Applicant: Dave Williamson, Miocene Resource LLC
Representative: Bill Hordan, Hordan Planning Services
Request: Type of Amendment: Comprehensive Plan Map Amendment
Land Use Designation
From: Rural Remote/ELDP
To: Rural Remote/ELDP (Mineral Resource Overlay)
Zoning
From: R/ELDP
To: R/ELDP
Parcel No(s): 161527-11001
Parcel Size: 608.75
Location: North of State Highway 410 (SR 410), approximately two miles west of the State Highway 410 and State Highway 12 intersection, and approximately six miles west of the town of Naches.

A. SUMMARY OF RECOMMENDATIONS

Staff recommends Approval of the requested comprehensive plan amendment to designate the Mineral Resource Overlay subject to the development agreement, consideration of testimony from neighbors and interested parties.

B. SUMMARY OF REQUEST

The applicant requests a change in Horizon 2040’s Future Land Use Map to apply the Mineral Resource Overlay on 186 acres (Subject Property) of an approximate 610-acre parcel while retaining the underlying land use designation and zoning (see Appendix A, B, and C for maps.) The applicant is looking to expand the current mining operations of the Horseshoe Bend Quarry into this eastern adjoining property and portion thereof. Miocene Resource, LLC owns the mineral rights to the whole parcel but does not own the land. A development agreement has been drafted along with this request that the applicant must provide a deed recorded by the County Auditor or obtain a mining agreement/contract with the Washington Department of Fish and Wildlife for the Subject Property. An official document meeting the requirements of the development agreement must be delivered to the Planning Department within 5 years from the signed date of the adopted ordinance and null and void thereafter. This comprehensive plan amendment request will remain ineffective until this condition is met within the time allotted, if and only conditionally approved by the Board of Yakima County Commissioners.

The Washington Department of Fish and Wildlife provided the following comments during the Notice of Completeness, Notice of Application, and Notice of Environmental Review period (see Appendix G).
“The Department as landowner, is surprised by this request since the requestor did not consult with us on it beforehand. Conversion of the parcel to rock product mining is inconsistent with our land management policies, including those for the Oak Creek Wildlife Area.”

“Withdrawal of the SEPA checklist by the proponent is recommended. The WDFW does not wish to convert the land use from what currently exists.”

As discussed above, the development agreement drafted by Yakima County in conjunction with this comprehensive plan map amendment will provide time for the mineral and land owners of the Subject Property to address the conflicting land ownership issues.

C. SUBJECT PROPERTY HISTORY

The entire Subject Property was zoned General Rural (GR) prior to adoption of Yakima County Comprehensive Plan in 1997, which designated the Subject Property Semi-Arid. In February 2000, it was re-zoned from General Rural (GR) to R/ELDP to be consistent with and implement the Comprehensive Plan. In May 2015, the Subject Property zoning was retained from R/ELDP to R/ELDP as part of the development of the new YCC Title 19 - Unified Land Development Code. In June 2017, the Subject Property land use designation was retained from Rural Remote/ELDP to Rural Remote/ELDP.

D. CURRENT COMP PLAN DESIGNATIONS, ZONING AND LAND USE

The current Yakima County Comprehensive Plan - Horizon 2040 designations, zoning, and land uses for the subject property and adjoining parcels are indicated in table below:

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning</th>
<th>Comp Plan</th>
<th>Acres</th>
<th># of Parcels</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Property</td>
<td>R/ELDP</td>
<td>RR/ELDP</td>
<td>186</td>
<td>1</td>
<td>Mining, streams, vacant, and undeveloped.</td>
</tr>
<tr>
<td>North of the subject property</td>
<td>FW</td>
<td>FR</td>
<td>640</td>
<td>1</td>
<td>Stream, wetland, vacant, and undeveloped.</td>
</tr>
<tr>
<td>South of subject property</td>
<td>R/ELDP</td>
<td>RR/ELDP</td>
<td>248.3</td>
<td>3</td>
<td>Shoreline, critical areas, vacant, and undeveloped.</td>
</tr>
<tr>
<td>East of subject property</td>
<td>R/ELDP</td>
<td>RR/ELDP</td>
<td>640</td>
<td>1</td>
<td>Stream, wetland, vacant, and undeveloped.</td>
</tr>
<tr>
<td>West of subject property</td>
<td>R/ELDP</td>
<td>RR/ELDP</td>
<td>84.48</td>
<td>2</td>
<td>Mining and manufactured home.</td>
</tr>
<tr>
<td>Northeast of subject property</td>
<td>FW</td>
<td>FR</td>
<td>640</td>
<td>1</td>
<td>Stream, wetland, vacant, and undeveloped.</td>
</tr>
<tr>
<td>Northwest of subject property</td>
<td>R/ELDP</td>
<td>RR/ELDP</td>
<td>634</td>
<td>1</td>
<td>Shoreline, critical areas, lake, vacant, and undeveloped.</td>
</tr>
<tr>
<td>Southeast of subject property</td>
<td>R/ELDP</td>
<td>RR/ELDP</td>
<td>62.70</td>
<td>1</td>
<td>Wetland, vacant, and undeveloped.</td>
</tr>
</tbody>
</table>
E. INTENT OF PLAN DESIGNATIONS AND ZONES (CURRENT AND PROPOSED)

- **Current Land Use Designation – Rural Remote/Extremely Limited Development Potential - RR/ELDP:**

  **Purpose**
  The intent of the Remote Rural/Extremely Limited Development Potential land use category is to implement Growth Management Act Planning Goals directed toward reducing sprawl, protecting the environment, and retention of open spaces. Horizon 2040 recognizes and maintains remote rural and extremely limited development potential area development at a level consistent with environmental constraints, carrying capacity of the land and service availability. This land use category is intended to be applied in areas which are suitable for low development densities (e.g., one residence per quarter quarter section), due to a combination of physical or locational factors: The cost of extending or maintaining roads and services to these areas is often prohibitive, given inaccessibility and challenging geographical features, such as: natural hazard potential (excessive or unstable slopes, soil constraints, topographic or flooding characteristics, wildfire potential); or remote location (outside of expected rural fire service area, lack of all-weather access, depth to groundwater). These areas may also include public values covered by Statute (e.g., protection of shorelines or critical areas features such as sensitive fish and wildlife habitats).

- **Current Zoning – Remote/Extremely Limited Development Potential - R/ELDP:**

  **19.11.030 Rural Districts (R/ELDP-40)**

  (1) Legislative Intent. The rural districts are intended to serve as a buffer between urban lands and resource lands, provide non-resource areas for future urban expansion, limit the costs of providing services to remote or underdeveloped areas, and retain the rural/agrarian character of the County while offering a variety of lifestyle choices for the residents of Yakima County.

  (a) The Remote/Extremely Limited Development Potential (R/ELDP-40) zoning district is intended to recognize areas and allow development consistent with service availability and environmental constraints in remote areas and other places with extremely limited development potential.

- **Proposed Land Use Designation – Mineral Resource Overlay:**

  **Purpose**
  The intent of Yakima County’s Mineral Resource Overlay land use category is to implement the Growth Management Act planning goal related to maintaining and enhancing natural resource-based industries, which includes commercially viable mineral resource industries. This category is intended to identify, preserve and protect the mineral resource land base which is intended to be used for, or offers the greatest potential for, the continued production of aggregate products such as concrete or asphalt, while allowing the underlying land use to provide interim land use direction until such time that mineral extraction is permitted. The Mineral Resource Overlay land use category carries out this goal by establishing a Mining zone, which identifies review criteria, allowed uses, lot sizes, standards of operations and provisions for revisions.
Yakima County’s economic well-being depends upon the availability of mineral resource products specifically sand, gravel and bedrock materials. To keep pace with the market demand it is important for the residents and the economy of Yakima County that at least a fifty-year supply of mineral resource areas be identified and protected with the Mineral Resource Overlay designation.

**General Description**

Mineral resource lands are those lands primarily devoted to or important for the long-term commercial production of mineral products. Areas designated as mineral resource lands comprise the Mineral Resource Overlay. The Mineral Resource Overlay is a land use designation that overlays an existing land use designation. The overlay designation provides protection from the encroachment of competing land uses by applying a buffer that places restrictions on adjacent properties. The existing or underlying land use designation is intended to remain in effect until such time that the area is rezoned to Mining in anticipation of pending mining operations. At the conclusion of all mining related operations the Mineral Resource Overlay designation is removed and the property rezoned through the annual comprehensive plan amendment process. The existing or underlying land use designation shall determine the appropriate zone.

- **Proposed Zoning – N/A:**
  
  *No zoning change proposed.*

**F. PLAN MAP AMENDMENT AND MAJOR REZONE APPROVAL CRITERIA**

The approval criteria set forth in YCC 16B.10.095 shall be considered in any review and approval of amendments to Yakima County Comprehensive Plan Future Land Use Map. YCC 16B.10.090 (Major Rezones) are legislative rezones necessary to maintain consistency between the comprehensive plan policy plan map and the official zoning map and shall be completed concurrently with the plan amendment process wherever appropriate. Rezones completed as part of the plan amendment process shall be reviewed against the criteria as for plan amendments in Section 16B.10.095 of this code, and YCC Section 19.36.040 and must be consistent with the requested plan designation as indicated in Table 19.36-1.

- **Consistency with 16B.10.095 Approval Criteria:**
  
  (1) The following criteria shall be considered in any review and approval of amendments to Yakima County Comprehensive Plan Future Land Use Map:

  (a) The proposed amendment is consistent with the Growth Management Act and requirements, the Yakima County Comprehensive Plan and applicable sub-area plans, applicable city comprehensive plans, applicable capital facilities plans and official population growth forecasts and allocations;

  - **GMA Consistency** - This major rezone is consistent with three of the thirteen GMA Planning goals, RCW 36.70A.020, without any order of priority.

    **RCW 36.70A.020 (6) Property rights.** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
**Staff Finding:** The proposal is consistent with this GMA goal because it recognizes the rights of property owners by protecting them from arbitrary and discriminatory actions. Miocene Resource, LLC is seeking to protect its mineral rights by requesting a Mineral Resource Overlay on the 186 acres. The applicant is in negotiations with the Washington Department of Fish and Wildlife to do a land swap of the Subject Property for an undeveloped 149.76-acre parcel to the west across State Route 410 next to the Naches River.

RCW 36.70A.020 (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

**Staff Finding:** The proposal is consistent with this GMA goal to maintain and enhance mining as a natural resource industry. This remote site is surrounded by large undeveloped properties owned by governmental agencies which limits development of incompatible land uses.

RCW 36.70A.020 (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

**Staff Finding:** The proposal is consistent with this GMA goal and will not decrease the current service levels below locally established minimum standards. Public services and facilities necessary to establish a mineral resource site on the property are adequate for the intended use.

**Horizon 2040** Consistency - This major rezone of designating the Mineral Resource Overlay is consistent with the Land Use Element – Mineral Resource Areas goals and policies (LU-ER-MR) of the Yakima County Comprehensive Plan goal and policies, without any order of priority.

**GOAL LU-ER-MR 1:** Identify and protect long term supplies of commercial aggregate and other mineral resources for economic development.

**POLICIES:**

**LU-ER-MR 1.1:** Designate sufficient mineral resource lands of long-term significance to ensure a fifty-year supply of aggregates, sand, gravel, and rock-based on the mineral resource designation mapping criteria located in the Land Use Element of **Horizon 2040**.

**LU-ER-MR 1.3:** Maintain at least a ten-year supply of zoned Mineral Resources.

**LU-ER-MR 1.5:** Consider map amendment designation and rezoning of appropriate high priority parcel(s) to the Mineral Resource Overlay and Mining Zoning District at each plan update or as otherwise permitted.
LU-ER-MR 1.6: Encourage rezoning of other designated sites listed within the inventories at landowner/operator request to maintain the minimum ten-year supply of available, zoned resources. Allow landowners to apply for the Mineral Resource Overlay designation during the annual comprehensive plan update cycle.

Staff Finding: The proposal is consistent with the above Horizon 2040 Goal and Policies related to Mineral Resources Areas. The site is currently identified on the Department of Natural Resources (DNR) “Rock Aggregate Resource Lands Inventory Map for Yakima County”. (See Appendix D) The applicant is applying during a regular comprehensive plan amendment cycle, and the application is being reviewed for its consistency with Horizon 2040.

- Sub-Area Plan Consistency

  Staff Finding: There is no applicable sub-area plan that affects this proposal.

- City Comp Plan Consistency

  Staff Finding: There is no applicable city comp plan that affects this proposal.

- Capital Facilities Plan Consistency

  Staff Finding: The county’s 2014-2019 Capital Improvement Plan (CIP) presents the funding plan for investments in transportation, utilities, surface water, parks, facilities (buildings) solid waste, equipment, and major technology systems. It includes acquisition, new construction, modernization, and rehabilitation strategies of the county. A review of the CIP, particularly the 6-year Transportation Improvement Program, finds no inconsistencies with the request.

- Yakima County Population Projections and Allocation Consistency

  Staff Finding: The application of an MRO for the expansion an existing mine does not affect population projections and allocations.

  (b) The site is more consistent with the mapping criteria for the proposed map designation than it is with the criteria for the existing map designation;
**Proposed Land Use Designation Mapping Criteria Analysis** (italics below indicates the language from *Horizon 2040*, Land Use Element):

**Mapping Criteria:**
The actual location (area of deposition) of the mineral resource is the primary factor in determining the future location of a mining site. Other factors that influence the location of a mineral resource area include: quality of the resource, volume of the resource, access suitability, the compatibility with existing or planned land uses, and the proximity to existing or planned market areas. The following designation/mapping criteria are based on Chapter 365-190-070 of the Washington Administrative Code – Minimum Guidelines to Classify Agriculture, Forest and Mineral Resource Lands.

<table>
<thead>
<tr>
<th>Mineral Resource Areas Mapping Criteria</th>
<th>Staff analysis (Does the site meet each criterion?)</th>
</tr>
</thead>
</table>


### Quality of the Mineral Resource:

The quality and type of mineral resource at the potential site shall meet any of the following requirements.

1. The quality and type of the mineral resource must meet current and/or future project and/or project specifications.
2. The quality and type of mineral resource must satisfy the market’s current and/or future demands.
3. The potential site must be within the DNR identified mineral resource lands.

#### Intent Statement — Due to Yakima County’s shortage of high-quality concrete grade aggregates those mineral resources should be utilized for crushed gravel and concrete aggregate purposes only to best and highest priority use.

The Subject Property meets this criterion. According to DNR’s “Rock Aggregate Resource Lands Inventory Map for Yakima County, WA,” there is high quality bedrock mapped on the parcel. (See Appendix D)

The applicant has identified that geologic hazards, limited products and quality of minerals from all the other county mines have put a strain on the mining industry. Due to these reasons, the life expectancy of the Horseshoe Bend Quarry is projected to last for another 5 years instead of 10 years. The applicant also identifies satisfying its current and future market to include White Pass and Chinook Pass with the mine’s location for the upper Yakima Valley. This is an expansion of an existing mine that is in production.

The Subject Property is located within DNR’s inventory map.

The Subject Property does not contain high-quality concrete grade aggregates but will be used to its best and highest priority use.
2. **Volume of the Resource:**
   The volume of available mineral resource at the potential site shall meet the following requirements.

   a. **The volume of available mineral resource at the potential site, on single or contiguous parcels, should be feasibly marketable by a mining operation to supply the surrounding market demands.**

   b. **The volume of available mineral resource at the potential site should be of sufficient volume to meet the following minimum requirements:**
      i. **Thickness of sand, gravel or bedrock deposits that exceed 25 feet or 7.5 meters.**
      ii. **The “stripping ratio” (ratio of overburden to resource) is less than one to three 1:3.**

**Intent Statement** — Each potential mineral resource site must be able to sustain a commercial mining operation with the available resource on the site.

<table>
<thead>
<tr>
<th></th>
<th>The applicant projects that the Subject Property will provide an aggregate supply beyond the 10-year range marketable to the upper Yakima Valley.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The volume of available mineral resource on the proposed site appears to meet this criterion.</td>
</tr>
<tr>
<td></td>
<td>The “stripping ratio” appears to meet this criterion as the current Horseshoe Bend Quarry has been in operation since 1993 on a 45-acre parcel and provided the market with a sufficient supply of mineral products.</td>
</tr>
<tr>
<td></td>
<td>The Subject Property meets the above criteria and will be able to sustain a commercial mining operation with the available resource on site.</td>
</tr>
</tbody>
</table>
3. **Access Suitability:**
The potential mineral resource site must have access or potential access to public and/or private roads that are suitable for truck traffic and/or are capable of supporting the level of expected traffic. The access to the site is from SR 410. SR 410 is a class 2 access managed highway with a posted speed limit of 55 miles per hour and capable of supporting the proposal. The main entrance to the site is located on the western edge of the Horseshoe Bend Quarry. The commercial approach is well designed with a turnout area adjacent to the highway for large semi-trucks to enter and leave the site safely.

**Intent Statement** – It is very important that there is access to adequate public and/or private roads to potentially lower the traffic related impacts to both the surrounding neighbors and the environment. The Subject Property meets the above criterion and has access to public roads to potentially lower traffic related impacts.
4. **Compatibility with Present or Planned Land Use Patterns in the Area**

   a. **Surrounding parcel sizes and surrounding uses;**

   b. **Subdivision or zoning for urban or small lots;**
      i. Designated mineral lands should not be located adjacent to any zoning district boundary that has a minimum lot size greater than 1 dwelling units per 5 acres, where doing so would create a non-conforming setback distance.
      ii. Designated mineral resource lands should not be located in any zoning district that has a minimum lot size of 1 dwelling unit per 5 acres.

   c. **Sites located in or adjacent to UGA boundaries;**
      i. Mineral resource lands should not be designated in existing Urban Growth Areas.

   d. **Proximity to essential public facilities (i.e. dams, bridges, etc.);**

   e. **Sites located within inconsistent zoning districts;**

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The Subject Property is surrounded by large parcels, owned by governmental agencies, to the north and southwest zoned Forest Watershed (FW), to the east, south, and west zoned R/ELDP, to include a Mineral Resource Overlay on the Horseshoe Bend Quarry.

(i) and (ii) The Subject Property is not adjacent to any zoning district boundary that has a minimum lot size greater than 1 dwelling unit per 5 acres. The nearest residence is approximately 1 mile away northwest of the Subject Property.

The Subject Property is not located in or adjacent to UGA boundaries.

The access to the Subject Property is from SR 410. The proposed use and remote location of the site will not impact any other essential public facilities.

The Subject Property is not located within inconsistent zoning districts.
f. Sites located within publicly owned lands;

The Subject Property is located within a publicly owned land by the Washington Department of Fish and Wildlife.

g. Sites located within other natural resource designated areas.

The Subject Property is not located within a natural resource designated area.

The potential site must be able to mitigate impacts on and/or to adjacent existing land uses.

**Intent Statement** – The Growth Management Act specifically addresses the fact that natural resource lands must be protected from encroachment of incompatible land uses. It is also important to take into consideration those areas already characterized by urban or small-lot growth. All care must be taken to lessen all potential mining related impacts using BMP’s.

A 500’ Mineral Resource setback will be imposed on neighboring properties, protecting them from the use. There are no parcels adjacent to the proposed overlay that cannot accommodate the 500’ setback.

The Subject Property meets the above criteria and will protect natural resource lands from encroachment of incompatible land uses. All care using Best Management Practices (BMP’s) must be taken to lessen all potential mining related impacts.

5. Proximity to Existing and Planned Market Areas;

   The site must be located within an economically feasible radius from existing and planned market areas.

   *Intent Statement* – It is very important that Yakima County maintain a sufficient amount of designated mineral resource sites close to existing and planned market areas to ensure low cost and available supplies of construction aggregate.

   The applicant has stated that it’s mineral resource market is the upper Yakima Valley to include White Pass and Chinook Pass. Its proximity to the City of Naches which is 6 miles away and the City of Yakima which is 15 miles.

   The Subject Property meets the above criterion which will help Yakima County maintain a sufficient amount of designated mineral resource sites close to existing and planned market areas to ensure low cost and available supplies of construction aggregate.

| Staff Findings: The proposed site meets the mineral resource areas mapping criteria. |
| (c) The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity; |
| Staff Findings: The designation of the overlay onto this site would allow current operations to continue into a contiguous parcel without disturbing other sites identified in the county’s mineral resource inventory. |
(d) For a map amendment, substantial evidence or a special study has been furnished that compels a finding that the proposed designation is more consistent with comprehensive plan policies than the current designation;

Staff Findings: The Department of Natural Resources “Rock Aggregate Resource Lands Inventory Map for Yakima County, Washington” has identified the proposed site as a high quality aggregate area.

According to the “Soil Survey of Yakima County Area, Washington,” the proposed site consists of Clint very stony loam, 15-45 percent slopes; Clint-Rubble land complex, 8-75 percent slopes; Logy Cobbly silt loam, 0-5 percent slopes; McDaniel very stony loam, 5-30 percent slopes, and McDaniel very stony loam, 30-65 percent slopes. These soils consist of high quality mineral resources used in the mining industry.

(e) To change a resource designation, the map amendment must be found to do one of the following:

(i) Respond to a substantial change in conditions beyond the property owner’s control applicable to the area within which the subject property lies; or

(ii) Better implement applicable comprehensive plan policies than the current map designation; or

(iii) Correct an obvious mapping error; or

(iv) Address an identified deficiency in the plan. In the case of Resource Lands, the applicable de-designation criteria in the mapping criteria portion of the Land Use Element of the Yakima County Comprehensive Plan – Horizon 2040 shall be followed. If the result of the analysis shows that the applicable de-designation criteria has been met, then it will be considered conclusive evidence that one of the four criteria in paragraph (e) has been met. The de-designation criteria are not intended for and shall not be applicable when resource lands are proposed for re-designation to another Economic Resource land use designation;

Staff Findings: There is no change in resource designation. This request is establishing a resource area by applying the overlay. (i) The mineral resources in the Horseshoe Bend Quarry have declined from a 10 year to 5-year supply, earlier than predicted from a. (ii) As explained above in the Horizon 2040 review criteria for consistency and Mineral Resource Mapping criteria discussion, the site is consistent with the Mineral Resource Overlay designation. (iii) There is no obvious mapping error. (iv) No plan deficiency has been identified.

(f) A full range of necessary public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools;

Staff Findings: The primary public facilities and service needs for mining and mining-related activities are access to transportation and proximity to markets. This remote site has direct access to State Route 410 by easement and proximity close to markets. An overhead electrical power line is located on the property (Pacific Power). The rural site lies within a designated fire district and served by the County Sheriff’s Office. There is no sewage disposal system, water supply system, or irrigation located on the property or needed for this proposal.
(g) The proposed policy plan map amendment will not prematurely cause the need for nor increase the pressure for additional policy plan map amendments in the surrounding area.

**Staff Findings:** The amendment will unlikely not cause a premature need for nor increase the pressure for additional policy plan map amendments in the surrounding area since the Mineral Resource Overlay is a specialized designation and requires meeting mapping criteria. Mineral Resource setbacks, as required in YCC19.18.205, will not significantly impact the neighboring parcels, as there are no homes within 500’ buffer, and surrounding parcels are large enough to easily accommodate setbacks.

(2) The following criteria shall be considered in any review and approval of changes to Urban Growth Area (UGA) boundaries:

(a) Land Supply:

(i) The amount of buildable land suitable for residential and local commercial development within the incorporated and the unincorporated portions of the Urban Growth Areas will accommodate the adopted population allocation and density targets;

(ii) The amount of buildable land suitable for purposes other than residential and local commercial development within the incorporated and the unincorporated portions of the Urban Growth Areas will accommodate the adopted forecasted urban development density targets within the succeeding twenty-year period;

(iii) The Planning Division will use the definition of buildable land in YCC 16B.02.045, the criteria established in RCW 36.70A.110 and .130 and applicable criteria in the Comprehensive Plan and development regulations;

(iv) The Urban Growth Area boundary incorporates the amount of land determined to be appropriate by the County to support the population density targets;

(b) Utilities and services:

(i) The provision of urban services for the Urban Growth Area is prescribed, and funding responsibilities delineated, in conformity with the comprehensive plan, including applicable capital facilities, utilities, and transportation elements, of the municipality;

(ii) Designated Ag, resource lands, except for mineral resource lands that will be reclaimed for urban uses, may not be included within the UGA unless it is shown that there are no practicable alternatives and the lands meet the de-designation criteria set forth in the comprehensive plan.

**Staff Findings:** NOT APPLICABLE
(3) Land added to or removed from Urban Growth Areas shall be given appropriate policy plan map designation and zoning by Yakima County, consistent with adopted comprehensive plan(s).

**Staff Findings:** NOT APPLICABLE

(4) Cumulative impacts of all plan amendments, including those approved since the original adoption of the plan, shall be considered in the evaluation of proposed plan amendments.

**Staff Findings:** The cumulative impacts will be addressed as part of the overall environmental review process for the 2018 Biennial Comprehensive Plan Amendments.

(5) Plan policy and other text amendments including capital facilities plans must be consistent with the GMA, SMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.

**Staff Findings:** The proposed comprehensive plan amendment is consistent with the GMA, CWPP, and Horizon 2040.

(6) Prior to forwarding a proposed development regulation text amendment to the Planning Commission for its docketing consideration, the Administrative Official must make a determination that the proposed amendment is consistent with the GMA, CWPP, other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.

**Staff Findings:** NOT APPLICABLE

**Staff Conclusion:** The Subject Property in question meets the approval criteria outlined in Y.C.C 16B.10.095. When reviewed against the mapping criteria of both the existing and proposed land use designation the Subject Property is suited for the Mineral Resource Overlay land use designation. This proposal meets the approval criteria and should be approved subject to meeting the condition as described in the Development Agreement.

G. Allowable Uses

The applicant requests a change in the Future Land Use Map on the subject property to apply the Mineral Resource Overlay on the current underlying designation and zoning. A concurrent rezone is not proposed or required. Examples of uses that are allowed in the overlay include:

- As Type 2 (usually permitted) uses:

<table>
<thead>
<tr>
<th>ALLOWABLE LAND USES</th>
<th>R/ELDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following mining related uses within areas designated Mineral Resource by the comprehensive plan:</td>
<td></td>
</tr>
</tbody>
</table>
Mineral batching (Temporary) | 2
---|---
Mineral processing, mining site/operation (Long-term or temporary) | 2
Recycled asphalt or concrete, stockpiling or storage of, (when accessory to an approved mining site/operation) | 2

**Staff Conclusion:** The Mineral Resource Overlay is consistent with the current R/ELDP zoning district. As shown in the table above, YCC Title 19’s permitted uses for Mineral processing, mining site/operation (Long-term) and Recycled asphalt or concrete, stockpiling or storage of, (when accessory to an approved mining site/operation) are allowed uses in this zoning district with the overlay as Type 2 review. These uses are not allowed without the designation. The overlay will also reduce the review type of Mineral batching (Temporary) from a Type 3 to a Type 2.

**H. Discussion of Environmental Analysis (SEPA)**

Staff has completed an assessment of the potential environmental impacts associated with the proposed plan and zoning amendment and proposes mitigation, where appropriate.

- **LRN2018-03/SEP2018-06: Williamson/Miocene Resource, LLC.** The applicant requests to amend the Yakima County Comprehensive Plan (*Horizon 2040*) Future Land Use Map, and apply the Mineral Resource Overlay on 186 acres, a portion of an approximate 610 acres. There are no proposed changes to the underlying R/ELDP zoning district and R/ELDP land use designation.

The Environmental Checklist submitted by the applicant discloses no direct adverse environmental impacts associated with the proposal. However, if approved, the increased number of possible uses and greater development potential allowed on the property could potentially create significant adverse environmental impacts. When future applications are submitted, further environmental review will likely be required of most projects. At that time, the mitigation measures outlined below are likely to be required to avoid probable significant adverse environmental impacts.

**Earth:** Yakima County’s geographic information system indicates that the property contains multiple over steepened slopes, landslides, and streams.

**Mitigation:** The proposed Mineral Resource Overlay would increase the development potential of the property. If approved, prior to any development, the applicant shall conduct a geologic hazard report as provided in 16C.03.18(4), Critical Areas Report Requirements for relocating a stream 16C.03.17 as provided in 16C.03.17, and other agency requirements will need to be satisfied.
Plants & Animals: The property is currently undeveloped, shrub steppe rangeland. Yakima County has mapped the approximate location and extent of Upland Wildlife Habitat Conservation Area (UWHCA) which are areas where endangered, threatened and sensitive species may have a primary association.

The Washington Department of Fish and Wildlife (WDFW) provided the following comments during the Notice of Completeness, Notice of Application, and Notice of Environmental Review period (see Appendix G).

“The land is part of “Shrub-steppe – Priority Habitat” in the Upland Wildlife Habitat Conservation Area. It functions and is managed as bighorn sheep summer range as well as for other shrub-steppe obligate and more-generalizing species. Lawful cattle grazing has not existed there for several decades.”

Mitigation: A habitat assessment will be required to determine the presence of absence of endangered, threatened, and sensitive species or whether areas in which such species have a primary association that exist in that location. If the habitat assessment determines that such species or habitat area is present on site, and are likely to be impacted by the development proposal, then a critical areas standard development permit will be required.

WDFW further stated that:

“The WDFW will not be managing the subject parcel for mineral-resource extraction. A land use conversion would require an amount of habitat mitigation that is at-least equal to the possible functional losses of habitat. Conversion to a rock-product extraction operation would also need an approved mine reclamation plan prior to the starting its development. WDFW would provide technical assistance in the development of such a plan.”

WDFW comments will be addressed through the SEPA process.

I. CONCLUSIONS

1. The comprehensive plan amendment meets the approval criteria of YCC 16B.10.095 for a plan map amendment. It is consistent with the Growth Management Act (RCW36.70A) and with the goals and policies of the Yakima County Comprehensive Plan – Horizon 2040.

2. No probable significant environmental impacts have been identified to result from approval of the applicant’s request. However, environmental impacts resulting from future applications for project development on the site have been identified.

J. RECOMMENDATIONS

The Yakima County Planning Division recommends Approval of the Horizon 2040 map amendment request, subject to consideration of testimony from neighbors and interested parties.
Attachments:

Appendix A – Map of Subject Area
Appendix B – Current Zoning
Appendix C – Proposed Mineral Resource Overlay Designation
Appendix D – Section of Subject Property from “Rock Aggregate Resource Lands Inventory Map for Yakima County, WA”
Appendix E – Washington State Department of Transportation Comment Letter
Appendix F – State of Washington Department of Ecology Comment Letter
Appendix G – Department of Fish and Wildlife Comment Letter
APPENDIX A
Map of Subject Area

Horseshoe Bend Quarry

16152711001

186 acres
APPENDIX C
Proposed Mineral Resource Overlay Designation
APPENDIX D
Section of Subject Property from “Rock Aggregate Resource Lands Inventory Map for Yakima County, WA”

EXPLANATION

<table>
<thead>
<tr>
<th>Resource</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identified</td>
<td>Identified resources are gravel or bedrock aggregate for which distribution, grade, and quality can be confidently estimated from specific geologic evidence, limited sampling, and laboratory analysis. Identified resources may include economic, marginally economic, and subeconomic components that reflect various degrees of geologic certainty. We map an identified resource where available data appear to satisfy all of the elements of our threshold criteria.</td>
</tr>
<tr>
<td>Hypothetical</td>
<td>Hypothetical resources are aggregate resources postulated to exist on the basis of general geologic information and aggregate test data and production history. We map hypothetical resources where available data appear to satisfy most of the elements of our threshold criteria.</td>
</tr>
<tr>
<td>Speculative</td>
<td>Speculative resources are aggregate resources for which geologic and production information is sparse and where rock types have not been evaluated for their aggregate potential. Nevertheless, inferences can be made from existing geologic mapping and data to suggest that these rock units may have the potential for meeting the threshold criteria established for this study and possibly contain future aggregate resources.</td>
</tr>
</tbody>
</table>

Bedrock or sand and gravel mine with an active surface mine reclamation permit (information current as of 2000)
Bedrock or sand and gravel mine with a monitored surface mine reclamation permit (information current as of 2000)
Small bedrock quarry explored or used by the USDA Forest Service
Administrative boundary, for example, a wilderness area or the Yakama Indian Reservation
April 19, 2018

Yakima County Public Services Department
Planning Division
128 N. 2nd Street, 4th Floor Courthouse
Yakima, WA 98901

Attention: Tua Vang, Project Planner

Subject: LRN2018-00003; SEP 2018-00006 – Williamson Mineral Overlay State Route 410, Milepost 113.9

We have reviewed the public notice for the proposed project to expand the Mineral Resource Overlay designation of 186 acres lying easterly of an existing gravel mining operation. The project site is adjacent to State Highway 410 (SR 410). This segment of SR 410 is a Class 2 access managed highway with a posted speed limit of 55 miles per hour. The property accesses SR 410 at an existing approved approach at Milepost 113.9.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding our comments, please contact John Gruber at (509) 577-1636.

Sincerely,

Paul Gonseth, P.E.
Planning Engineer

PG: jg/df

cc: File #2018-1, SR 410
Les Turnley, Area 2 Maintenance Superintendent
April 25, 2018

Tua Vang  
Yakima County Planning Division  
128 North 2nd Street  
4th Floor Courthouse  
Yakima, WA 98901

Re: LRN2018-00003, SEP2018-00006

Dear Tua Vang:

Thank you for opportunity to comment on the pre-threshold determination for the Mineral Resource Overlay designation on 186 acres, proposed by Dave Williamson. We have reviewed the environmental checklist and have the following comment.

WATER RESOURCES

At the project stage, dust suppression may be necessary. If you plan to use water for this purpose at your site, be sure that you have a legal right. Temporary permits may be obtainable in a short time-period. The concern of Water Resources is for existing water rights. In some instances water may need to be obtained from a different area and hauled in or from an existing water right holder.

If you have any questions or would like to respond to these Water Resources comments, please contact Jolee Ramos at (509) 454-4173 or email at jolee.ramos@ecy.wa.gov.

Sincerely,

Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
(509) 575-2012  
crosecocommunications@ecy.wa.gov

201801928
April 27, 2018

Yakima County Planning Division
Attn: Tua Vang
128 N 2nd Street
Fourth Floor / Courthouse
Yakima, WA 98901


Dear Tua,

Thank you for the opportunity to comment on this non-project review. We anticipate that a substantive action on the subject property will not occur prior to further environmental review. Yet, it will be useful for the proponent to anticipate the concerns of the current property owner.

The land is part of “Shrub-steppe - Priority Habitat” in the Upland Wildlife Habitat Conservation Area. It functions and is managed as bighorn sheep summer range as well as for other shrub-steppe obligate and more-generalizing species. Lawful cattle grazing has not existed there for several decades. The Department, as landowner, is surprised by this request since the requestor did not consult with us on it beforehand. Conversion of the parcel to rock product mining is inconsistent with our land management policies, including those for the Oak Creek Wildlife Area.

The WDFW will not be managing the subject parcel for mineral-resource extraction. A land use conversion would require an amount of habitat mitigation that is at-least equal to the possible functional losses of habitat. Conversion to a rock-product extraction operation would also need an approved mine reclamation plan prior to the starting its development. WDFW would provide technical assistance in the development of such a plan.

Withdrawal of the SEPA checklist by the proponent is recommended. The WDFW does not wish to convert the land use from what currently exists. Please feel free to contact me with any questions or clarifications you may require. My phone number is 457-9310.
Sincerely,

Eric Bartrand

Department of Fish and Wildlife
Area Habitat Biologist
1701 S 24th Avenue
Yakima, WA 98902

EB:eb
Tua Vang

From: Bartrand, Eric L (DFW) <Eric.Bartrand@dfw.wa.gov>
Sent: Friday, April 27, 2018 1:03 PM
To: Tua Vang
Cc: Hendrix, Leah (DFW); Harvester, Perry J (DFW)
Subject: WDFW Comments on LRN2018-00003 SEP2018-00006 NOC NOA NOER NOFH
Attachments: Yakima County- Horseshoe Bend - MRO of 186 acres.pdf

Tua,

Thank you for accepting the attached SEPA comments on the Williams MRO expansion proposal. Please keep me appraised if the scheduled public hearing is changed.

Eric Bartrand
(509) 457-9310