

AGENDA REQUEST FORM

Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232

Prepared by:

Lisa Freund

Department: Public Services

Requested Agenda Date: 03/10/2020

Presenting: _____

Document Title:

Board of County Commissioners Record Assigned

#

080 - 2020

APPROVED FOR AGENDA:



Consent



Regular

Board of County Commissioners Determined

In the matter of setting the date for a closed record public hearing to consider an 8-lot Subdivision to be known as "Plat of Sunrise Vista", within the Rural Transitional (RT) zoning

Action Requested: *Check Applicable Box*

- PASS RESOLUTION EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT
 ISSUE PROCLAMATION PASS ORDINANCE OTHER _____

Describe Fiscal Impact:

No fiscal impact is expected.

Background Information:

The applicants have proposed to divide a 14.9 acre Rural Transitional (RT) zoned parcel into 8 lots, using the clustering provision. Lots 1-7 will be approximately 1 acre in size and Lot 8 will be 7.83 acres in size. Lot 8 will contain a 7.45 acre open space area and a 0.38 acre buildable area. Domestic water will be provided by the existing well that is to be converted to a community well. Each lot is proposed to have an individual septic system. Access will be by

Summary & Recommendation:

The Hearing Examiner has recommended approval of the proposed preliminary plat of SUB2019-00050.

Motion:

Department Head/ Elected Official

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial _____


Signature

Late Agenda Requests Require BOCC Chairman Signature:

WE

**BOARD OF YAKIMA COUNTY COMMISSIONERS
RESOLUTION**

**IN THE MATTER OF SETTING THE
DATE FOR A CLOSED RECORD PUBLIC
HEARING TO CONSIDER AN 8-LOT
SUBDIVISION, TO BE KNOWN AS "PLAT
OF SUNRISE VISTA", WITHIN THE
RURAL TRANSITIONAL (RT) ZONING
DISTRICT**

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SUB2019-00050/SEP2019-00034

WHEREAS, the Yakima County Hearing Examiner issued a recommendation on February 13, 2020 to approve the 8-Lot Subdivision submitted by Thomas Durant, with PLSA Engineering & Surveying, on behalf of Will Johnson (File No. SUB2019-00050/SEP2019-00034); **and**,

WHEREAS, the subject property consists of one parcel, totaling 14.9 acres, located within the Rural Transitional (RT) zoning district at 1414 Dazet Road, Yakima, WA (Parcel No. 171336-21001); **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, March 31, 2020 at 10:00 a.m.**, or as soon thereafter as possible, in the Yakima City Hall Council Chambers, 129 North 2nd 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

Attest:

Melissa Paul, *Clerk of the Board*

Linda Kay O'Hara, *Deputy Clerk*

Norm Childress, *Chairman*

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, March 31, 2020 at 10:00 a.m.**, or as soon thereafter as possible, in the Yakima City Hall Council Chambers, 129 North 2nd Street, Yakima, Washington, to consider the recommendation issued by the Yakima County Hearing Examiner for the following proposal:

FILE NO.: SUB2019-00050/SEP2019-00034

PROPONENT: Thomas Durant, with PLSA Engineering & Surveying, on behalf of Will Johnson

PROPOSAL: The proposal is to divide a 14.9 acre Rural Transitional (RT) zoned parcel into 8 lots, using the clustering provision of Yakima County Code (YCC) 19.34.035. Lots 1-7 will be approximately 1 acre in size and Lot 8 will be 7.83 acres in size. Lot 8 will contain a 7.45-acre open space area and a 0.38 acre buildable area. Domestic water will be provided by the existing well that is to be converted to a community well. Each lot is proposed to have an individual septic system. Access will be by a new private road that connects to Dazet Road.

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

DONE this 10th day of March 2020

ATTEST: Melissa Paul
Clerk of the Board

PUBLISH: Yakima Herald Republic – March 12th, 2020
March 19th, 2020
March 26th, 2020

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

February 18, 2020

TO: Will Johnson; Thomas Durant, with PLSA Engineering & Surveying; & Parties of Record
FROM: Jerry Brady, Office Specialist
RE: Hearing Examiner Recommendation -- File Nos. SUB19-050 / SEP19-034

On, February 13, 2020 the Yakima County Hearing Examiner issued his recommendation on a 14.9-Acre 8-Lot Plat to be located at 1414 Dazet Road. The Examiner's recommendation is enclosed.

The Hearing Examiner's 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 Julia Loudon at 574-2300.

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

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**COUNTY OF YAKIMA, WASHINGTON
HEARING EXAMINER’S RECOMMENDATION**

February 13, 2020

In the Matter of Application for)	
Preliminary Plat Approval)	
Submitted on Behalf of:)	
)	SUB2019-00050
Applicant Will Johnson)	SEP2019-00034
)	
For a 14.9-Acre 8-Lot Plat to be)	
Known as “Plat of Sunrise Vista”)	
Located at 1414 Dazet Road)	
Northwest of the Intersection)	
Of Dazet Road and Zier Road)	

A. Introduction. The findings relative to the hearing process conducted for this proposed preliminary plat are as follows:

(1) The public hearing for this application was held on January 30, 2020.

(2) Yakima County Project Planner Julia Loudon presented a thorough staff report recommending approval of the proposed preliminary plat subject to conditions. Yakima County Senior Project Planner Byron Gumz answered questions about an artificial wetland on the property that is not subject to the County’s Critical Areas Ordinance.

(3) The applicant’s representative for this proposal, Thomas Durant of PLSA Engineering and Surveying, received confirmation of the fact that an existing structure which apparently did not receive a final inspection for a building permit may be

demolished after obtaining a demolition permit without the need to also obtain a building permit and otherwise expressed agreement with the recommendations in the staff report. The applicant/property owner, Will Johnson, confirmed that a pond on a portion of the property dried up when he plugged an irrigation line that had been allowing irrigation water to form a pond and that he plans to record covenants restricting the development of the lots to middle or high income conventional single-family residences.

(4) This Recommendation regarding the proposed "Plat of Sunrise Vista" has been issued within ten business days of the open record public hearing held on January 30, 2020.

B. Summary of Recommendation. The Hearing Examiner recommends that the Board of Yakima County Commissioners approve this proposed preliminary plat for the reasons and subject to the conditions recommended in the Planning Division's staff report presented by Project Planner Julia Loudon with the clarification that Condition No. 1 will allow any existing building(s) to be demolished after approval of a demolition permit without the need to also obtain a building permit for a building being demolished.

C. Basis for Recommendation. Based on a view of the site with no one else present on January 29, 2020; consideration of the staff report, exhibits, written comments, testimony and other evidence presented at the open record public hearing on January 30, 2020; consideration of the applicable subdivision requirements in Chapter 19.34 of the Yakima County Code (YCC); consideration of other applicable development requirements set forth in the Yakima County Unified Land Development Code, YCC Title 19; and consideration of the applicable provisions of the Yakima

County Comprehensive Plan (*Horizon 2040*); the Hearing Examiner makes and issues the following:

FINDINGS

I. Applicant/Property Owners. The applicant is Will Johnson and the property owners according to the Subdivision Guarantee are Will and Carrie L. Johnson (P.O. Box 8197, Yakima, Washington 98908) and Brody Johnson (*Page 32 of Record*).

II. Representative/Surveyor. The representative and surveyor on behalf of the applicant/property owners for this application is Richard L. Wehr, PLS, of PLSA Engineering & Surveying, 521 North 20th Avenue, Suite 3, Yakima, Washington 98902 (*Staff Report Attachment C, page 3 of 16*).

III. Location. The proposed preliminary plat is located north of Zier Road and west of Dazet Road with access at 1414 Dazet Road about 300 feet north of the intersection of Dazet Road and Zier Road. It is approximately 1 mile west of the City of Yakima city limits. The Yakima County Assessor's parcel number for the 14.9-acre parcel to be divided into 8 lots per the proposed preliminary plat is 171336-21001.

IV. Application. The main aspects of this application for preliminary plat approval may be described as follows:

(1) The proposed Preliminary Plat of "Plat of Sunrise Vista" would subdivide approximately 14.9 acres into 8 lots within the Rural Transitional (RT) zoning district using the clustering provision of YCC §19.34.035. It is described in the Subdivision Forms (*Staff Report Attachment B*) and Narrative Form (*Staff Report Attachment D*), and is shown on the Site Plans (*Staff Report Attachment E*) and on the color aerial photograph of the site submitted by the applicant at the hearing (*Exhibit 3 of the Record*).

(2) Lots 1-7 will each be approximately 1 acre in size and Lot 8 will be 7.83 acres in size. Lot 8 will contain a 0.38-acre buildable area and a 7.45-acre open space area.

(3) Domestic water will be provided by an existing well that is to be converted into a community well. Each lot is proposed to have an individual septic system. Access will be by means of a new private road from Dazet Road.

(4) Site development will include the removal of an existing residence and accessory buildings (*Staff Report Attachment D*). Evidence at the hearing indicated that a demolition permit may be obtained in lieu of a building permit for the building which lacked a final inspection and which will be demolished rather than retained on the site.

V. Environmental Review. This application is subject to State Environmental Policy Act (SEPA) review since it is not considered to be exempt from the review process. WAC 197-11-800(6)(d) exempts short subdivisions from SEPA review. Since this proposal is a long or regular plat, SEPA review is required which was conducted in conjunction with this proposal under SEP2019-00034. An Environmental Checklist was submitted (*Staff Report Attachment C*). Yakima County as the lead agency determined that the subject proposal will not have a probable significant adverse impact on the environment and that an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). Yakima County issued a Final Deter-

mination of Non-Significance (DNS) on January 8, 2020, which became final without any appeals (*Staff Report Attachment N*).

VI. Critical Areas/Shoreline Review. The Yakima County Building Division commented that no flood plains are located on the parcel. Even though the Yakima County Critical Areas maps note potential wetlands in the southeast corner of the site, the feature associated with these mapped potential wetlands is part of a manmade irrigation system according to the County Environmental and Natural Resource Planning Section. The property owner's testimony at the hearing also was to this effect. YCC §16C.07.020(1)(a) provides that wetlands associated with an irrigation feature are considered artificial and are not regulated under Yakima County's Critical Areas Ordinance. Since there are no regulated critical areas or shoreline jurisdiction on the property, the Reviewing Official will not require a critical area review or shoreline review for this proposal. Questions related to Critical Areas or Shoreline review may be directed to the Yakima County Planning Division at (509) 574-2300.

VII. Comprehensive Plan, Zoning and Land Uses. The Comprehensive Plan designation, zoning classification and land uses are as follows:

(1) The Comprehensive Plan (*Horizon 2040*) designation for the property is Rural Transitional. The Comprehensive Plan Policy LU-R 8.3 encourages cluster developments using density incentive and long platting procedures. The Comprehensive Plan Policy LU-R 8.3.4 is to maintain at least 50% of the clustered parcel in open space, either as part of a large residential lot or under the control of an individual, a homeowner's association or other responsible entity. Covenants may be required to assure control of noxious weeds, fire hazards, abandoned orchards and

other nuisances. The balance of the property may not be further divided once the 1 unit per 2 acres density is reached until such time as the property is included within an Urban Growth Area.

(2) The subject property is within the Rural Transitional (RT) zoning district. YCC §19.11.030(1) states that the intent of Rural Transitional (RT) districts is to provide for rural developments in areas near Urban Growth Area boundaries to encourage clustering, minimize public expenditures and coordinate land uses with public infrastructure investment. YCC §19.11.030(3)(c) requires lot size and density calculations of the RT zoning district to be based upon the size of the lot as it existed on May 21, 1997. Note 4 of YCC Table 19.11.030-1 specifies a minimum lot area of one-third of an acre for newly created RT lots within cluster developments on sites that are 4 acres or larger. The maximum allowed density on the total site is then 1 dwelling per 2 acres. If a project is not served by a community sewer system, YCC §19.34.035 requires a cluster lot to be 1 to 3 acres in size and requires the remainder parcel to be the greater of 3 acres or half the total project site.

(3) The size of the parcel here is 14.9 acres and there is no record in Yakima County Public Services information systems to indicate that the size or dimensions of the parcel have changed since May 21, 1997. Since YCC §19.34.035(3)(a) allows a 115% density bonus (i.e., a 1.15 multiplier) when clustering new lots, the site can be considered 17.135 acres for the purpose of determining permissible density. Therefore, 8 dwelling units (or lots) are allowed on the applicant's site. The 7 cluster lots will be between 1 acre and 1.02 acres in size which will leave a remainder lot of 7.83 acres consisting of one-half of the total size of the site (7.45 acres) plus a buildable area of 0.38 acres (16,553 square feet).

(4) Parcels to the north and west are also within the RT zoning district and range in size from 1 acre to 39 acres. Parcels to the south are within the Rural-10/5 (R-10/5) zoning district. Parcels to the east are within the Single-Family Residential (R-1) zoning district. The surrounding parcels contain a mix of residential, agricultural and rural uses.

VIII. Notices Provided, Comments Received and Determinations Made Regarding the Application, Environmental Review and the Public Hearing.

Notices provided, comments received and determinations made relative to the application, environmental review and public hearing may be summarized as follows:

(1) After the application was submitted, an internal notice of project review was sent to representatives of the Building and Fire Safety Division, the Environmental and Natural Resources Planning Section, the Water Resources Division, the Transportation Division, the Utilities Division and the Yakima Health District. Comments were received from the Transportation Division, the Building and Fire Safety Division, the Yakima Health District and the Water Resources Division (*Staff Report Attachment G*). Their comments will be summarized and considered relative to the preliminary plat criteria to which they apply.

(2) When the application was determined to be complete for processing, a combined Notice of Application, Notice of Completeness, Notice of Environmental Review and Notice of Future Hearing (*Staff Report Attachment F*) was mailed to property owners within 300 feet of the property and to agencies having jurisdiction or interest in the proposal on November 18, 2019, with the comment period ending on December 2, 2019.

(3) When the application was scheduled for a public hearing to be held on January 30, 2020, a combined initial Threshold Determination and Notice of Open Record Public Hearing was mailed and published on December 12, 2019, with a comment period ending on December 26, 2019 (*Staff Report Attachments K and L*). The Final Threshold Determination of Non-Significance was issued on January 8, 2020 (*Staff Report Attachment N*).

(4) In summary, requisite notices and determinations for this application were provided and issued on the following dates in accordance with the applicable ordinance requirements:

Notice of Application/Notice of Completeness/Notice of Environmental Review/Notice of Future Hearing:	November 18, 2019
Mailing Notice of Hearing/Threshold Determination:	December 12, 2019
Publishing Notice of Hearing in Yakima Herald-Republic:	December 12, 2019
Issuance of Final Determination of Non-Significance:	January 8, 2020
Posting of Notice of Hearing on the property:	January 10, 2020

(5) Comments regarding matters that will be included where applicable to specific plat considerations were received from County Divisions and the Yakima Health District (*Staff Report Attachment G*), from the Department of Ecology regarding water quality and shorelands/environmental assistance (*Staff Report Attachments H and M*); from a nearby neighbor advocating covenants requiring conventional homes of a certain size (*Staff Report Attachment I*); and from the Yakima-Tieton Irrigation District regarding 4.9 shares of district water and a need for its approval and compliance with its regulations (*Staff Report Attachments J and O*).

IX. Jurisdiction. A preliminary plat is classified and processed as a Type 4 review in accordance with YCC §19.34.050(4). YCC §19.30.100(1) allows the Hearing Examiner to impose conditions of approval on any development to ensure that the proposal meets the standards and criteria for approval. YCC §16B.03.030(1)(d) states that Type 4 applications are quasi-judicial actions that require an open record public hearing conducted by the Hearing Examiner. An open record public hearing regarding this preliminary plat application was conducted on January 30, 2020, pursuant to YCC Title 16B. This preliminary plat Recommendation has been prepared for consideration by the Board of Yakima County Commissioners during a closed record public hearing. YCC §19.34.050(5)(b)(iv) requires that this Recommendation be based upon the following decision criteria listed in YCC §19.34.050(a) and the factors listed in RCW 58.17.110:

(1) YCC §19.34.050(5)(a) provides that a preliminary subdivision shall be approved if the applicant has demonstrated that the application complies with the approval criteria or that the application can meet the criteria by complying with conditions of approval. The listed criteria for approval are that the subdivision is in the public interest; that ten enumerated types of facilities are adequate to serve the proposed subdivision before or concurrent with development of the preliminary

subdivision; and that the subdivision will conform to all adopted County and State land use rules and regulations as set forth in YCC §19.01.020.

(2) RCW 58.17.110(2) provides that a proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.

(3) The decision criteria listed in YCC §19.34.050(5)(a) and the factors listed in RCW 58.17.110(2) are similar except for their wording and the order in which they are listed and except for the additional County ordinance requirements set forth in YCC §19.34.050(5)(a)(ii)(I)-(J) and YCC §19.34.050(5)(a)(iii) to also consider the adequacy of fire prevention services and of irrigation water supplies to serve the proposed subdivision, as well as compliance with County and State rules and regulations that are set forth in YCC §19.01.020. This Recommendation will consider the County decision criteria and the State statutory factors in the order in which they are listed in the County subdivision provisions of YCC §19.34.050(5)(a).

X. The Subdivision Will Be in the Public Interest (YCC §19.34.050(5)(a)(i) and RCW 58.17.110(2)(b)) and Will Make Appropriate Provisions for the Public Use and the Public Health, Safety and General Welfare (RCW 58.17.110(2)(a)).

The public interest will be served by the proposed subdivision because it will provide additional lots in a good location for construction of additional residences to help serve the housing needs of County residents. The public use and public health, safety and general welfare will be served because the proposed

subdivision will comply with the subdivision and zoning development standards and land use requirements which have been adopted by the Board of Yakima County Commissioners for the purpose of promoting the public health, safety and general welfare.

XI. Adequate Facilities for Public and Private Streets and Roads (YCC §19.34.050(5)(a)(ii)(A)) and Appropriate Provisions for Streets or Roads or Other Public Ways (RCW 58.17.110(2)(a)).

Access to the Plat of Sunrise Vista will be from Dazet Road which is a paved County road. The applicant is proposing to serve the lots within the plat by means of a 20-foot-wide paved private road within a 30-foot-wide access easement connecting to Dazet Road. A circular turnaround is proposed at the end of the private road. Adequate facilities and appropriate provisions for public and private roads to serve the proposed preliminary plat are described in Yakima County Transportation Division comments and Yakima County Planning Division staff report comments which are adopted as findings in support of this Recommendation as follows:

(1) Parcel 171336-21001 has frontage along Dazet Road. Dazet Road is a rural minor collector. This section of roadway is adequate to support the proposed long plat. Right-of-way is inadequate for this classification of roadway. Applicant will be required to dedicate an additional 5 feet of right-of-way for a total of 35 feet of right-of-way as measured from the center alignment of the roadway, across the entire frontage of the property.

(2) The proposed private road is beyond 300 feet from the intersection and exceeds 75 feet of separation from existing adjacent driveways. Yakima County Roads has no objections to the location of the private road.

(3) The private road will need to be constructed and certified by a Washington State licensed engineer stating that it meets the private road requirements outlined in YCC §19.23.050. Note that Design Standard YCC §19.23.050(6)(a)(viii) requires that the private road is hard surfaced per the RT zoning, but does not need to meet the urban standards of having curb, gutter, pedestrian facilities or illumination.

(4) Due to the number of lots being served, the proposed roadway will require naming. The applicant will need to submit a "New Road Name" application for approval by the County Roads Department. Once approved the road name will need to be shown on the face of the final plat.

(5) To determine if the access easement serving the project would be considered a private road, the Reviewing Official must determine that the following will be met:

(a) There is no conflict with an existing public road or with the County's long-range road circulation plan;

(b) There is no conflict with the connectivity standards set forth in YCC §19.23.030(3); and

(c) The proposed design sufficiently incorporates the features of YCC §19.23.050(6)(a) such that the private road will have a significantly different appearance than a public road.

(6) The Administrative Official, in consultation with the County Engineer, has determined that the road will not, due to topographical or other physical or environmental constraints, ever have the possibility of:

(a) Being extended to serve adjacent development, or

(b) Serving 16 lots or development that generates 160 or more daily vehicle trips, unless located within an approved rural master planned resort or urban master planned development.

(7) The Transportation Division did not indicate that there is an issue with the access point onto Dazel Road, a County-maintained hard-surfaced road. The location of the access does not appear to conflict with the proposed streets of the West Valley Neighborhood Plan Street Connections Plan (Map 10.6.5-2 of Chapter 10 in *Horizon 2040*) or the connectivity standards of YCC Chapter 19.23. As proposed, the access

will serve more than 4 lots and cannot be considered a private shared driveway (YCC §19.23.060(1)(a)). Since the potential number of lots served is less than 16, the access is considered a private road. Private roads serving a development must meet the requirements of YCC §19.23.050. Stamped engineering documentation demonstrating that the road meets these standards shall be provided prior to plat finalization.

(8) According to YCC §19.23.050(6)(b), the private road must be retained permanently as a private road, be located within a non-exclusive access easement, and be maintained privately. Covenants as described in YCC §19.23.050(6)(b)(ii) are required in order to provide for the perpetual maintenance of the private road. The applicant shall submit a "New Road Name" application for approval from the Transportation Division. Once approved the road name will need to be shown on the face of the final plat. Road name signs shall be provided in accordance with YCC §19.23.050(6)(b)(iii).

(9) YCC §19.23.050(6)(b) provides that the property owners are responsible for maintaining the private road and the signs within the private road. YCC §19.23.050(6)(b)(v) provides that the required private road must "be open and unobstructed for use by emergency, public service and utility vehicles." YCC §19.23.050(6)(b)(vi) provides that the following plat note is required:

Yakima County has no responsibility to build, improve, maintain or otherwise service any private road for this plat. Any right-of-way dedicated to the public by this 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.

(10) All road grants, deeds and dedications of right-of-way shall be shown on the final plat. The applicant shall dedicate an additional 5 feet of right-of-way along the entire frontage for Dazet Road for a total of 35 feet of right-of-way as measured from the center alignment of the roadway. 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 they shall be shown on the face of the plat. YCC §19.34.070(2)(i) requires the following plat note regarding addressing:

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.

(11) For additional information regarding access or signs, please contact the Yakima County Transportation Division at (509) 574-2300.

XII. Adequate Facilities and Appropriate Provisions for Open Spaces, Parks, Playgrounds and Recreation Areas (YCC §19.34.050(5)(a)(ii)(B) and RCW 58.17.110(2)(a)). This proposed preliminary plat will have adequate facilities

and make appropriate provisions for open spaces, parks, playgrounds and other recreation areas in the following ways described in comments of the Yakima County Planning Division staff report which are adopted as findings in support of this Recommendation:

(1) The application indicates that the subject parcel is 14.9 acres in size and the proposed Lot 8 contains 7.45 acres of open space in addition to the 0.38-acre (16,553 square feet) of building site area. YCC §19.01.070(15) provides the following definition for open space:

“... As referred to in the clustering provisions of this Title, open spaces also means a defined portion of the property on which no residential, commercial, or industrial buildings are located; except, agricultural buildings and buildings enclosing utility improvements, such as a pumping station or well house. When constructed, such improvements shall be of a nature that will not preclude use of the land for future development once the appropriate zoning, utilities (public water and sewer service) and other infrastructure is in place. Covenants may be required to assure control of noxious weeds, fire hazards, abandoned orchards and other nuisances.”

(2) This proposal is using the Rural Transitional clustering provision of YCC §19.34.035. According to YCC §19.34.035(3)(c)(i)(B), when the remainder parcel is designated for development with a permitted use, it must exceed the open space size

requirements set forth in YCC Table 19.34.035-1 to provide for an adequate buildable area. This buildable area must be noted on the final plat and the area of the remainder lot outside of the buildable area must be maintained as open space. YCC Table 19.34.035-1 requires a remainder parcel in an RT cluster development to be 3 acres or half the total project site, whichever is greater. As proposed, the development meets this criterion.

(3) According to YCC §19.34.035(3)(c)(iii) the following plat notes are required to appear on the face of the plat:

In accordance with YCC §19.18.205(2)(a)(i) cluster lots resulting from a division of land under this Title are subject to the especially sensitive land use (ESLU) setback of 60 feet from any adjoining lot containing a commercial agricultural use in a rural zoning district and in accordance with YCC §19.34.035(3)(c)(iii)(A) are not subject to special setbacks for ESLUs from the remainder parcel and other property zoned for commercial agriculture, forestry or surface mining uses, as described in YCC §19.18.205.

In accordance with YCC §19.34.035(3)(c)(iii)(B) further divisions beyond the density to which the subject lot is entitled, as of its configuration on May 21, 1997, are not allowed until the remainder lot is served with both regional sewer and area-wide water system, and, if applicable, included within an Urban Growth Area or if a comprehensive plan designation changes the allowable density.

The property is adjacent to commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential impacts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24-hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

XIII. Adequate Facilities for Drainage (YCC §19.34.050(5)(a)(ii)(C)) and Appropriate Provisions for Drainageways (RCW 58.17.110(2)(a)). This proposed preliminary plat will have adequate drainage facilities and make appropriate provisions for drainageways in the following ways described in comments of the Yakima County Water Resources Division which shall be required and are adopted as findings in support of this Recommendation:

(1) This long plat includes steep and highly erodible ground on the west side of the parcel. There are no apparent drainageways contained within the parcel, though one is likely associated with the flat pond area in the southeast corner. Whether or not a drainageway easement is needed will be determined through the stormwater plan review. Construction of the private road and associated utilities and improvements appears to involve more than one acre of disturbed ground so a construction stormwater plan or erosivity waiver will be needed.

(2) The soil characteristics on much of this parcel will make it very difficult for the private road, driveways and lots to retain stormwater on site. A stormwater plan along with supporting documentation will be required. Approval of the stormwater plan must occur before any ground disturbing activity which includes vegetation removal, grubbing, grading and utility installation. Regional and Low Impact Design Stormwater Manuals, as well as a stormwater plan checklist, are posted on the Yakima County stormwater page. <http://www.co.yakima.wa.us/1732/Stormwater-Management>. Contact Dianna Woods at (509) 574-2300 for questions about stormwater requirements.

(3) Conditions of approval of this preliminary plat include the following:

(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.

(b) For any construction that will disturb more than one acre of ground a Washington State Department of Ecology Construction Stormwater Permit or Erosivity Waiver will be required (*Staff Report Attachment H*). A copy of the permit must be submitted to Public Services before ground disturbance.

(4) On-going conditions which are applicable to this proposed plat include the following:

(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.

(5) The following plat notes regarding drainage are required to be included on the face of the plat:

General drainage – 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.

Water Resources Plat Note A – Natural Resources Conservation Service soils data, as depicted by the Yakima County GIS Department, indicate the parcel has shallow depth to groundwater, shallow depth to hardpan, and/or poorly draining soils that may make compliance with requirements to retain runoff on-site difficult or limiting, depending on the amount and type of current and future site development and available engineering solutions.

XIV. Adequate Facilities for Access to Mass Transit Where There Is or Will Be Such Transit (YCC §19.34.050(5)(a)(ii)(D)) and Appropriate Provisions for Transit Stops (RCW 58.17.110(2)(a)). Since the proposed preliminary plat is not within a service area for a transit system, access to mass transit is not currently required, but may be required upon future development of these lots.

XV. Adequate Facilities and Appropriate Provisions for Potable Water Supplies (YCC §19.34.050(5)(a)(ii)(E) and RCW 58.17.110(2)(a)). There are

adequate facilities and appropriate provisions for potable water to serve the proposed preliminary plat by means of conversion of an existing well to a community well for all 8 lots as described in Yakima Health District comments followed by Yakima County Planning Division staff report comments which are adopted as findings in support of this Recommendation as follows:

(1) The Yakima Health District comments covered several topics: Nob Hill Water is over 1,000 feet east of the proposed development. Frank Water Users Association is located within 200 feet of the property. This water system has been approved for 8 connections, but 6 connections are already in use. The location of the existing well on the property is not readily available. A well site inspection will be necessary to determine if the existing well may be used to serve water to the proposed 8 total lots. If the well site is acceptable, the well will need to be approved for 8 connections. The existing well will need to have a well site inspection and obtain Group B Water System Approval from the Yakima Health District. An SMA (Satellite Management Agency) will be necessary to own and operate the water system.

(2) YCC §12.08.050 states that "All applicants for a building permit or other development permit requiring potable water must provide evidence of an adequate water supply to the county prior to the issuance of the permit. Applicants for a building permit to improve, repair, or replace a residential structure permitted prior to January 1, 2018 that is served by an existing permit exempt well are exempt from this requirement." Additionally, according to YCC Table 19.25-1, subdivisions in the Rural Transitional (RT) zoning district have three options for domestic water, in order of priority:

- (a) An existing public water system;
- (b) A Yakima County or Nob Hill Water SMA;
- (c) Other State-approved SMA.

(3) Since there is no public water system, Nob Hill Water Association system or Yakima County water system available to the proposed 8-lot project, the applicant will be required to convert the existing well to a community well and establish a Satellite Management Agency (SMA) in accordance with YCC §19.25.060.

(4) In accordance with YCC §12.08.390, an applicant for a building permit or land use permit necessitating an adequate water supply determination where potable water is not available from an approved water purveyor may obtain a Yakima County Water Resource System (YCWRS) domestic well permit for a permit exempt well as evidence of the legal availability of water up to 5,000 gallons per day, provided the applicant's property is an eligible property as defined in YCC §12.08.400 and further provided that the well is an eligible well as defined in YCC §12.08.410.

(5) Since the applicant has proposed in the application to convert an existing well into a community well which will utilize the YCWRS domestic well as the legal source of domestic water, the applicant will be required as a condition of approval to apply for and obtain a YCWRS domestic well permit from the Yakima County Utility Division and to submit verification of the approval to the Yakima County Planning Division prior to the recording of the final plat. Please contact the Yakima County Utility Division at (509) 574-2300 for the necessary applications.

(6) According to YCC §19.34.060(6), water service lines and fire hydrants must be installed from a mainline to each lot within easements prior to final plat approval. Water service lines can be excluded only if all of the conditions of YCC §19.34.060(6)(a)-(d) are met. Since the Fire and Life Safety Division commented that there is not a requirement for fire flow, which includes hydrants, until a 9th lot is proposed, fire hydrants will not be required at this time.

XVI. Adequate Facilities for Sanitary Waste Collection and Treatment (YCC §19.34.050(5)(a)(ii)(F)) and Appropriate Provisions for Sanitary Wastes (RCW 58.17.110(2)(a)).

The proposed preliminary plat will have adequate sanitary waste collection and treatment facilities and will make appropriate provisions for sanitary wastes due to the fact that each lot will be served by an individual on-site septic system described in Yakima Health District comments followed by Yakima County Planning Division staff report comments which are adopted as findings in support of this Recommendation as follows:

(1) The Yakima Health District comments were to the effect that test holes should be evaluated for each lot less than 2.5 acres in size, that there are shallow soils in this area and that on-site sewage disposal may require pre-treatment systems.

(2) YCC §19.25.020(2)(a) states that divisions of land creating one or more vacant lots shall be required to connect to a regional sewer system and an area-wide public water supply system, as determined by the availability criteria in YCC §19.25.030. If either utility system is not "available" as defined by YCC §19.25.030, development of the vacant lots shall provide an alternative system under YCC §19.25.040. YCC §19.25.040 provides that if regional sewer and/or area-wide public water service is not "available" to serve a proposed project, satellite utility or individual systems may be used listed in order of priority as provided in YCC Tables 19.25-1 and 19.25-2.

(3) According to YCC Table 19.25-2, subdivisions in the Rural Transitional (RT) zoning district are to connect to either a County sewer system or individual on-site septic systems (if public water is available). Connection to a County system is required if the lots are located within the service area of a County sewer system. According to Yakima County Public Services information, a County sewer system is not available in this area. Since there is a public water system proposed for this development, the Reviewing Official has determined that individual on-site septic systems may be allowed for this subdivision.

(4) According to the application, Lots 1-7 will be less than 2.5 acres in size. The applicant shall provide written verification from the Yakima Health District to the Planning Division demonstrating that the lots can accommodate an on-site sewage system and reserve area outside of any water supply protection zone (YCC §19.34.060(5)). If the Yakima Health District waives this requirement for written verification, the following notice shall be placed on the Mylar:

Notice to Public: The Yakima Health District has waived the requirement to provide written verification that lots herein can accommodate an on-site sewage system.

XVII. Adequate Facilities for Schools and Educational Services (If Residen-

tial) (YCC §19.34.050(5)(a)(ii)(G)) and Appropriate Provisions for Schools and Schoolgrounds (RCW 58.17.110(2)(a)). The proposed subdivision will have adequate schools, educational services and schoolgrounds by being located within the West Valley School District in an area that is served by the school bus route system to transport students to and from school. No evidence or comments were received from the West Valley School District.

XVIII. Adequate Pedestrian Facilities, Particularly for Students Who Walk to and from School (YCC §19.34.050(5)(a)(ii)(H)) and Appropriate Provisions for Sidewalks and other Planning Features that Assure Safe Walking Conditions for Students Who Only Walk to and from School (RCW 58.17.110(2)(a)). Even though sidewalks or walking paths are not proposed for students, the proposed subdivision will have an adequate private road for students who will only have to walk from their home to a County road and back in order to be transported by school bus to and from schools that are not within walking distance of the proposed subdivision.

XIX. Adequate Fire Prevention Services (YCC §19.34.050(5)(a)(ii)(I)). The fire prevention services for the proposed preliminary plat will be adequate as described in the comments of the Yakima County Fire and Life Safety Division, Yakima County Fire Marshal's Office and Yakima County Planning Division staff report:

(1) Since fire flow, which includes fire hydrants, will only be required if a 9th lot is proposed, fire hydrants are not required at this time.

(2) The applicant must meet fire apparatus access road requirements including, but not limited to, width, turnouts, turnarounds and grade of no greater than 10% pursuant to Ord. 503.1, Appendix D, of the International Fire Code. Proper building and fire safety permits will have to be obtained for all buildings except existing buildings proposed for demolition pursuant to approved demolition permits.

(3) The applicant will be required to construct a private road that meets the standards of YCC §19.23.050. According to YCC §19.23.050(6)(a)(i)(C), "All private roads must meet the minimum fire apparatus access road requirements of YCC Title 13." By meeting the private road requirements, the applicant will be meeting fire apparatus access requirements.

(4) In accordance with YCC §19.34.050(5)(a)(v), where the slope between the highest and lowest points on the site exceeds 5%, 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 5 feet.

XX. Adequate Facilities for Irrigation Water (YCC §19.34.050(5)(a)(ii)(J) and RCW 58.17.310). The proposed preliminary plat will have adequate facilities for irrigation water described in the comments of the Yakima-Tieton Irrigation District and the Yakima County Planning Division staff report as follows:

(1) The Yakima-Tieton Irrigation District comments were to the effect that Parcel No. 171336-21001 is within the District boundary and has 4.9 shares of the irrigation district; that "Irrigation Approval" will need to be shown on the face of the Plat; and that the applicant will have to comply with the District's Resolution 97-5 (*Staff Report Attachments J and O*).

(2) The Yakima County Public Services GIS maps also show that the proposed preliminary plat is located within the Yakima-Tieton Irrigation District. Irrigation 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. Since the subject parcel is within the Yakima-Tieton Irrigation District, the following acknowledgement is required on the plat, in addition to the above referenced statement:

The property described hereon is wholly or in part within the boundaries of the Yakima-Tieton 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.

(3) If the Yakima-Tieton Irrigation District serves as its own treasurer, a certificate in accordance with YCC §19.34.070(2)(d)(iv) is required.

XXI. Compliance with All Adopted County and State Rules and Regulations as Set Forth in Section 19.01.020 (YCC §19.34.050(5)(a)(iii)). The proposed preliminary plat will have to comply with all applicable County and State rules and regulations unless special circumstances warrant approval of an administrative adjustment or variance.

XXII. Consistency Analysis under YCC §16B.06.020. The criteria for the consistency with applicable development regulations, or in the absence of applicable regulations, the adopted Comprehensive Plan as mandated by the State Growth Management Act and the Yakima County Code, are properly addressed as follows under the evidence submitted at the hearing:

(1) THE TYPES OF LAND USES CONTEMPLATED BY THE PROPOSAL: An 8-lot subdivision in the RT zoning district is permitted so long as it will satisfy the applicable criteria necessary for preliminary plat approval and will be required to satisfy the applicable requirements for RT uses in the future, which will be the case here. A nearby property owner requested by letter that no mobile homes be placed on the property, that homes be of a certain size, and that covenants be placed on the property (*Staff Report Attachment 1*). The application and the testimony at the hearing indicated that the applicant intends to record covenants limiting development on the lots to middle or high income conventional single-family residences. In the absence of that intent expressed by the applicant, YCC Table 19.14-1 otherwise allows manufactured homes within the RT zoning district and YCC Title 19 does not require residences of a certain size or that covenants of the type requested by the neighbor be placed against the property. The Yakima County Building Division commented that the Ag barn on the property was permitted, REF: BLD96-109, but never received a final inspection. The comment indicated that the applicant will need to apply for a new permit and complete inspections, which would normally be the case. But here the testimony at the hearing confirmed that all existing buildings presently on the property will be demolished rather than used in the future and will therefore instead require approval of a demolition permit rather than a building permit.

(2) THE LEVEL OF DEVELOPMENT: Even though the standard minimum lot size for the RT zoning district is five acres, Note 3 of YCC Table 19.11.030-1 allows one dwelling per two acres on sites that are four acres or larger so long as clustered lots are at least one acre in size if not served by a community septic system. Application of the 115% density bonus for cluster developments provided by YCC §19.34.035(3)(a) allows eight dwellings (or lots) on the subject 14.9 acres. Therefore, the level of development will not exceed the allowable density of development established for the RT zoning district.

(3) THE AVAILABILITY AND ADEQUACY OF INFRASTRUCTURE AND PUBLIC FACILITIES: As conditioned, adequate infrastructure and public facilities are, or at the time of development will be, available to serve the proposed subdivision.

(4) THE CHARACTER OF THE PROPOSAL: As conditioned, the proposed subdivision will be consistent and compatible with the development standards and with the purpose and intent of the RT zoning district.

CONCLUSIONS

Based upon the foregoing Findings, the Hearing Examiner reaches the following Conclusions:

(1) The Hearing Examiner has jurisdiction to make recommendations to the Board of Yakima County Commissioners regarding applications for preliminary plat approval after conducting an open record public hearing.

(2) A SEPA Determination of Non-Significance (DNS) was issued for this proposal on January 8, 2020, which became final without an appeal.

(3) After inquiring into the public use and interest proposed to be served by the establishment of the subdivision, the Hearing Examiner recommends that the Board of Yakima County Commissioners approve the proposed 8-lot preliminary plat to be known as the "Plat of Sunrise Vista" subject to the conditions detailed in this Recommendation which make appropriate provisions for the public health, safety and general welfare and for open spaces, drainageways, streets or roads, alleys, public ways, potable water supplies and sanitary wastes, and which conditions need not under the circumstances include other requisite statutory features to be considered such as sidewalks, transit stops, parks and recreation, playgrounds, schools and schoolgrounds and other planning features that assure safe walking conditions for students who only walk to and from school, and which conditions ensure that the public use and interest will be served as required by RCW 58.17.110(2) and also satisfy the similar Yakima County subdivision ordinance approval criteria listed in YCC §19.34.050(a) in the ways described in the above Findings.

(4) In accordance with YCC §19.34.050, approval of the preliminary subdivision by the Board of Yakima County Commissioners would be considered the basis upon which the applicant could proceed with development of the subdivision and with preparation of the final long plat subject to all of the conditions of the preliminary subdivision approval.

RECOMMENDATION

The Hearing Examiner recommends to the Board of Yakima County Commissioners that the 8-lot preliminary plat to be known as the "Plat of Sunrise Vista" to be located on Yakima County Assessor's Parcel No. 171336-21001 which is described in the application and in the other related documents that are assigned file numbers SUB2019-00050 and SEP2019-00034 be **APPROVED**, subject to compliance with 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 decision. Please note that the decision, including the following conditions, findings and time limit, pertains to conditional authorization for the subject subdivision only and failure to comply with all conditions will result in the expiration of the decision:

Building:

(1) The applicant shall apply for all Building and Fire Life Safety permits for the proposed and existing structures except for any existing structures that are to be demolished in accordance with approved demolition permits. All permits for the proposed and existing structures, except for existing structures that are to be demolished in accordance with approved demolition permits, 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.

Roads:

(2) Prior to the recording of the final plat, a private road shall be designed, approved and constructed to provide each lot with access to Dazet Road. Private roads serving a development must meet the requirements of YCC §19.23.050(6). Stamped engineering documentation demonstrating that the private road meets the standards of YCC §19.23.050(6) shall be provided prior to plat finalization.

(3) Prior to the recording of the final plat, the private road shall be built to the standards of YCC §19.23.050(6) and as stated below:

(a) A professional engineer shall design the road, provide the specifications, engineering judgment and assumptions supporting the road design, test its construction, and certify it meets the following standards:

(i) All private roads shall be designed using the highest practical design speed with a minimum of 25 miles per hour.

(ii) The private road shall accommodate two-way traffic unless a design modification for one-way traffic is proposed and approved.

(iii) All private roads must meet the minimum fire apparatus access road requirements of YCC Title 13.

(b) The road shall meet AASHTO recommended design guidelines for development density, use and intensity that could be served by the road based on plan designation, zoning, public safety and natural hazards. In lieu of the applicant's engineer submitting a detailed analysis, the following minimums are required. The applicant's engineer will be required to certify that the project meets the minimum requirements contained in Table 19.23.050-1.

(c) Where private roads require a crossing of an existing natural stream or drainageway, the crossing shall comply with applicable Building Codes and the Critical Areas Ordinance or Shoreline Master Program.

(d) Drainage facilities shall be provided in accordance with YCC Chapter 12.10 to prevent any drainage onto a public roadway.

(e) Easements shall be of sufficient widths to include all provided transportation improvements.

(4) In accordance with YCC §19.23.050(6)(b)(i) the private road must be retained permanently as a private road, be located within a non-exclusive access easement, and be maintained privately.

(5) Covenants meeting the recording requirements of the Yakima County Auditor's Office shall be provided for the perpetual maintenance of the private road and shall be submitted to the Yakima County Planning Division prior to finalization of the subdivision. These covenants must be signed by the owners, according to the

records of the office of the County Auditor, of property to an aggregate amount of the majority of the lineal frontage upon the improvement required and of the area within the boundaries of the properties served by the road. Said covenants must establish a road maintenance fund and require the owners in the development to pay into such fund. Covenants shall be approved by the County. The covenants shall be recorded by the developer with a copy of the recorded document provided to the Planning Division and shall be referenced on the face of the plat prior to its recording.

(6) A private road name sign shall be provided by the developer at the intersection of the private roads with the public road. Such sign shall meet the specifications in the Manual on Uniformed Traffic Control Devices. Names for private roads shall be approved by the County under the Road Naming and Site Addressing Ordinance YCC Chapter 13.26. The applicants shall complete a Road Name application with the Yakima County Transportation Division. Contact the Yakima County Transportation Division at (509) 574-2300 for more information.

(7) The property owners shall be responsible for maintaining the signs within private roads.

(8) The private road shall be open and unobstructed for use by emergency, public service and utility vehicles.

(9) An approved fire apparatus turnaround shall be constructed at the end of the private road and depicted on the final plat. Contact the Building and Fire Safety Division at (509) 574-2300 for further information regarding turnarounds.

(10) All prior dedications of right-of-way, deeds, and grants shall be shown on the face of the final plat.

(11) The applicant shall dedicate an additional 5 feet of public right-of-way along Dazet Road for a total of 35 feet of public right-of-way as measured from the center alignment of the roadway for Dazet Road.

Sewage:

(12) Since Lot 8 will be larger than 2.5 acres in size, a Yakima Health District septic review is not required for that lot prior to final plat approval. (YCC §19.34.060(5)).

