



**BOARD OF YAKIMA COUNTY COMMISSIONERS  
RESOLUTION**

**IN THE MATTER OF SETTING THE DATE  
FOR A CLOSED RECORD PUBLIC  
HEARING TO CONSIDER THE  
PRELIMINARY PLAT AMENDMENT FOR  
PHASE 1A OF THE VINEYARDS RESORT**

**021-2020**

**SUB2019-040**

**WHEREAS**, the Yakima County Hearing Examiner issued a recommendation on December 27, 2019 to approve the Preliminary Plat Amendment for Vineyards Resort Phase 1A related to a Development Agreement entered between the applicant and Yakima County on April 29, 2019,

**WHEREAS**, the subject Phase 1A of the Modified PD consists of 120 acres (of the approximately 495-acre Vineyard Resort site) located at 1301 Nightingale Road, about four miles southeast of Moxee, WA; **and**,

**WHEREAS**, the Board of Yakima County Commissioners will hold a closed record public hearing to consider this matter; **now, therefore**,

**BE IT HEREBY RESOLVED** by the Board of Yakima County Commissioners that **Tuesday, February 4, 2020 at 10:00 a.m.**, or as soon thereafter as possible, in the Yakima City Hall Council Chambers, 129 North 2<sup>nd</sup> Street, Yakima, Washington, be, and hereby is, the time and place set for said hearing.

**BE IT FURTHER RESOLVED** that the Clerk of the Board is hereby directed to post and publish notices as prescribed by state statute.

**DONE** this 14<sup>th</sup> day of January 2020

*Attest:*

\_\_\_\_\_  
Norm Childress, Chairman

\_\_\_\_\_  
Melissa Paul, *Clerk of the Board*

\_\_\_\_\_  
Linda Kay O'Hara, *Deputy Clerk*

\_\_\_\_\_  
Ron Anderson, Commissioner

\_\_\_\_\_  
Vicki Baker, Commissioner

*Constituting the Board of County Commissioners  
for Yakima County, Washington*

**BOARD OF YAKIMA COUNTY COMMISSIONERS  
NOTICE OF CLOSED RECORD PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Board of Yakima County Commissioners will hold a closed record public hearing on **Tuesday, February 4, 2020 at 10:00 a.m.**, or as soon thereafter as possible, in the Yakima City Hall Council Chambers, 129 North 2<sup>nd</sup> Street, Yakima, Washington, to consider the recommendation issued by the Yakima County Hearing Examiner for the following proposal:

FILE NO.: SUB2019-00040

PROPONENT: Vineyards Partners, LLC

PROPOSAL: The plat amendment (Phase 1A) includes: constructing private roadways, domestic water systems, electrical power and telephone utilities, and septic drain fields to support 27 “estate lots” ranging in size from 43,596 square feet – 84,380 square feet, and a site for a temporary modular unit for a sales office and gathering space. Phase 1A also includes creating walkways/trails, open space, and an initial portion of a nature park that will remain undeveloped except for a trail system.

The private roads proposed by the Phase 1A include both primary and secondary vehicular circulation elements. Road A is for primary vehicular circulation, and Roads B, C and D are for secondary vehicular circulation. The roadways will be private and maintained by the Owner/Resort.

The overall development is in several phases with an estimated 10-15 year build out. For future phases of the Vineyard Projects, a Large On-site Sewage System (LOSS) is proposed to serve the three villages. A LOSS is not required for Phase 1A.

The complete application may be reviewed during normal County business hours at the Yakima County Department of Public Services, Planning Division, on the 4<sup>th</sup> Floor of the County Courthouse. If you have any questions on the proposal, please contact Dinah Reed, Senior Project Planner, at 574-2300.

**DONE** this 14<sup>th</sup> day of January 2020

ATTEST: Melissa Paul  
Clerk of the Board

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PUBLISH: Yakima Herald Republic – January 16, 2020

**Bill:**        **Account No. 10826, Planning**  
                 **Yakima County Public Services**  
                 **128 North 2<sup>nd</sup> Street, 4<sup>th</sup> Floor**  
                 **Yakima, WA 98901**



# Public Services

128 North Second Street • Fourth Floor Courthouse • Yakima, Washington 98901  
(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • [www.co.yakima.wa.us](http://www.co.yakima.wa.us)

VERN M. REDIFER, P.E. - Director

December 31, 2019

TO: Vineyard Partners, Inc. & Parties of Record  
FROM: Karri Espinoza, Office Coordinator *KE*  
RE: Hearing Examiner Recommendation -- File Nos. SUB19-040

On, December 27, 2019 the Yakima County Hearing Examiner issued his recommendation on a subdivision amendment at 1301 Nightingale Road. The Examiner's recommendation is enclosed.

The Hearing Examiners recommendation will be presented to the Board of County Commissioners for consideration at a closed record public hearing. You will be notified when this date has been set. If you have any questions on the recommendation, please contact Dinah Reed at 574-2300.

Encl.: *Hearing Examiner Recommendation*  
Cy: *Parties of Record*

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*Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.*

*If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.*

**County of Yakima, Washington  
Office of the Hearing Examiner**

<b>In the Matter of a Preliminary Plat Amendment Application</b>	)	<b>File No. SUB2019-00040</b>
	)	
	)	
<b>By Vineyard Partners, LLC</b>	)	<b>Hearing Examiner's Recommendation</b>
	)	
	)	
<b>For the 27-Lot "Vineyard Resort – Phase 1A" Subdivision Amendment at 1301 Nightingale Road</b>	)	
_____	)	

**I. INTRODUCTION.**

Vineyard Partners, LLC ("the applicant") submitted an application for a preliminary plat amendment on September 20, 2019. The application is related to a Development Agreement entered between the applicant and Yakima County on April 29, 2019, which addressed properties that had previously been the subject of several land use approvals. Three hundred seventy-five acres of the applicant's property was rezoned in 1999 from Exclusive Agriculture to Planned Development ("PD") for a resort development. Phase I of the Preliminary Plat for this PD was approved in 2002. In 2005 the resort was expanded onto the adjoining 120 acres of land, zoned AG, and was granted a Conditional Use Permit (CUP 05-010). In 2006 an amendment to the preliminary plat and the re-phasing of the overall project was approved under SUB2005-00054, which included an 18-hole golf course located within a subdivision of approximately 480 dwellings. The applicant requested an extension of time for Phase I of the plat on January 7, 2016. A 5-year extension was granted up to March 3, 2021 to finalize Phase I. A further description of the permitting history is described in an April 29, 2019 Development Agreement. Yakima County eliminated the Planned Development zone after the 1999 rezone to PD.

The current application seeks to amend the previously approved Phase I of preliminary plat, consistent with the Development Agreement. It proposes the second amendment to the Phase I Preliminary Plat for consistency with the Approved Modified PD. After the application was submitted, an internal notice of project review resulted in comments from the Water Resources Division, Transportation Division, Fire & Life Safety Division, and Utilities Division.

An open record hearing was convened on the application on December 5, 2019. Prior to the hearing, the Yakima County Planning Division provided a staff report and exhibits to the Hearing Examiner and the applicant. The staff report recommended approval of the amendment,

subject to conditions. The Hearing Examiner viewed the subject property on December 4, 2019. At the hearing, the staff report was presented by Senior Project Planner Dinah Reed. The applicant was represented by Rodney Ryan. No public comment was offered at the hearing, nor was any written public comment submitted during the plat amendment public comment period. Following the hearing, the Hearing Examiner requested a report on the comparison of the preliminary plat to provisions in the resort master plan which set the development standards for the proposed project. The applicant provided the requested comparison and a copy of the Phase 1A site plan on December 23, 2019. The comparison report is included with this recommendation as Attachment A, and is made part of the record for the subject application. The site plan was previously included in the record as part of Hearing Exhibit No. 5.

## **II. SUMMARY OF RECOMMENDATION.**

The Hearing Examiner recommends approval of this preliminary long plat amendment subject to conditions as set forth in detail in V. RECOMMENDATION, below.

Based on the staff report and exhibits, the April 29, 2019 Development Agreement, the viewing of the site, evidence received at the open record hearing, a review of *Horizon 2040* (the Yakima County Comprehensive Growth Management Plan), and pertinent provisions of Title 19 of the Yakima County Code (the Unified Land Development Code or "ULDC"), the Hearing Examiner makes the following

## **III. FINDINGS.**

### **1. APPLICATION INFORMATION**

- a. **Property Owners/Applicant:** Vineyards Partners, LLC  
13000 NE 28<sup>th</sup> Place  
Bellevue, WA 98005
- b. **Type of Application:** Type 4 review of a preliminary long plat major amendment.

**2. PROJECT PROPOSAL:** The plat amendment (Phase 1A) includes: constructing private roadways, domestic water systems, electrical power and telephone utilities, and septic drainfields to support 27 "estate lots" ranging in size from 43,596 square feet – 84,380 square feet, and a site for temporary modular unit for a sales office and gathering place. The allowable uses of the estate lots are out in the Master Development Plan. Phase 1A also includes creating walk-ways/trails, open space, and an initial portion of a nature park that will remain undeveloped except for a trail system. The private roads proposed by the Phase 1A include both primary and secondary vehicular circulation elements. Road A is for primary vehicular circulation, and Roads B, C and D are for secondary vehicular circulation. There is also a

maintenance road from the end of Road D to the water reservoir that is not for vehicular circulation. The roadways will be private and maintained by the Owner/Resort. The roadways will chiefly be crushed gravel with some sections being paved. The roadway will be a public access and provide for the utility easement.

Each estate lot will be served by its own private septic drainfield. Each homeowner will be responsible for constructing their drainfield in accordance with Yakima County Department of Health requirements. A privately maintained and operated domestic water system will be constructed to support the project. An existing on-site well will provide the required domestic and fire flow for the development. A hillside reservoir will provide a gravity fed water distribution system. Electrical power will be supplied by Pacific Power to support the development.

The overall development is in several phases with an estimated 10 – 15 year build out. For future phases of the Vineyard Projects, a Large On-site Sewage System (LOSS) is proposed to serve the three villages. A LOSS is not required for Phase 1A.

**3. PROJECT LOCATION AND PARCEL NUMBER:** The subject parcels are located at 1301 Nightingale Road, on the east side of Nightingale Road, about four miles southeast of Moxee, WA. The Assessor's Parcel Numbers are 201228-13003, -13004, -41003, -44003, -14002, -14003, -22003, and -23002.

**4. COMPREHENSIVE PLAN DESIGNATION:** According to the *Horizon 2040*, the parcel and surrounding area are designated as Rural Remote/Extremely Limited Development Potential and Agricultural Resource.

**5. ZONING:** One hundred and twenty (acres of the approximately 495 acre Vineyard Resort site are zoned Agricultural ("AG"). Forty acres of AG zone property are west of Nightingale Road, and eighty acres are east of Nightingale Road. The balance of the property is zoned Planned Development ("PD").

**6. ENVIRONMENTAL REVIEW:** The proposal is subject to review under the State Environmental Policy Act (SEPA). A SEPA checklist was submitted under County File No. SEP2018-00035 in association with the earlier modification of the Planned Development. A Mitigated Determination of Non-Significance for the overall modification on January 22, 2019. No appeals were filed.

The MDNS required the following mitigation measures to avoid the need for an environmental impacts statement:

Mitigation Measure A1: Prior to final engineering approval for the first phase of the development, a final habitat assessment and habitat management plan meeting the guidance published by the Washington State Department of Fish and Wildlife shall be submitted for review and approval.



Mitigation Measure A2: Shrub-Steppe Habitat located within areas designated as "Estate Lots" on Yakima County Parcel Numbers 201227-32003, 201228-41002, and 201228-44001 shall be protected from impacts due to development of the sites. [Parcels 201228-41002 and 201228-44001 are not among the properties included in this application.]

Mitigation Measure B1: A traffic report shall be submitted to Yakima County Roads for each subsequent phase of this development. If the traffic generated is greater than estimated by the current Traffic Impact Analysis (TIA), an updated TIA meeting the requirements of the Yakima County Engineer shall be submitted for review. If it is determined that the traffic volumes or level of service exceed the proposed changes, appropriate transportation improvements must be completed.

The MDNS and subsequent determinations regarding the sufficiency of SEPA compliance for the current application to amend the preliminary plat is not subject to additional review in the current proceeding per Recital F in the Development Agreement.

**7. PUBLIC NOTICE:** A Notice of Application, Notice of Completeness, and Notice of Hearing were mailed to adjoining property owners on October 15, 2019 with the comment period ending on October 29, 2019. A legal notice of the Open Record Hearing was published in the Yakima-Herald on October 15, 2019. No comments were received from adjoining property owners, other members of the public, or outside agencies. The property was posted on November 19, 2019. Notice was provided as follows:

Application Complete	October 11, 2019
Notice of Hearing	October 15, 2019
Property Posted	November 19, 2019

**8. JURISDICTION:** Per ULDC 19.34.050(9): Following preliminary subdivision approval and before submission of a final plat, the applicant may request an amendment to the approved or conditionally approved preliminary subdivision. The Development Agreement provides that the Phase 1A plat amendment will be processed as a major amendment. Major amendments follow the same procedure required for a new application and fee. A public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The Reviewing Official shall approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary subdivision approval reasonably related to the proposed amendment.

The Hearing Examiner is authorized to conduct an open record hearing and issue a recommendation on preliminary plat applications, and therefore conducts hearings and issues recommendations on plat amendments per ULDC 19.34.050(9)(c).i.

**9. REVIEW CRITERIA:**

Major amendments follow the same procedure required for a new subdivision application. ULDC 19.34.050(9)9c.i. Therefore, the subject application is reviewed based on the decision criteria in ULDC 19.34.050(5)(a). At the outset, however, the Preliminary Plat Amendment – Phase 1A is subject to the Development Agreement entered on April 29, 2019 in conjunction with the Major Modification to the Planned Development. The Development Agreement provides that the Vineyards Resort Master Development Plan

shall be relied upon by the Parties as the controlling document to establish permitted uses, applicable development standards, infrastructure required and procedures to be followed, provided the development and uses are within the portion of the Vineyard Property for which a complete Preliminary Plat application was filed by the Entitlement Deadline and for which a final plat application was filed by the Final Plat Deadline.

*Development Agreement p.6, Sec. 2.1.* Therefore the satisfaction of the review criteria requires consideration of compliance with the Development Agreement and the Master Development Plan first, and the consideration of other review criteria or standards secondarily. The primary decision criteria and their analysis are set out below.

**a. The preliminary subdivision amendment is in the public interest.** The amendment application has been submitted in fulfillment of the requirements of the April 29, 2019 Development Agreement, duly entered by Yakima County and the applicant. So long as the amendment conforms to the development standards and conditions of approval identified in the Development Agreement, the Master Development Plan and following analysis, it will serve the public interest.

**b. Prior or concurrent with development of adequate public and private streets and roads.** All new development to be served by a private road must be served by an access easement conforming to the dimensional requirements of ULDC19.23.050.

The Master Development Plan provides a circulation plan but does not specify standards for construction of roads in the circulation system. Construction standards for private roads are included in ULDC 19.23.050(6), particularly in Table 19.23.050-1 Private Road Standards. The table is as follows:

Design Speed (min.)	25 miles per hour
Roadway Width	20 feet or current Fire Code (whichever is greater)

Horizontal Curve (min.)	154' radius (at 4% max. super-elevation)
Vertical Curve (crest min.)	$L = 12 \times (A)$ , where L is the length of vertical curve, A = the algebraic difference in intersecting grades.
Vertical Curve (sag min.)	$L = 26 \times (A)$ , where L is the length of vertical curve, A = the algebraic difference in intersecting grades.
Maximum Grades	10% or current Fire Code (whichever is least)
Stopping Sight Distance	155 feet (on level ground)
Roadway must accommodate two-way traffic	
Pavement section must be designed for a 20 year lifecycle	
Roadways in Urban Areas shall have pedestrian facilities, street and pedestrian lighting and drainage facilities	

The Transportation Division offered access- and road-related comments that are summarized as follows:

(1) The proposed typical cross section [on Hearing Exhibit 5 p.29] is showing only 4 inches of crushed base course gravel which is likely insufficient. Due to the fact that the majority of the roadway will be placed over a pre-existing gravel driveway, the depth of base material will be dependent upon soil density and existing factors that are variable over the site. The lifespan of the roadway based upon materials used and the access portion of the roadway which has the potential to negatively impact the roadway.

(2) Prior to construction the applicant's engineer should provide results of soil density testing, calculations for roadway degradation with the assumption of 2,307 vehicle trips (expected traffic volumes per applicant's Transportation Impact Assessment) and updated plans showing the estimated depth of gravel necessary to meet the 10-year designed lifespan. Prior to construction applicant should submit a complete engineered design for approval by the County Engineer for the "Paved Asphalt Divided Roadway entrance with landscaped center median" (item 14 from page C-100 [on Hearing Exhibit 5, p. 17]), as this is the only portion of the project with potential negative effects to the public roadway system and will not be constructed per Yakima County Standard Plans.

(3) Post construction, the applicant's Engineer must certify the roadway as meeting all of the ULDC 19.23.050(6)(a) and (b) standards. This will include "as-built"

design showing any changes based on engineering judgement that were made in the field, stamped by a WA state licensed engineer. The roadway user maintenance agreement that is required for interior subdivision private roads should reflect the degradation calculations and any routine maintenance required to keep the roadway in operational order.

(4) The proposed roadway does not meet the public roadway standards for Yakima County Roadways. There are portions of the roadway which exceed the maximum allowable roadway grade of 10%. This may be allowed but only by approval of the Yakima County Fire Marshall. Can Fire and EMS get to all portions of the developed property? There is also a roadway stub between lots 13,14,15 &16 that exceed 200' in length and likely require an approved turn-around, which is also regulated by the Yakima County Fire Marshal.

Comments provided by Building and Fire Safety Division also addressed access. Accordingly, "Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (International Fire Code Section 503.2.3)." Also, plat notes must be included on the face of the plat to the following effect:

- 1) Must meet fire apparatus access requirements including but not limited to width, turnouts, turnarounds and grade of no greater than 10%. The grade may be allowed to exceed 10% with the approval of the Fire Marshal and the district Fire Chief. (Ordinance 503.1, Appendix D of the International Fire Code)
- 2) Fire Flow will be required, including hydrants with a maximum spacing of 600 feet (Ordinance and International Fire Code 507.3, Appendix B of the International Fire Code, NFPA 24)
- 3) Dead-end fire apparatus access roads in excess of 150' feet in length shall be provided with an approved area for turning around fire apparatus. (International Fire Code Section 503.2.5)
- 4) Developments of one, or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. (International Fire Code Appendix D107.1)"

Based on comments provided by the Transportation and Building and Fire Safety Divisions, the applicant will be required,

- prior to construction, to provide results of soil density testing, calculations for roadway degradation with the assumption of 2,307 vehicle trips (expected traffic volumes per the

applicant's Transportation Impact Assessment and updated plans showing the estimated depth of gravel necessary to meet the 10-year designed lifespan;

- prior to construction, to submit 100% design plans (item 14 on pg C-100 of submitted 30% design) to be approved by the Yakima County Engineer;
- on the face of the final plat, include the notes required by the Building and Fire Safety Division, as well as a note to the following effect:

Yakima County has no responsibility to build, improve, maintain or otherwise service any private road for this plat/short plat. Any right-of-way dedicated to the public by this plat/short plat shall not be opened as a County road until it is improved to County road standards and accepted as part of the County road system.

- provide engineer certification that the roadway meets the provisions of the ULDC 19.23.050(6)(a) and (b).

**c. Open spaces, parks and recreation.** The Master Development Plan includes these amenities in the project design. The plat amendment includes planned sites for a portion of the nature park and a system of trails the provide for open space, park and recreational uses. In addition, the proposed lots generally are one to two acres, affording some open space amenity opportunities among other use options. In addition, Section 2.2 of the Development Agreement provides that the entire project boundary can be used as the basis for meeting open space requirements.

**d. Drainage.** Stormwater requirements are addressed in ULDC 19.10.040(12): The Yakima County Water Resources Division provided comments that prescribe several stormwater requirements, as follows:

An engineered stormwater plan along with supporting documentation is required for Phase 1A, as well as a conceptual stormwater plan for the remainder of the development (YCC 12.10.240 & 250). There are no approved stormwater plans for this resort. The following information and requested clarifications apply only to the stormwater plan and are provided now in case they affect the proponent's layout or designs.

Natural drainageways - Pedestrian trails are proposed along the bottom of the drainageways. This may be permitted but note that vehicle traffic (farm or otherwise) will compact the ground and change runoff characteristics. There are also a number of facilities located near the bottom of the combined drainageways including: an amphitheater; stormwater ponds; the lined irrigation pond; and several buildings for this or other phases. Development in this type of location can be hazardous, high maintenance and change runoff characteristics

negatively. Please reference a document first provided to the Vineyards Resort for an Early Assistance meeting at the County in 2017. This "Water Resources Comment for EAC2017-00114 - Vineyard" document contains stormwater references and specific information and requirements regarding natural drainageways that remains applicable to all phases of this development. Public Services received drainageway questions about this document from the applicant's engineering firm in August 2018 but let Dianna Woods know if you'd like another copy or for other questions (509-574-2300).

On the design sheets are several locations where roads cross the drainageways. They are labeled "Drainage culvert. Size TBD". Several of these crossings appear to have heavily rocked approaches for culverts or pipes. The question is whether these crossings have already been constructed and if so, why is the size labeled TBD on the designs?

Below are additional suggestions for inclusion on stormwater site plans –

- a) Identify parking areas and building footprints proposed for this phase.
- b) Location of previously developed mine and stockpiles and any mine proposed for Phase 1A.
- c) Identify facilities in or near Phase 1A that were constructed under approval of the previous golf resort and whether they will be retained, changed or removed.

Conditions prior to ground disturbance or issuance of building permits-

- a) A stormwater plan must be submitted and approved before any ground disturbance occurs or building permits are issued. Ground disturbance includes grading, vegetation removal and utility installation. Agricultural ground disturbance is exempt. Contact Water Resources Division staff for questions about development versus agricultural ground disturbance.
- b) A conceptual stormwater plan must be submitted for the remaining phases of the development. For subsequent phases a detailed engineered stormwater plan must be approved for each phase prior to ground disturbance.
- c) A Washington State Department of Ecology Construction Stormwater Permit will be required for each construction project greater than one acre. Provide a copy of the Ecology Construction Permit or Waiver to Public Services before each construction project begins.

On-going conditions-

- a) Stormwater must be retained on site.
- b) Any natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250.”

In response to the Water Resources Division comments, all stormwater generated on the subject parcels must be retained on site. An engineered stormwater plan along with supporting documentation is required for Phase 1A, as well as a conceptual stormwater plan for the remainder of the development (YCC 12.10.240 & 250). The applicant can contact the Water Resources Division, at (509) 574-2300 for questions regarding soils and stormwater.

**e. Access to mass transit where there is or will be such transit.** The subject property is located remotely from mass transit services.

**f. Potable water supplies.** A community well/water system is proposed to serve the Vineyards Project. The Yakima Health District commented that

A Group A Water System approval is necessary for the public water system that will serve water to the proposed 27 lots. [The applicant] will need to contact a Washington State Professional Engineer and submit plans to Andy Cervantes of Washington Department of Health (509) 329-2120.

Yakima County Health District has assigned a case number to the project (HWAS2018-00336). A Water System Plan is currently being prepared in accordance with WA State Department of Health requirements. The applicant will need to provide verification to the Yakima County Planning Division prior to plat approval that a State approved Satellite Management Agency (SMA) will be maintaining the water system. The Yakima County Utilities Division commented regarding the requirements for the project if the Division is to own and operate the water system. The water system for the Vineyards Project (including Phase1A) is planned to be maintained privately rather than by the Yakima County Utilities Division.

**g. Sanitary waste collection and treatment.** The applicant is proposing individual, on-site septic systems for 27 estate lots. The Yakima Health District commented that “[the] 27 lots can be served with individual septic systems. We recommend test holes be evaluated to determine the type of septic systems and the minimum land area necessary for initial and future septic replacement areas before subdivision approval.” The application must provide verification to the Yakima County Planning Division that the on-site individual septic systems have been approved.

**h. Schools and educational services (if residential).** The property is located in the Wapato/Toppenish School District. No comments were received from the School District.

i. **Pedestrian facilities, particularly for students who walk to and from school.** As noted, the site plan provides a network of trails, both along the private roads and through the vineyards and natural areas. This property is quite distant from actual school facilities and is served by the school bus route system. The applicant is not proposing sidewalks or walking paths for students who may want to walk to school, though students can walk on the trail system to Nightingale Road for bus pick-up and drop-off. Parents can also drive their children to the county road.

j. **Fire prevention services.** The Yakima County Fire Marshal's Office provided the following comments:

"Must meet fire apparatus access requirements including but not limited to width, turnouts, turnarounds and grade of no greater than 10%.  
(Ordinance 503.1, Appendix D of the International Fire Code)

An approved Fire Flow system will be required, including hydrants  
(Ordinance and International Fire Code 507.3, Appendix B of the International Fire Code)

All buildings will need to obtain proper building and fire safety permits."

The applicant will be required to meet the fire flow and Fire Apparatus Access Road (FAAR) requirements of the Yakima County Building and Fire Safety Division. The applicant can contact Chris Pederson, Fire Marshall, at (509) 574-2300 regarding these comments.

k. **Irrigation water supplies.** Based on Yakima County Public Services GIS maps, the Planned Development zoned parcels are not within an Irrigation District. The AG zoned parcels are within the Roza Irrigation District.

Irrigation easements and distribution facilities shall be provided as required under RCW 58.17.310 and YCC 19.34.070(2)(d). A statement shall be placed on the face of the plat evidencing that the subdivision lies within the boundaries of an irrigation district and that irrigation water rights-of-way may be imposed by said irrigation district under RCW 58.17.310. If the irrigation district serves as its own treasurer, a certificate in accordance with YCC 19.34.070(2)(d)(iv) is required. The following irrigation district acknowledgement shall also be placed on the face of the plat (YCC 19.34.070(2)(d)(iii)):

The property described hereon is wholly or in part within the boundaries of the ROZA Irrigation District. The irrigation easements and rights-of-way on this plat as required by Yakima County Code Title 19 (either currently existing irrigation easements or rights-of-way or newly created ones) are adequate to serve all lots located within this plat which are otherwise entitled to irrigation



water under the operating rules and regulations of the district. The irrigation easements and rights-of-way are adequate to transmit irrigation water under the operating rules and regulations of the district. Lots \_\_\_\_\_, in whole or in part, are not entitled to irrigation water under the operating rules and regulations of the district.

Irrigation easements and distribution facilities must be provided as specified by the Roza Irrigation District. Confirmation of the irrigation district's approval shall be in the form of a signature on the face of the final plat with the required irrigation district statement (YCC 19.34.070(2)(d) and RCW 58.17.310).

I. **Compliance with Standards.** The application will conform to all adopted County and State rules and regulations as set forth in Section 19.01.020. For the PD zoned portion of the project, the Master Development Plan establishes customized standards. These standards modify and take precedence over the YCC standards to allow for implementation of the Master Development Plan. In matters of definitions, land use, development standards, subdivision, administration and review processes, the provisions of the Master Development Plan take precedence over competing or contradictory provisions of Title 10 (Roads, Highways and Bridges), Title 12 (Water and Sewage), Title 16A (Critical Areas), Title 16B (Project Permit Administration), Title 16C (Critical Areas) and Title 19 (Unified Land Development Code) of the YCC. Where the Master Development Plan does not include a provision that is contained in these Titles, the applicable YCC provision governs based upon the vesting provisions of the Development Agreement.

Title 19 development standards and regulations and their applicability to the proposed plat amendment are set out and analyzed as follows:

(1) *Conformity with All Regulations Required (ULDC19.10.040(1)):* "Any development, structure, or part shall conform to all of the regulations specified in this Title for the situation and zoning district in which they are located in order to be authorized, erected, constructed, reconstructed, moved or structurally altered." The proposed Vineyards Project, Phase 1A will comply with the standards of the Development Agreement associated with the Master Planned Development submitted with the Major Modification to the Planned Development (ZON2018-00007) and the development standards of ULDC 19.10.040, provided the conditions are met.

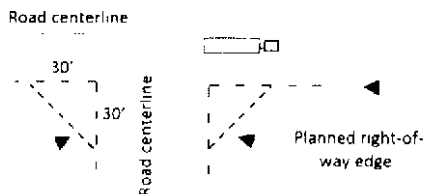
(2) *Access Required (ULDC 19.10.040(3)):* When a proposed use requires access to a County roadway, the approach location shall be reviewed by the County Engineer. Access to Nightingale Road is addressed in III.9.b, above. The plat amendment provides for adequate access so long as it complies with the specified conditions.

(3) *Land Uses (ULDC 19.10.040(4))*: According to Section 2.2.1 of the Development Agreement, the Vineyards Resort Master Plan establishes the permitted uses, standards and processes for land uses. The Vineyards Resort Master Plan presents graphics and narrative that describe the overall concept plan for the project, the uses that are permitted, the development standards that apply for construction of the permitted uses, the infrastructure required and the processes to be followed as the project is built out. The comparison of the proposed land uses to the Master Plan is set out in Attachment A to this Recommendation.

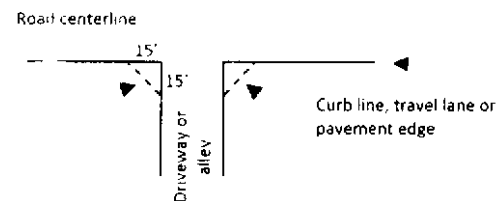
(4) *Building Permits Required (ULDC 19.10.040(5))*: "No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the Building Official under RCW 19.27 and YCC Title 13. No building permit shall be issued except in conformity with this Title." The applicant must apply for all building and fire permits for the proposed structures. All permits for the proposed structures must be issued, inspected, and finalized prior to occupancy.

(5) *Setbacks, Easements and Right-of-Way (ULDC 19.10.040(6))*: Dimension standards for improvements are described in the Master Development Plan and are controlling. The 27 Estate Lots proposed in Phase 1A are subject to review and compliance with the dimensional standards for the Estate Lot Type in Figure 3.4 of the Master Plan. Figure 3.4 does not address the temporary sales/tasting room structure. The staff report recommends that the temporary sales/tasting room be subject to an interior side setback and rear setback of 10 feet from adjoining property lines, and 50-foot setback from the centerline of the private road and that the applicant must meet the setback requirements or apply for an administrative adjustment at the time of development of the structure. The applicant did not object at the hearing. The staff report also recommended 50-foot setback from the centerline of the private road for the estate lot structures, but road design standards for the plat amendment already would provide a sufficient setback, given the 45-foot setback requirement in Figure 3.4 and the required road right of way widths in the standard road sections included in the record.

(6) *Vision Clearance Triangles at Intersections and Driveways (YCC 19.10.040(7))*: The functional classification of Nightingale Road is a Rural Minor Collector with a Right-of-way of 30 feet on both sides of the centerline. The applicant must meet the vision clearance triangle as shown below.



Vision clearance triangles at an intersection or railroad crossing  
Subsection 19.10.040(7)(a)



Vision clearance triangles at a driveway, curb cut or alley  
Subsection 19.10.040(7)(b)

(7) *Maximum Lot Coverage and Building Height (YCC 19.10.040(8))*: These standards are set for the Estate Lots in Figure 3.24 of the Master Development Plan. No standards have been established for the temporary sales/wine-tasting facility location in the Master Development. Lot coverage and building height requirements are not set in the AG zone.

(8) *Fences, Walls and Recreational Screens (ULDC19.10.040(9))*: The provisions of YCC 19.10.040(9) "shall govern the location and height of fences and walls, to allow access to properties by utility employees and emergency response personnel and to maintain good appearance of residential areas and visual access along residential streets and between lots." Any fences proposed shall meet the height and setback requirements of YCC 19.10.040(9).

(9) *Exterior Lighting (ULDC 19.10.040(10))*: At such time as exterior lighting is proposed for project facilities, exterior lighting for all uses and signs must comply with ULDC 19.10.040(10).

(10) *Parking/ Calculation of Parking Standards (Chapter 19.22 ULDC)*: The staff report contains the following analysis, to which no objection was registered at the hearing:

(i) The parking standards in Table 19.22-1, Table of Off-Street Parking Standards are established as the parking standards for the uses indicated. The required number of parking spaces is determined by the square footage of the assembly areas. The applicant is proposing a temporary sales/gathering/tasting room structure that will be approximately 1,500-2,000 square feet and a portion of the nature park that will be approximately 2.0 acres with Phase 1A.

In accordance with ULDC 19.22.050 Calculation of Parking Standards - Land Uses Not Listed in Table 19.22-the Reviewing Official can make a determination to evaluate a proposed land use based closely on similar land uses listed in Table 19.22-1. If there is none, the Reviewing Official will reference the Recommended Parking Ratio Requirements developed by the Institute of Transportation Engineers (ITE).

Parking calculations for a nature park are not listed in Table 19.22-1. The land use: "411 City Park" was the only relatively similar land use in the Institute of Transportation Engineers (ITE) that could be used for calculations for a park having a playground and picnic area -- which requires 2.6 spaces per acre. In accordance with 19.22-2 Table of Off-Street Parking Standards, the following calculations for a sales office/tasting room would apply:

Use	YCC requirement	Calc. Required Parking Spaces
Approximate 2.0 acre nature park	2.6 spaces per acre	5 spaces
Sales office/tasting room approximately 1,500-2,000 sf	1 space/250 sf	6-8 spaces

(ii) **Construction and Maintenance of Parking Areas (ULDC 19.22.070):** Parking facilities within all rural zones shall be surfaced with a minimum of screen gravel or crushed rock, or better. Parking areas shall be graded and drained, so all surface water is disposed of on-site. Grading and drainage facilities shall be designed according to accepted engineering standards, Title 12.10 YCC, and the Stormwater Management Manual for Eastern Washington. The staff finding was that

The applicant shall surface the parking areas with a minimum of screen gravel or crushed rock, or better and comply with the grading and drainage of parking areas as required by YCC Title 12.10.

**m. Phasing.** The Master Development Plan governs phasing of the overall project. Phase 1A is an independent planning unit discrete circulation facilities and utilities, other than the potable water system. Prior to recording the final plat for any phase, all required improvements for that phase will be built, bonded or escrowed unless otherwise addressed in the Master Development Plan or Development Agreement.

**n. Grading.** Where the slope between the highest and lowest points on the site exceeds five percent, a final grading plan for the full development, consistent with the drainage plan, depicting the final grade shall be shown for the entire plat with topographic contours at intervals of not more than five feet.

**o. Flood, Inundation or Swamp Conditions.** A proposed subdivision may be denied because of flood, inundation or swamp conditions under RCW 58.17.120. No such conditions are present on the subject property other than with regard to drainage. Drainage planning is addressed in III.9.d, above.

From the foregoing Findings, the Hearing Examiner makes the following

#### **IV. CONCLUSIONS**

Based on the analysis of the preliminary plat amendment in the Findings, the preliminary plat amendment is consistent with the review criteria set out in ULDC 19.34.050(5)(a), so long as the applicant can meet the conditions prescribed. On this basis, the preliminary plat amendment should be approved.

#### **V. RECOMMENDATION**

Based on the preceding findings and conclusions, the Hearing Examiner recommends APPROVAL of the preliminary plat amendment for Phase 1A, Yakima County file number SUB2019-00040, subject to the following conditions:

Prior to the finalization of the subject subdivision the following conditions must be completed within five years of the date of the final Yakima County Board of Commissioners Decision.

1. The applicant shall apply for all necessary Building and Fire Life Safety permits for the proposed structures. All permits for the proposed structures must be issued, inspected, and finalized prior to occupancy. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at (509) 574-2300.

2. The developer must arrange a pre-construction conference prior to any road or utility construction within the public road right-of-way(s). An inspector from Yakima County will be required to inspect the actual road and utility construction within all public road rights-of-way.

3. The plans for all the internal private roadways shall be prepared by the applicant's Licensed Professional Engineer and submitted to Yakima County for approval. These plans must incorporate provisions for on-site stormwater retention facilities for all surface runoff water generated within the development. Once constructed, the Licensed Professional Engineer must certify to the Planning Department that the improvements were constructed as designed.

4. The proposed paved private road access (item 14 on pg C-100 in the site plan) is not a standard plan for Yakima County Roads. Applicant shall submit 100% design plans to the Yakima County Engineer for approval prior to construction in conjunction with a right-of-way use permit.

5. Utility easements in accordance with YCC 19.25.050 must be reserved for and granted to all utilities (and to their respective successors and assigns) and shall be shown on the face of the final plat.

6. Per YCC19.23.050 Table 19.23.050-1, the minimum roadway width must be 20' or fire code. The roadway must support two-way traffic in areas where on street parking is being constructed, the travel way of the road must still support traffic in both directions.

7. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (International Fire Code Section 503.2.3)

8. The developer must submit road name applications for all private streets within the development. The road names must be reviewed and approved by Yakima County prior to plat approval. Road signs are required for this development. All road signs must be installed.

9. Covenants providing for the perpetual maintenance of the private roadways, including any required road name signs, must be provided by the developer, reviewed by Yakima County, and recorded as a supplement to the final plat. These covenants must establish a road maintenance fund.

10. The applicant obtain approval by the Yakima Health District for the installation of the individual septic systems for the estate lots. The Yakima Health District recommends that

test holes be evaluated to determine the type of septic systems and the minimum land area necessary for initial and future septic replacement areas before subdivision approval. Verification that the on-site individual septic systems have been approved must be provided to the Yakima County Planning Division prior to plat approval and issuance of building permits.

11. The applicant shall provide verification to the Yakima County Planning Division prior to plat approval that a State of Washington-approved Satellite Management Agency (SMA) will be maintaining the water system. The applicant shall submit verification from the Washington Department of Health to the Yakima County Planning Division that there is satisfactory evidence that the water is potable, using the standards of the Washington Department of Health, prior to approval of the final plat.

12. Irrigation easements and distribution facilities shall be provided as required under RCW 58.17.310 and YCC 19.34.070(2)(d). A statement shall be placed on the face of the plat evidencing that the subdivision lies within the boundaries of an irrigation district and that irrigation water rights-of-way may be imposed by said irrigation district under RCW 58.17.310. If the irrigation district serves as its own treasurer, a certificate in accordance with YCC 19.34.070(2)(d)(iv) is required. The following irrigation district acknowledgement shall also be placed on the face of the short plat (YCC 19.34.070(2)(d)(iii)):

The property described hereon is wholly or in part within the boundaries of the ROZA Irrigation District. The irrigation easements and rights-of-way on this plat as required by Yakima County Code Title 19 (either currently existing irrigation easements or rights-of-way or newly created ones) are adequate to serve all lots located within this plat which are otherwise entitled to irrigation water under the operating rules and regulations of the district. The irrigation easements and rights-of-way are adequate to transmit irrigation water under the operating rules and regulations of the district. Lots \_\_\_\_\_, in whole or in part, are not entitled to irrigation water under the operating rules and regulations of the district.

Irrigation easements and distribution facilities must be provided as specified by the Roza Irrigation District. Confirmation of the irrigation district's approval shall be in the form of a signature on the face of the final plat with the required irrigation district statement (YCC 19.34.070(2)(d) and RCW 58.17.310).

13. An engineered stormwater plan along with supporting documentation is required for Phase 1A, as well as a conceptual stormwater plan for the remainder of the development (YCC 12.10.240 & 250) and must be submitted and approved by the County before any ground disturbance occurs or building permits are issued. Ground disturbance includes grading, vegetation removal and utility installation. Agricultural ground disturbance is exempt. Contact Yakima County Water Resources Division staff for guidance in distinguishing development ground disturbance versus agricultural ground disturbance.

14. A Washington State Department of Ecology Construction Stormwater Permit will be required for each construction project greater than one acre. Provide a copy of the Ecology

Construction Permit or Waiver to Yakima County Public Services before each construction project begins.

15. The applicant shall submit verification from the Department of Ecology that the State Waste Discharge Permit has been approved and any necessary facilities installed prior to final plat approval.

16. Detailed plans for all proposed utilities to be located within the PD must be submitted to the Yakima County Utilities Division for review and approval prior to utility construction.

17. The applicant shall provide 6-8 parking spaces for the sales office/tasting room with a minimum of screen gravel or crushed rock, or better and comply with the grading and drainage of parking areas as required by Title 12.10 YCC.

18. The applicant shall provide 5 parking spaces for the nature park with a minimum of screen gravel or crushed rock, or better and comply with the grading and drainage of parking areas as required by Title 12.10 YCC.

19. The applicant shall show on the face of the final plat the location of the acreage set aside for the nature park.

20. The applicant shall submit verification of an approved dust control plan by the Yakima County Clean Air Authority to Yakima County Planning Division, prior to plat approval.

21. At the time the final plat for Phase 1A is to be recorded all property taxes and special assessments must be paid for the full year (RCW 84.56.345)

22. All parties with an ownership interest in the property must sign the final plat. All required signatures shall be in permanent black ink (ULDC 19.34.070(2)(c)). If there are other owners (including contract sellers or purchasers, etc.) the applicant should first verify that they will also be willing to sign the final plat.

23. The Final Subdivision Application shall consist of:

a. A survey of the final plat meeting the requirements of YCC 19.34.070 and consisting of the original Mylar (or equivalent material, paper or other form acceptable to the County Auditor) and five paper copies (YCC19.34.070(4));

b. A current Subdivision Guarantee (title report), which cannot be more than 60 days old (YCC 19.30.060(8)); and

c. The final plat recording fee (YCC 19.34.040(7)).

24. Prior to recording the final plat for any phase, all required improvements for that phase will be built, bonded or escrowed unless otherwise addressed in the Master Development Plan or Development Agreement.

25. The owners, their grantees and assignees in interest will abide by the Compliance, Extension, Expiration and Reinstatement requirements as outlined in YCC 16B.07.050. The applicant shall complete all required conditions, submit documentation that all

conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions.

26. The subdivided property will be subject to the following notes, which must be placed on the final plat by the surveyor:

Yakima County has no responsibility to build, improve, maintain or otherwise service any private road for this plat. Any road right-of-way dedicated to the public by this plat shall not be serviced by the County until such time as it is improved to County road standards and accepted as a part of the County road system.

Yakima County has in place an urban and rural addressing system per YCC Chapter 13.26. Determination of street names and address numbers for developed residential and commercial lots within this plat are at the discretion of the Yakima County Public Services Department upon issuance of an eligible building permit.

The owners shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site. Any natural drainageways must not be altered or impeded.

Exterior lighting shall be directed downward and otherwise arranged, shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare into any adjacent residential use or interfere with the safe operation of motor vehicles.

Material excavated from the project area must be used as fill for the project. It must not be dumped or disposed of in any natural drainage. The applicant must disclose to the Yakima County Public Services the location for excess fill disposal prior to transport off-site. Spoils, construction waste, and other debris must not be used as fill or buried within the natural drainages.

Water for dust abatement must be available prior to commencement of work. The applicant must submit the name of a responsible party to Permit Services for contacts during working hours regarding alleged air quality violations.

Excavation, construction, and grading: (1) must be confined to the minimum area necessary to accomplish the work, (2) must be scheduled for times having the least impact to soil erosion and other identified natural processes, (3) must be scheduled to ensure the minimum duration of exposed soils, and (4) must be consistent with all



recommendations of the Final Habitat Assessment and Management Plan.

A franchise permit must be obtained for all utility crossings (irrigation lines, etc.) of Nightingale Road in accordance with requirements that can be obtained from the County Transportation Division.

All signs installed on resort property will be installed in accordance with standards outline in the PD requirements.

All equipment operation and grading must be in accordance with the recommendations of the Final Habitat Assessment and Management Plan.

Development near natural drainages must control erosion through installing silt fences, or other appropriate best management practices, along the edge of the buffer of the natural drainages until such time as the disturbed ground surfaces are revegetated.

Interior roads must meet fire apparatus access requirements including but not limited to width, turnouts, turnarounds and grade of no greater than 10%. The grade may be allowed to exceed 10% with the approval of the Fire Marshal and the district Fire Chief. (Ordinance 503.1, Appendix D of the International Fire Code)

The maximum grades for individual driveways that are 50 feet in length or less shall be 12%. The maximum grades for driveways 51 feet or greater shall be as identified for fire apparatus access roads in Title 13 YCC. The grade shall be measured from the edge of road right-of-way or private access easement at the center of the driveway to the garage slab. If there is no garage, then it shall be measured to the grade of the building as defined in the residential code of Title 13 YCC.

Fire Flow will be required, including Hydrants with a maximum spacing of 600 feet (Ordinance and International Fire Code 507.3, Appendix B of the International Fire Code, NFPA 24)

Dead-end fire apparatus access roads in excess of 150' feet in length shall be provided with an approved area for turning around fire apparatus. (International Fire Code Section 503.2.5)

Developments of one, or two-family dwellings where of the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. (International Fire Code Appendix D107.1)

In accordance with YCC 19.18.205(2)(a) the development borders on Agricultural Resource land. New residences and other "Especially

Sensitive Land Uses" are subject to a 150-foot setback from the adjoining Agricultural Resource land unless reduced as provided by the Yakima County Code, which type of reduction was granted to 75 feet from adjoining Agricultural Resource land on the southeast section of the subject property by the Board of Yakima County Commissioners Resolution No. 31-2006 as a component of the amended preliminary plat and modification to the development program that remains in effect. Since the Master Plan and Development Agreement apply to both the AG-zoned and the PD-zoned portions of the project, the setback requirement does not apply from the AG-zoned parcels within the Vineyard Project and only applies from adjacent AG-zoned parcels that are not part of the Vineyard Project to the new residences and other "Especially Sensitive Land Uses" that are within the Vineyard Project.

In accordance with YCC 19.18.205(4) the development is located within 500 feet of agriculture designated land and may be subject to noise, dust, smoke, odors, traffic and the application of chemicals resulting from commonly accepted practices associated with nearby agriculture uses.

27. In the event that any of the conditions listed above or applicable Yakima County development regulations conflict with the provisions of the Vineyards Master Development Plan dated July 1, 2018 (or as it may have been amended according to its terms) or the Development Agreement between Yakima County and Vineyards Partners, LLC, dated April 29, 2019, such conflicts shall be resolved in favor of the Master Development Plan provisions except as otherwise provided accordance with the terms of the Development Agreement.

DATED THIS 27<sup>th</sup> DAY OF DECEMBER 2019

A handwritten signature in black ink, appearing to read 'Patrick D. Spurgin', written over a horizontal line.

PATRICK D. SPURGIN

HEARING EXAMINER PRO TEMPORE

**Vineyard Resort – Phase 1A Preliminary Plat  
Development Agreement and Master Plan Compliance Narrative**

Section 2.1 of the Vineyard Resort Development Agreement (“Development Agreement”) establishes that the Vineyard Resort Master Development Plan (“Master Plan”) is the controlling document to establish permitted uses, applicable development standards, infrastructure required and procedures to be followed for platting and development of the Vineyard Resort approved modified Planned Development.

The Master Plan grants specific duties and powers to Yakima County in the review and approval of development and construction in The Vineyard Resort. It is the responsibility of Yakima County to ensure that all improvements are in compliance with the requirements of the Master Development Plan.

One hundred and twenty (120) acres of the approximately 495 acre Vineyard Resort site are zoned Agricultural (“AG”). Forty (40) acres of AG zone property is west of Nightingale Road, and eighty (80) acres is east of Nightingale Road. The balance of the property is zoned Planned Development (“PD”). See attached site plan.

For the AG zoned portion of the project, the Master Plan uses the standards of the AG District in effect as of the vesting date established Development Agreement. The approved Master Plan did not include variances or modifications to these standards applicable within the AG District. These standards include the following Yakima County Code (“YCC”) Chapters:

- 19.01 (General Provisions)
- 19.10 (General Zoning Requirements)
- 19.11 (Resource and Rural Districts)
- 19.14 (Allowable Land Uses)
- 19.18 (Special Uses and Standards)

For the PD zoned portion of the project, the Master Plan establishes customized standards designed based on the vision for The Vineyard Resort. These standards modify and take precedence over the YCC standards to allow for implementation of the Master Plan.

In matters of definitions, land use, development standards, subdivision, administration and review processes, the provisions of the Master Plan take precedence over competing or contradictory provisions of Title 10 (Roads, Highways and Bridges), Title 12 (Water and Sewage), Title 16A (Critical Areas), Title 16B (Project Permit Administration), Title 16C (Critical Areas) and Title 19 (Unified Land Development Code) of the YCC. Where the Master Plan does not include a provision that is contained in these Titles of the YCC, the applicable YCC provision governs based upon the vesting provisions of the Development Agreement.

In matters of health and safety, YCC Title 13 (Building and Construction) take precedence over the provisions of the Master Plan in both the AG and PD zoned portions of the Vineyard Resort.

The following table summarizes the compliance of the Phase 1-A Preliminary Plat with the applicable provisions of the Master Plan:

Attachment A to Hearing Examiner's Recommendation SUB2019-00040

Master Plan Section and Standard	Discussion
<p>Figure 2.1.B: Conceptual Land Use Plan</p>	<p>The Phase 1-A Preliminary Plat is consistent with the Conceptual Land Use Plan. The 27 Estate Lots are in the locations shown on the Plan for Estate Lots and East Village Estate Lots. A total of 31 Estate Lots are permitted based on the Plan, and the remaining four Estate Lots will be in the location shown on the Plan for West Village Estate Lots.</p> <p>The Nature Park is in the location shown on the Plan, and all roads, trails and other improvements are consistent with the Plan.</p>
<p>Section 3.1: Resort Area Designations</p>	<p>The Nature Park is located in the AG zoned portion of the property. A Type III Conditional Use Permit (CUP2018-00094) was previously approved for the Nature Park.</p> <p>The temporary sales/wine tasting modular unit is located in Vineyards, Orchards, and Open Space (VOOS) designation of the Master Plan. This designation includes: 1) large lots for quality focused, commercial production scale vineyards and orchards; and 2) large open space lots and tracts are designed for active and passive recreational use by resort owners and guests. The majority of the open space will remain undeveloped in its natural state, except for a trail network. Open space in proximity to the Resort Villages will be developed for active and passive recreational uses and parks.</p> <p>The 27 residential lots are located in the Estate Lots (EL) designation of the Master Plan. The Estate Lots can accommodate larger homes with approximately an acre of land and the possibility of a private vineyard. Small scale, accessory commercial and artisan uses are permitted on the Estate Lots to provide a more authentic and diverse experience for Resort owners and guests. These lots may include multiple accessory structures for these varied uses.</p> <p>All uses and improvements proposed by the Phase 1-A Preliminary Plat are consistent with the AG zone and the Master Plan Resort Area Designations.</p>

Master Plan Section and Standard	Discussion
<p>Figure 3.2.A: Allowable Use Table</p>	<p>"Parks, playgrounds, greenways and other public or private outdoor recreational facilities" are a Type 3 (conditional) use within the AG zoned portion of the property. A Type III Conditional Use Permit (CUP2018-00094) was previously approved for the Nature Park.</p> <p>"Temporary sales office within a residential or mixed use project while units in the project are sold by the developer" is a Type 1.P (permitted) use in the VOOS designation of the Master Plan.</p> <p>Wine tasting as a component of the temporary sales modular unit is classified as a "Temporary use" in the Allowable Use Table. "Temporary uses" are a Type 1.P (permitted) use in the VOOS designation of the Master Plan.</p> <p>A range of residential uses is permitted in the EL designation of the Master Plan. Type 1.P (permitted) uses include "Single family detached dwelling" and "Mixed use building/dwellings in mixed-use development." Type 1.A (accessory permitted through administrative review) uses include "Accessory dwelling unit – attached," "Accessory dwelling unit – detached," and "Accessory residential kitchen." Residential and other uses on the Estate Lots will be reviewed by Yakima County for compliance with the Allowed Use Table through the building permit process.</p> <p>All uses proposed by the Phase 1-A Preliminary Plat are consistent with the AG zone and the Master Plan Resort Area Designations.</p>
<p>Section 3.2.2.J: Standards for Specific Uses, Temporary Mining Site/Operation</p>	<p>If a temporary mining site/operation is developed as a source for gravel for the improvements in the Phase 1-A Preliminary Plat, the use will be required to comply with this section of the Master Plan.</p>
<p>Section 3.2.2.L: Standards for Specific Uses, Residential</p>	<p>The residential uses developed on the Estate Lots within the Phase 1-A Preliminary Plat will be required to comply with this section of the Master Plan. Residential uses on the Estate Lots will be reviewed by Yakima County for compliance with these standards through the building permit process.</p>
<p>Figure 3.3.A: Allowable Lot Types</p>	<p>Within the EL Resort Area Designations, Estate Lots are a permitted lot type. In addition to residential use, the Estate Lot Type has with the potential for limited scale, accessory commercial uses and orchards, vineyards or other agricultural uses.</p> <p>The 27 Estate Lots proposed by the Phase 1-A Preliminary Plat are consistent with the Allowable Lot Types of the Master Plan.</p>

