jeffrey S. Wilson, AICP
Senior Managing Director
Growth Management Services

cc: Cus Arteaga, City Administrator

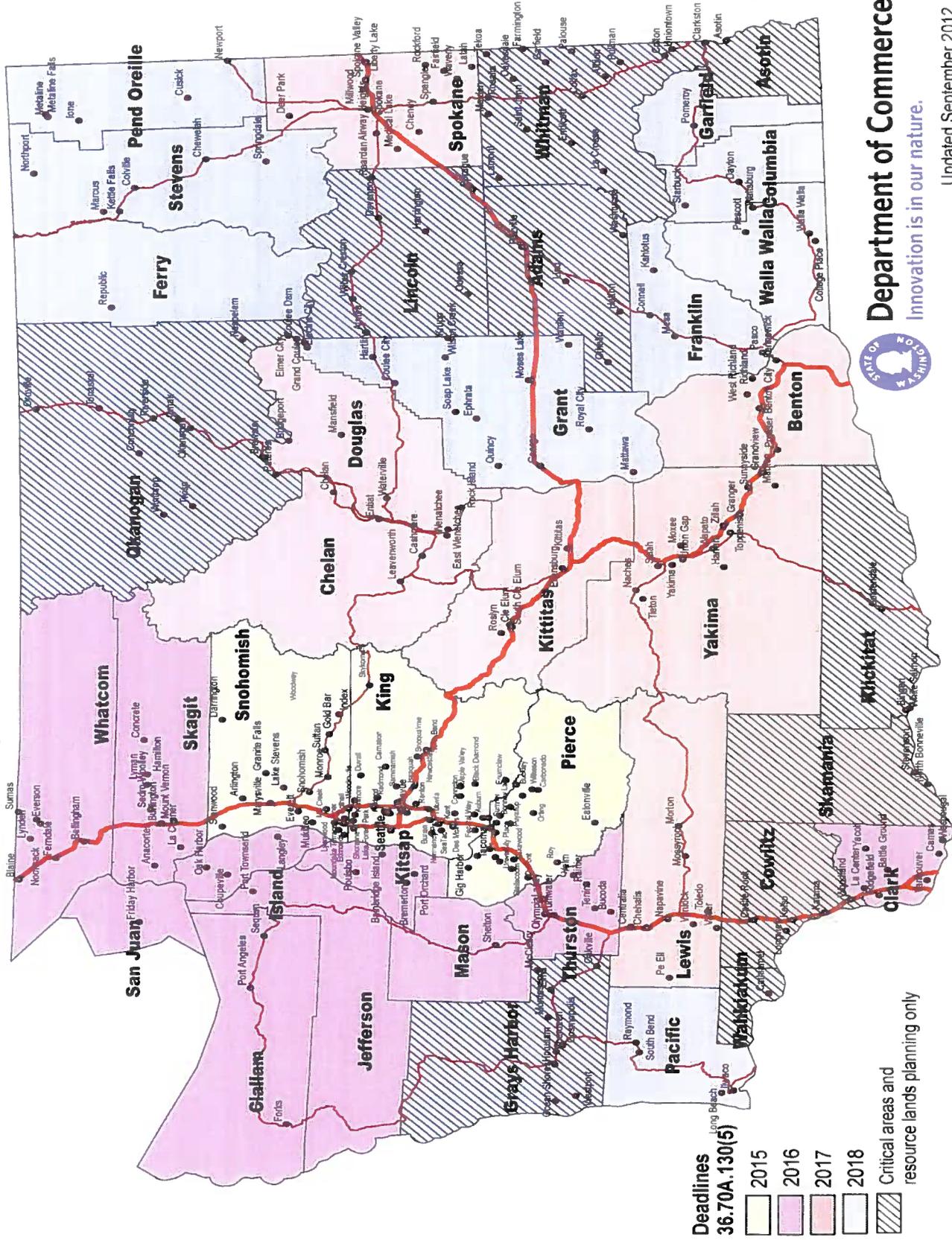
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GMA Periodic Update Endgame

What's required?

- Review and Update:
 1. Comprehensive Plan
 2. Development Regulations, *including*
 3. Critical Areas Ordinance
- Public Process
- Council adoption with findings by **June 30, 2017**
- Submittal to Commerce within 10 days
- *Even if no changes, must still review, document, and submit*

GMA Update Schedule: RCW 36.70A.130(5)



Department of Commerce
 Innovation is in our nature.

Updated September 2012

Required Comp Plan Elements



- **Land Use**
- **Transportation**
- **Housing**
- **Utilities**
- **Capital Facilities**
- **Rural (counties only)**
- Requirements for each element at RCW 36.70A.070 Comprehensive plans — Mandatory elements.

Opening of the Naches-Tieton Road Improvement Project, Yakima County



Optional Comp Plan Elements



- Parks and Recreation*
- Economic Development*
- Physical Character/Natural Systems
- Urban Design
- Human Services and Health
- Historic Preservation
- Climate Change and Energy
- Sustainability
- Sub-area plans

** Listed in RCW 36.70.070 as required, but unfunded, so are considered optional.*

Students complete parks assessments for City of Toppenish Parks Comp Plan

STAFF REPORT

TO: Planning Commission, City of Grandview
FROM: Shawn Conrad, Sr. Planner, Yakima Valley Conference of Governments
DATE: May 27, 2015
SUBJECT: Comprehensive Plan Update: Public Participation Plan
ACTION REQUESTED: Recommend approval to City Council as presented

Background

The Growth Management Act (GMA) requires fully planning jurisdictions to review and update their comprehensive plans, development regulations, and critical areas ordinance, every eight years as established by RCW 36.70A.130(5)(c). Grandview's next GMA periodic update is due June 30, 2017. After this date, without a completed update, Grandview will be unable to access Washington State road and water/wastewater infrastructure grants and loans.

Citizen Participation Plan

RCW 36.70A.140 establishes that "Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans." The attached Comprehensive Plan Update Public Participation Plan outlines a process of public participation throughout the Comprehensive Plan update.

Findings & Conclusions

1. The proposed Public Participation Plan is in keeping with the requirements of the GMA and the City of Grandview's policies.
2. The public use and interest will be served.

Recommendation

The Yakima Valley Conference of Governments, acting as staff for the City of Grandview, recommends that the Grandview Planning Commission recommend approval of the Public Comprehensive Plan Update Participation Plan to the Grandview City Council.

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City of Grandview

Comprehensive Plan Update

Public Participation Plan

Background

The City of Grandview is subject to, and plans under, the guidelines of the Growth Management Act (GMA). The planning process for updating a Comprehensive Plan requires early and continuous public participation (RCW 36.70A.140).

RCW 36.70A.140:

Each county and city that is required or chooses to plan under RCW [36.70A.040](#) shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW [36.70A.300](#) declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

The City of Grandview proposes the following to conform with RCW 36.70A.140:

1. Study Sessions – discuss draft sections of plan elements with the Planning Commission.
2. Workgroup Presentation – the final draft will be presented at a work session with the Planning Commission.
3. Public Comment – the draft will be available for review during a public comment period.
4. Revision – the public comment draft will be modified based upon comments received at the study sessions, the workgroup presentation, and during the public comment period. The Planning Commission will make a recommendation to the City Council.
5. Public Hearing and Final Adoption – The City Council will hold a public hearing to consider the recommendation of the Planning Commission prior to adoption.

Public Participation Plan Objectives:

1. Provide for “early and continuous” public participation
2. Build community trust in the planning process
3. Seek public input and ideas concerning the future of Grandview
4. Encourage participation of individuals, community groups and organizations that may not normally participate in the planning process
5. Explain the laws by which the City is obligated to conduct the Update process

Notification Methods

The following methods may be used to inform the public of the opportunity to participate:

1. Newspaper advertisements—an initial newspaper ad informing of the start of the Urban Growth Area and Comprehensive Plan Update
2. E-mail and/or direct mail notice to interested parties who wish to receive notification
3. E-mail notice to interested parties in key organizations – Requesting those key outside organizations distribute to their membership and to other organizations.
4. Press Releases
5. Utility Billing flyers

STAFF REPORT

TO: Planning Commission, City of Grandview
FROM: Shawn Conrad, Sr. Planner, Yakima Valley Conference of Governments
DATE: May 27, 2015
SUBJECT: Comprehensive Plan Update: Draft Administration and Utilities Elements
ACTION REQUESTED: None; review and discussion only

Background

The Growth Management Act (GMA) requires fully planning jurisdictions to review and update their comprehensive plans, development regulations, and critical areas ordinance, every eight years as established by RCW 36.70A.130(5)(c). Grandview's next GMA periodic update is due June 30, 2017. After this date, without a completed update, Grandview will be unable to access Washington State road and water/wastewater infrastructure grants and loans.

To start this GMA periodic update process, staff is reviewing and updating the current Grandview Comprehensive Plan. Once the Comprehensive Plan review is completed, staff will request a recommendation from Planning Commission to City Council on the entire plan and then begin review of the development regulations and the critical areas ordinance for updates.

The updated Comprehensive Plan will consist of eight chapters:

- Administration Element
- Physical Character Element
- Utilities Element
- Housing Element
- Land Use Element
- Capital Facilities Element
- Transportation Element
- Parks, Recreation and Open Space Element

Staff is beginning this process with the review and update of the Administration and Utilities Elements.

Administration and Utilities Elements Review

Administration Element

The Administration Element addresses Comprehensive Plan amendment processes and maintaining consistency with development regulations, in accordance with the requirements of the Washington State Growth Management Act, including RCW 36.70A.106, 36.70A.120, 36.70A.130 and 36.70A.140.

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The Administration Element has been developed in accordance with the Yakima Countywide Planning Policy. The Administration Element specifically considers the process for Comprehensive Plan amendments including timing, procedures, public participation, consistency with other City fiscal and regulatory processes and State review of amendments.

Recommended changes to the Administration Element include:

- Added clarification on processing Comprehensive Plan emergency amendments
- Requirement that complete applications for amending the Comprehensive Plan be received by the Planning Commission up until 60 days prior to the Planning Commission's public hearing on proposed amendments.
- Clarification regarding criteria the Planning Commission shall use in granting changes to the Future Land Use Map of the Comprehensive Plan.
- Other minor clarifications/corrections.

Utilities Element

The currently adopted Grandview Comprehensive Plan does not include a Utilities Element. Since this is a requirement of the GMA as per RCW 36.70A.070(4), a Utilities Element has been developed for consideration.

The Utilities Element has been developed in accordance with Section 36.70A.070 of the GMA to address utility services in the City of Grandview and its Urban Growth Area (UGA). It represents the community's policy plan for growth during the next 20 years. The Utilities Element describes how the goals in the other Comprehensive Plan elements will be implemented through utility policies and regulations.

The Utilities Element has also been developed in accordance with the Yakima Countywide Planning Policy, and will be integrated with all other planning elements to ensure consistency throughout the Comprehensive Plan.

Public Hearing

Notice of hearing and the nature of the proposed change shall be given by publication in the official newspaper of the City at least 10 days prior to the date of the hearing.

The Planning Commission shall hold a public hearing on any such amendments, supplements, or modification of this plan, whether initiated by petition or motion. No decisions shall be made by the City Council on the recommendations for amendment until after the initial sixty (60) day State comment and review period has expired. Once all Comprehensive Plan elements are recommended to the City Council by the Planning Commission, a public hearing before the City Council will be held on all elements of the Comprehensive Plan together to consider the cumulative effect of the entire Comprehensive Plan.

Findings & Conclusions

1. The proposed Administration and Utilities Elements of the City of Grandview Comprehensive Plan are in keeping with the requirements of the GMA and the City of Grandview's policies.
2. The public use and interest will be served.
3. State Environmental Policy Act (SEPA) review will be conducted prior to Grandview City Council adoption of Comprehensive Plan updates.

Recommendation

The Yakima Valley Conference of Governments, acting as staff for the City of Grandview, recommends that the Grandview Planning Commission recommend approval of the Administration and Utilities Elements to the Grandview City Council.

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Administration Element

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I. INTRODUCTION

Purpose

This Administration Element has been developed to address Comprehensive Plan amendment processes and maintaining consistency with development regulations, in accordance with the requirements of the Washington State Growth Management Act including RCW 36.70A.106, 36.70A.120, 36.70A.130 and 36.70A.140.

The Administration Element has also been developed in accordance with the Yakima Countywide Planning Policy. The Administration Element specifically considers the process for Comprehensive Plan amendments including timing, procedures, public participation, consistency with other City fiscal and regulatory processes and State review of amendments.

Growth Management Act Requirements

The Administration Element consists of procedures for:

1. Evaluation of plans and development regulations;
2. Maintaining conformity with GMA requirements;
3. Maintaining consistency within the comprehensive plan and with implementing regulations;
4. Making amendments to the Comprehensive Plan no more than once a year or due to an emergency situation;
5. Considering all proposed amendments to the Comprehensive Plan concurrently so that the cumulative effects of the various proposals may be ascertained;
6. Ensuring that the plan reflects accommodation of the urban growth projected to occur for the succeeding 20-year period;
7. Ensuring early and continuous public participation in Comprehensive Plan amendments;
8. Allowing State review and comment on proposed amendments as required under GMA.

II. AMENDMENTS

Following adoption of the revised Comprehensive Plan, the City shall monitor change and needs within the community and document needed amendments to the Comprehensive Plan.

Timing

All proposals shall be considered by the Planning Commission and City Council concurrently so the cumulative effect of the various proposals may be ascertained. Proposals for Comprehensive Plan amendments will be accepted at any time during the year and will be scheduled along with all other proposals received, to form a docket of proposed plan changes for consideration as part of the Comprehensive Plan's yearly review and amendment process. The City of Grandview sets January as the month of the year in which amendments to the Comprehensive Plan will be scheduled for consideration by the City Council.

The Comprehensive Plan may be revised or amended outside of this normal schedule only after appropriate public participation and if findings are adopted to show that the amendment is necessary, due to an emergency situation of a neighborhood-wide or community-wide significance and not a personal emergency on the part of a particular applicant or property owner. The nature of the emergency must be documented as part of written findings and approved by the City Council prior to consideration of an emergency amendment. The City Council shall decide whether to allow the proposal to proceed ahead of

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the normal amendment schedule.

The Comprehensive Plan may also be revised or amended after appropriate public participation at any time of the year to resolve an appeal of a Comprehensive Plan filed with the Washington State Growth Management Hearings Board or with Superior Court.

The City shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the Comprehensive Plan are considered by the governing body of the City no more frequently than once every year. "Update" means to review and revise, if needed. Amendments may be considered more frequently than once per year under the following circumstances:

1. The initial adoption of a sub-area plan that does not modify the Comprehensive Plan policies and designations applicable to the sub-area;
2. The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;
3. The amendment of the capital facilities element of a Comprehensive Plan that occurs concurrently with the adoption or amendment of a county or City budget;
4. The adoption of Comprehensive Plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program established by the City and all persons who have requested notice of a Comprehensive Plan update are given notice of the amendments and an opportunity to comment.

All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation, the City may adopt amendments or revisions to its Comprehensive Plan whenever an emergency exists or to resolve an appeal of a Comprehensive Plan filed with a growth management hearings board or with the court.

In compliance with RCW 36.70A.130(5)(c), the City of Grandview will establish a schedule every eight years to take action to review and, if needed, revise their Comprehensive Plan and development regulations. Under the GMA, the City of Grandview's statutory deadline for the next Comprehensive Plan update is June 30, 2017. Annual amendments cannot occur separately in the year designated for the eight-year update. All annual updates coinciding with the eight-year update cycle must be submitted concurrently within that year.

However, any amendment to the zoning and other development regulations that is consistent with the adopted Comprehensive Plan can be made any time during a year.

Adoption and Initiation

The City Council may, after due notice and public hearing, amend, supplement or modify the text and maps of this Comprehensive Plan. An amendment may be adopted, amended, or supplemented by the City Council upon the recommendation of the Planning Commission following a public hearing by the Planning Commission. Amendments may be initiated in the following manner:

1. By motion of the City Council or Planning Commission;
2. By the owner of property within the City filing a petition with the Planning Commission; the petition shall be on a standard form prescribed by the Planning Commission and available from the City Clerk;
3. A fee as determined by GMC 17.92.020, Comprehensive Plan Amendment. The cost of required

engineering review or study payable to the City at the time of filing the petition shall be charged for advertising and mailing expenses. No part of the fee shall be returnable. However, when a map amendment of the Comprehensive Plan is in conjunction with a rezone request for the same property, only a single fee need be paid for the rezone/Comprehensive Plan map amendment. The higher fee shall prevail.

4. Motions and/or complete applications for amending, supplementing, or modifying the text and maps of this Comprehensive Plan will be received by the Planning Commission up until 60 days prior to the Planning Commission's public hearing on proposed amendments. This will allow adequate time for processing of the motion or application and will allow for proper public notification of the proposals. Motions and/or applications received after this date will be processed in the following year's cycle.

Amendment Processing

All petitions for Comprehensive Plan amendments shall be processed following the applicable sections of GMC Title 14, Administration of Development Regulations. The City will docket (record for future action) all Comprehensive Plan amendments in the following manner:

- 1) The City will broadly disseminate to the public through a variety of media information about the Comprehensive Plan amendment process. This information will identify procedures and schedules whereby updates, proposed amendments, or revisions of the Comprehensive Plan are considered by City Council.
- 2) All petitions requesting Comprehensive Plan amendments shall be accepted during any time of the year and held until 60 days prior to the Planning Commission's public hearing on proposed amendments.
- 3) City staff will keep a docket of initiated Comprehensive Plan amendments.
- 4) The docket and all application files will be available for public review at City Hall during normal business hours.

Emergency Amendment Processing

An emergency requiring an exception to the once-a-year comprehensive amendment provision is defined as an unforeseen and not reasonably foreseeable event where some threat of harm to the public interest is imminent. Emergency amendments must be based on findings that show that the amendment is needed to resolve an emergency situation of a neighborhood-wide or community-wide significance, and not a personal emergency of a particular applicant or property owner. The nature of the emergency must be documented as part of written findings, and approved by the City Council prior to consideration of an emergency amendment. The City Council shall decide whether to allow the proposal to proceed ahead of the normal amendment schedule.

Public Hearing

The Planning Commission shall hold a public hearing on any such amendments, supplements, or modification of this plan, whether initiated by petition or motion. Notice of hearing and the nature of the proposed change shall be given by publication in the official newspaper of the City at least fifteen (15) days prior to the date of the hearing. In addition, in cases of change of boundaries or of future land use designations, all owners of property within 300 feet of the boundary lines of the property proposed to be changed shall be notified of the proposed change and the date of hearing by United States mail. Notice mailed to the last known address of the person making the tax payment shall be deemed proper notice. However, in the case of a boundary change or a future land use designation change affecting three or more parcels, notice may be given by publication in all local newspapers published in the City for two consecutive weeks, of a notice of hearing on the proposed change. The notice shall contain the date, time

and place of the hearing and a description that identifies the area of the proposed change(s) and the effects of the change(s).

Upon receiving the findings and recommendations from the Planning Commission from this public hearing, the City Council will conduct a public hearing to consider the recommended amendments. No decisions shall be made on the recommendations for amendment until after the initial 60 day State review and comment period has expired.

Planning Commission Recommendation

In recommending the adoption of any proposed amendment or in concurring with the City Council on any proposed amendment, the Planning Commission shall state fully its reasons at the public hearing before the City Council, describing any change in conditions that it believes makes the amendment advisable and specifically setting forth the manner in which the Planning Commission is of the opinion that the amendment is in harmony with the purposes set forth in the plan. **The Planning Commission shall only grant a change to the Future Land Use Map of the Comprehensive Plan if written findings are made according to Section IV of this Administration Element – Criteria Approving a Change in the Future Land Use Map.**

In changing the future land use designation of any area, the zoning shall also be changed to maintain consistency between the Comprehensive Plan and the zoning ordinance.

State Review of Amendments, Supplements, and Modifications

Initial Review of Proposed Amendments

At least sixty (60) days prior to the adoption of an amendment to the Comprehensive Plan, five copies of the proposed change/draft version shall be submitted to the Washington State Department of Commerce for review and comment. One plan review checklist and any other supplementary documentation (e.g. State Environmental Policy Act [SEPA] information, outline of public participation process, staff report) shall accompany the proposed amendment. Should the City of Grandview not receive state comments on the proposed amendment within sixty (60) days after receipt of the proposed amendment by the State, the City shall be free to adopt the amendment without further delay.

Final Review of Adopted Amendment

Within ten (10) days from the adoption of the amendment, two copies of the adopted amendment shall be submitted to the Washington State Department of Commerce for filing. An “Adopted Comprehensive Plan Submittal” form and any new or additional information shall accompany the adopted amendment. Any agency or jurisdiction which commented on the draft of the amendments shall also receive a copy of the adopted amendment.

The City will also publish a notice of adoption and availability in its newspaper of record. A final 60-day review and comment period will commence from the date of publication. Appeals of the adopted amendment to the Eastern Washington Panel of the Washington State Growth Management Hearings Board would be filed during this final 60-day review period.

III. APPEALS

Initiation

Any interested citizen or administrative agency or commission may appeal to the City Council from any ruling, interpretation or decision of the Planning Commission adverse to his interest, by filing with the City Clerk within fourteen (14) days from the ruling, a written notice of appeal. The City Clerk shall transmit to the City Council all petitions, minutes of meetings, and other documents constituting a record upon which action appealed from was taken.

Time and Place of Hearing

Upon filing of the notice of appeal, the City Council shall fix the time of hearing and notify the appellant. The time fixed for hearing of the appeal shall not be more than thirty (30) days subsequent to the filing.

Authority to Rule

The City Council may, at its hearing, receive such additional evidence as it deems to be relevant and shall have the power to affirm, alter, or overrule any ruling, decision or interpretation of the Planning Commission.

Appeals to Others

Eastern Washington Growth Hearings Board

Parties aggrieved by the decision may appeal to the Eastern Washington Panel of the Growth Management Hearings Board (GMHB), if such decision is subject to review by the GMHB, and if the party has standing. Appeals to the GMHB must be filed within sixty (60) days of the publication of the action by the City Council, and must be filed in the office of the appropriate Board.

In general, the Growth Management Hearings Board shall hear only those petitions alleging either: a) that a state agency, County, or City is not in compliance with the requirements of the GMA, as amended or with environmental review as it relates to plans and regulations; or b) that the 20-year growth management planning projections adopted by the Office of Financial Management (OFM) should be adjusted.

For a person¹ to have standing, they must have appeared before the County or City regarding the matter on which a review is being requested, or be certified by the Governor within sixty (60) days of filing the request with the Board, or be a person qualified pursuant to RCW 34.05.530.

Appeals of Growth Management Hearings Board decisions may be filed in Superior Court as provided in RCW 34.05.514 or 36.01.050 within thirty (30) days of the final order of the Board.

IV. CRITERIA APPROVING A CHANGE IN THE FUTURE LAND USE MAP

Standards

A change in the Future Land Use Map of the Comprehensive Plan shall only be granted after the Planning Commission and City Council have reviewed the proposed change to determine if it complies with the standards and criteria listed below. A change in the Future Land Use Map shall only be granted if such written findings are made:

¹ A “person” as defined in RCW 36.70A.280 - 3, means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

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1. The proposal is consistent with the provisions of the Growth Management Act (GMA) and other applicable state planning requirements;
2. The proposal is consistent with and will help implement the goals, objectives and policies of this plan;
3. Required changes to implementing regulations are identified prior to adoption of the proposed change and are scheduled for revision so that these implementing regulations remain consistent with the Comprehensive Plan;
4. The proposal will increase the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses or on other uses legally existing or permitted in the area;
5. The proposal is an extension of similar adjacent use or is of sufficient size to make the proposal logical;
6. The traffic generated by the proposal will not unduly burden the traffic circulation systems in the vicinity. The collector and arterial system currently serves or can concurrently be extended to serve the proposal, as needed;
7. Adequate public facilities and services exist or can be concurrently developed to serve the proposal;
8. The other characteristics of the proposal are compatible with those of other uses in the vicinity.
9. The other uses in the vicinity of the proposal are such as to permit the proposal to function properly;
10. If the proposal has significant adverse impacts beyond the City limits, the proposal has been jointly reviewed by Yakima County;
11. Any other similar considerations that may be appropriate to the particular case.

Utilities Element

DRAFT

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I. INTRODUCTION

Purpose of the Utilities Element

This Utilities Element has been developed in accordance with Section 36.70A.070 of the GMA to address utility services in the City of Grandview and its Urban Growth Area (UGA). It represents the community's policy plan for growth during the next 20 years. The Utilities Element describes how the goals in the other plan elements will be implemented through utility policies and regulations.

The Utilities Element has also been developed in accordance with the Countywide Planning Policies, and has been integrated with all other planning elements to ensure consistency throughout the Comprehensive Plan.

Growth Management Act Requirements

The GMA's Procedural Criteria defines "utilities" as:

- Enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water, and for the disposal of sewage [WAC 365-195-200 (25)].

To comply with the GMA, the Comprehensive Plan must, at a minimum, include a Utilities Element consisting of:

- The general location, proposed location, and capacity of all existing and proposed utilities, including but not limited to, electrical lines, telecommunication lines, and natural gas lines [RCW 36.70A.070 (4)].

The GMA requires concurrency in the provision of public facilities and services. Public facilities and services must be available as development occurs without a reduction in the level of service provided. However, private utilities are not bound by the level of service and concurrency provisions of the GMA.

Applicable Countywide Planning Policies

The Yakima Countywide Planning Policy recognizes the need to promote orderly development with appropriate urban services provided to such development. The following Countywide Planning Policies apply to discussion on the Utilities Element:

1. Areas designated for urban growth should be determined by preferred development patterns, residential densities, and the capacity and willingness of the community to provide urban governmental services. (Countywide Planning Policy: A.3.1.)
2. Urban growth should be located first in areas already characterized by urban growth that have existing public facilities and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and that urban government services should not be provided in rural areas. [RCW 36.70A.110(3)] (B.3.1.)

3. Urban growth management interlocal agreements will identify services to be provided in an UGA, the responsible service purveyors and the terms under which the services are to be provided. (B.3.2.)
4. The capital facilities, utilities and transportation elements of each local government's Comprehensive Plan will specify the general location and phasing of major infrastructure improvements and anticipated revenue sources. [RCW 36.70A.070(3)(c)(d)]. These plan elements will be developed in consultation with special purpose districts and other utility providers. (B.3.4.)
5. New urban development should utilize available/planned urban services. [RCW 36.70A.110(3)] (B.3.5.)
6. Formation of new utility special purpose districts should be discouraged within designated UGAs. (B.3.6.)
7. From local inventory, analysis and collaboration with state agencies and utility providers, a list of Countywide and statewide public capital facilities needed to serve the Yakima County region will be developed. These include, but are not limited to, solid and hazardous waste handling facilities and disposal sites, major utility generation and transmission facilities, regional education institutions, airports, correctional facilities, in-patient facilities including hospitals and those for substance abuse and mental health, group homes and regional park and recreation facilities. (C.3.2.)
8. Some public facilities may be more appropriately located outside of UGAs due to exceptional bulk or potentially dangerous or objectionable characteristics. Public facilities located beyond UGAs should be self-contained or be served by urban governmental services in a manner that will not promote sprawl. Utility and service considerations must be incorporated into site planning and development. (C.3.5.)
9. The multiple use of corridors for major utilities, trails and transportation right-of-way is encouraged. (C.3.6.)
10. The County and cities will work with special purpose districts and other agencies to establish a process for mutual consultation on proposed comprehensive land use plan policies for lands within UGAs. Actions of special purpose districts and other public service providers shall be consistent with Comprehensive Plans of the County and the cities. [RCW 56.08.020, RCW 57.16.010] (F.3.1.)
11. The use of interlocal agreements is encouraged as a means to formalize cooperative efforts to plan for and provide urban governmental services. (F.3.2.)
12. Joint financing ventures should be identified to provide services and facilities that will serve the population within the UGA. (F.3.3.)
13. Each interlocal agreement will require that common and consistent development and construction standards be applied throughout that UGA. These may include, but are not limited to, standards for streets and roads, utilities and other infrastructure components. (F.3.5.)
14. The County and the cities will work with special purpose districts, adjacent counties, state tribal and federal governments to formalize coordination and involvement in activities of mutual interest. (I.1.)
15. Special districts, adjacent counties, state agencies, the tribal government and federal agencies will be invited to participate in Comprehensive Planning and development activities that may affect them, including the establishment and revision of UGAs; allocation of forecasted population; regional transportation, capital facility, housing and utility plans; and policies that may affect natural resources. (I.3.)

Urban Growth Area

The UGA boundary was selected to ensure that urban services will be available to all development, including the provision of utility facilities. The City recognizes that planning for utilities is primarily the

responsibility of the utility providers. However, the City will incorporate plans prepared by the providers into its comprehensive planning efforts to identify ways of improving the quality and delivery of services provided in the City and its designated UGA. All development requiring urban services will be located in the UGA, and will have these services extended to them in a timely and financially feasible manner.

Federal and State Laws/Regulations

Revised Code of Washington and Washington Utilities and Transportation Commission. Utilities and transportation are regulated in Washington by the Washington Utilities and Transportation Commission (WUTC). The WUTC, composed of three members appointed by the governor, is empowered to regulate utilities (including, but not limited to, electrical, gas, irrigation, telecommunication, and water companies). State law (WAC 480) regulates the rates and charges, services, facilities, and practices of utilities. Any change in customer charges or service provision policy requires WUTC approval. The WUTC requires private utility providers to demonstrate that existing ratepayers will not subsidize new customers. The intent of the WUTC regulations is to ensure safe, reliable, and reasonably priced utility services for consumers.

Federal Communications Commission. The Federal Communications Commission (FCC) was created by the Communications Act of 1934 to regulate interstate and international radio, wire, satellite, cable, and television communications. The FCC is an independent five-member government agency.

Federal Energy Regulatory Commission. The Federal Energy Regulatory Commission (FERC) is an independent five-member commission with the U.S. Department of Energy. FERC establishes rates and charges for the interstate transportation and sale of natural gas, for the transmission and sale of electricity, and the licensing of hydroelectric power projects. In addition, the commission establishes rates or charges for the interstate transportation of oil by pipeline.

Natural Gas Policy Act of 1978. The central theme of the National Gas Policy Act (NGPA) is encouragement of competition among fuels and suppliers across the country. As a result, natural gas essentially has been decontrolled. The NGPA also contained incentives for developing new natural gas resources and a tiered pricing structure aimed at encouraging the development of nation-wide transmission pipelines. The result of the Act has been that many consumers are now paying less for natural gas than they were in 1980.

1991 Clean Air Amendments. The passage of the Washington State Clean Air Act in 1991 indicates a state intent to promote the diversification of fuel sources for motor vehicle. This is in response to a need to both reduce atmospheric emissions and reduce the nation's reliance on gasoline for strategic reasons. The Act called for encouraging the development of natural gas vehicle refueling stations.

Regional Power Plans

Northwest Power and Conservation Council. Since Congress passed the Northwest Power Act in 1980, the Northwest Power and Conservation Council (NWPCC) has developed 20-year electric power plans for the Northwest. In its Sixth Northwest Power and Conservation Plan, adopted February 2010, the Council recommends the following:

- Develop cost-effective energy efficiency aggressively — at least 1,200 average megawatts by 2015, and equal or slightly higher amounts every five years through 2030.
- Develop cost-effective renewable energy as required by state laws, particularly wind power, accounting for its variable output.
- Improve power-system operating procedures to integrate wind power and improve the efficiency and flexibility of the power system.
- Build new natural gas-fired power plants to meet local needs for on-demand energy and back-up power, and reduce reliance on existing coal-fired plants to help meet the power system’s share of carbon-reduction goals and policies.
- Investigate new technologies such as the “smart-grid,” new energy-efficiency and renewable energy sources, advanced nuclear power, and carbon sequestration.

II. INVENTORY AND ANALYSIS

Many public and private agencies are involved in regulation, coordination, production, delivery, and supply of utility services. This section of the element identifies those providers. The inventory includes:

- Natural gas
- Electrical
- Telecommunications
- Cellular phone
- High-speed internet (broadband)
- Cable television

Providers of these utilities for the City of Grandview and its UGA are listed in Table 6.1. Water and sewer utilities are discussed in the Capital Facilities Element of this Comprehensive Plan. Electrical, telecommunications, and natural gas are regulated by the WUTC. Cable television, telecommunications, and cellular phones are regulated by the FCC, in cooperation with local governments.

Table 6.1. Utility Service Providers, City of Grandview/Urban Growth Area

Type of Service	City of Grandview	Remainder of UGA
Natural Gas	Cascade Natural Gas	Cascade Natural Gas
Electric Utility	Pacific Power	Pacific Power
Telecommunications	Century Link Communications	Century Link Communications
Cellular Telephone	Various providers	Various providers
High-speed Internet	Various providers	Various providers
Cable/Satellite Television	Various Providers	Various Providers

Natural Gas

Grandview is served by Cascade Natural Gas, which serves areas along I-82. Cascade Natural Gas accommodates consumers in its service area that meet its criteria for financial feasibility. Cascade can serve customers outside its service area if the customer assumes some of the cost of extending the lines. Such contributions may be partly reimbursed only if additional customers connect to the same main. When deciding to serve development outside current service areas, utilities must add expand their service area by applying for a “certificate of convenience” from the WUTC.

Electrical Utilities

The City of Grandview is served by Pacific Power, which has a very strong transmission framework. While the utility has an abundant supply of energy, Pacific Power emphasizes a demand-side resource management policy to encourage efficiency and conservation, and to keep energy costs low while assuring continued power availability.

Transmission for a 115,000-volt system can be accommodated on a single pole structure that uses the road right-of-way. A substation capable of serving 10,000 residential customers typically requires no more than two acres, and is compatible with virtually any adjacent land use. One possible exception to this is ballfields. Although substations are fenced and not energized below nine feet, and are generally impenetrable, persons attempting to retrieve stray balls might be tempted to try to circumvent these protections.

State legislation passed in 2008 (480-108 WAC) established new rules for interconnecting small, alternative power generators of wind, solar, and other energy sources with established utility infrastructure. The intent of the regulations is to establish baseline rights of and responsibilities of both utilities and electric generation owners, and to ultimately connect more alternative power sources to the power grid for the benefit of both parties. The WUTC is exploring ways to ensure that these new rules are fully implemented.

In 2009, Pacific Power built a new substation between Sunnyside and Grandview, which the company expects will upgrade capacity for the entire Yakima Valley and improve reliability. Pacific Power also plans to construct a new 40-mile, 230-kilovolt line connecting the Bonneville Power Administration substation near Vantage with Pacific Power’s Pomona Heights power substation near Selah. The goal of the new line is to enhance operating flexibility and security of the regional electricity transmission grid. Alternatives under consideration for the project include routing the line around the northern or southern boundaries of the Yakima Training Center Military Reservation, to the north and east of Grandview. Pacific Power estimates that the line will be constructed in mid to late 2016.

The utility will provide power services as market conditions demand. As a private utility, Pacific Power is not bound by the level of service and concurrency requirements under the GMA.

Telecommunications

The City of Grandview is served by Century Link Communications. There are various facilities located throughout the county and the City. Many of the telecommunication facilities, including aerial and underground, are co-located with those of the electrical power provider.

Century Link Communications will provide power services as market conditions demand. As a private utility, Century Link Communications is not bound by the level of service and concurrency requirements under the GMA.

Cellular Telephone

Various federally licensed cellular telephone communications companies serve Yakima County. These companies are regulated by FCC and the WUTC. The FCC regulates cellular telephones because radio signals are used for communications.

High-speed Internet

High-speed internet is provided to Grandview customers by a number of companies, including Charter Communications, Century Link, and Yakima Satellite Internet. In March 2010, Yakima County received a \$824,000 grant to extend its broadband transmission backbone between connections. The grant provided improved broadband service to the Grandview public library.

Cable/Satellite Television

TCI Cablevision of Yakima Valley, Inc. has franchise agreements with both the City of Grandview and Yakima County, and serves all of Grandview. Transmission services from a “head end,” which is where a satellite dish sits and the signal originates. Grandview residents receive their transmission services via a connection with the Yakima head-end.

Cable follows the electrical and telephone lines. Only easements are needed, and are not usually a problem. The break-even point for economic feasibility for providing service is 30 potential customers per linear mile of cable. Anyone within 200 feet of the cable can hook up; otherwise, there is an additional charge to the customer.

TCI Cablevision has no major expansion plans at this time.

In addition, Northwest Cable Network offers satellite cable, which originates from a transmitting antenna in the Union Gap area, on Rattlesnake Ridge. Service is available to customers within a 50-mile line-of-sight radius, which includes the City of Grandview and its UGA. Northwest Cable is available in rural areas as well as areas that are hard-line cabled for television. Wireless cable is regulated by the FCC, and does not come under local regulation since it does not use public rights-of-way.

At this time, the only alternative to TCI or Northwest Cable would be a satellite dish, which requires a costly installation. As technology improves, other choices will become available.

III. GOALS AND POLICIES

GOAL 1: *To ensure that energy, gas, communication facilities, and communication services are provided in a cost-effective and efficient manner.*

- Policy 1.1: Adopt procedures that encourage private utility providers to comply with the Land Use Element of this Comprehensive Plan when planning future facilities.
- Policy 1.2: Discuss and exchange population forecasts, development plans, and technical data with the private utilities identified in this Utilities Element.
- Policy 1.3: Promote whenever feasible the co-location of new public and private utility distribution facilities in shared trenches and physical locations, and coordinate construction timing to minimize construction-related disruptions and reduce the cost of utility delivery.
- Policy 1.4: For telecommunications, including telephone, cellular telephone and cable television, allow the development/maintenance of facilities necessary to provide services as needed to accommodate population growth and advancements in technology, provided they are compatible with surrounding land uses.
- Policy 1.5: New development shall be allowed only when and where utilities are adequate, and only when and where such development can be adequately served by essential public utilities, or provided by the developer, without significantly degrading level of service elsewhere.
- Policy 1.6: Promote the joint use of transportation rights-of-way and utility corridors wherever possible.
- Policy 1.7: To facilitate coordination of public and private trenching activities, notify affected utilities of construction, as well as maintenance and upgrades to existing roads, in a timely and effective manner.
- Policy 1.8: Consider utility permits concurrent with proposals requesting service. Where possible, approve utility permits when the project to be served is approved.
- Policy 1.9: Coordinate with adjacent jurisdictions to ensure consistency with each jurisdiction's utilities element and regional utility plans, and develop a coordinated process for siting regional utility facilities in a timely manner.

GOAL 2: *Minimize impacts associated with the siting, development, and operation of utility services and facilities on adjacent properties and the natural environment.*

- Policy 2.1: Site utility facilities away from critical areas, or site them in a manner that is compatible with critical areas.
- Policy 2.2: Electric power substations and similar facilities should be sited, designed and buffered as needed to fit in with their surroundings. When sited within or adjacent to residential areas, special attention should be given to minimizing noise, light and glare impacts.
- Policy 2.3: Cooperatively work with other agencies, surrounding municipalities and Yakima County during the siting and development of facilities of regional significance.

GOAL 3: *Develop an efficient utility system that supports the community vision (both public and private).*

Policy 3.1: Develop adequate rights-of-way and infrastructure improvements for future development through the planning process, including, but not limited to, public and private utilities.

Policy 3.2: Development within the unincorporated portion of the UGA should be encouraged to occur only on a limited scale to prevent the inefficient use and distribution of public facilities and services.

Policy 3.3: Utility extensions should be designed to provide service to the maximum area possible with the least length of extension.