A. SUMMARY OF RECOMMENDATIONS

Staff recommends Approval of the requested comprehensive plan amendment from Agricultural Resource to Rural Self-Sufficient and Approval of the concurrent rezone from AG to R-10/5, subject to consideration of testimony from neighbors and interested parties.

B. SUMMARY OF REQUEST

The applicant requests: (1) a change in Horizon 2040’s Future Land Use Map from Agricultural Resource to Rural Self-Sufficient; and (2) a concurrent rezone from AG to R-10/5. (See maps in Appendix B.)

C. SUBJECT PROPERTY HISTORY

The subject property was zoned General Rural (GR) under YCC Title 15 prior to adoption of the Yakima County Comprehensive Plan (Plan 2015) in 1997, which designated the subject property Agricultural Resource. In February 2000, it was re-zoned by the new Title 15 from General Rural (GR) to AG to be consistent with and implement the Comprehensive Plan. In May 2015, the subject property retained its AG zoning under the new YCC Title 19 - Unified Land Development Code.

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:
E. INTENT OF PLAN DESIGNATIONS AND ZONES (CURRENT AND PROPOSED)

- Current Land Use Designation – Agricultural Resource - AR:

The intent of Yakima County’s Agricultural Resource land use category is to implement the Growth Management Act planning goal related to maintaining and enhancing natural resource-based industries, which includes productive agricultural industries. This category is intended to preserve, stabilize, and enhance the primary agricultural land base which is being used for, or offers the greatest potential for, continued production of agricultural products and harvesting. The Agricultural Resource land use category carries out this goal by establishing a single agricultural zone, allowing flexible parcel sizing on large lots, limiting small lot segregations, and establishing a special exemption process to review potentially conflicting uses.

Yakima County’s economic well-being depends upon a healthy agricultural environment. The County has been ranked first statewide in terms of the value of all agricultural products sold; other reports have listed the County in the top five and even number one nationally in production of certain commodities. The Yakima County Unified Development Code Title 19 protects these lands with the AG Zoning District.
Current Zoning – Agriculture - AG:
The purpose of the Agriculture (AG) district is to preserve and maintain areas for the continued practice of agriculture by limiting the creation of small lots, permitting only those new uses that are compatible with agricultural activities, protection of agricultural lands of long-term commercial significance, and providing measures to notify and separate especially sensitive land uses from customary and innovative agricultural land management practices. The AG district implements the Comprehensive Plan that calls for the preservation of agricultural lands.

Proposed Land Use Designation – Rural Self-Sufficient – RSS:
The intent of the Rural Self-Sufficient land use category is to implement Growth Management Act Planning Goals related to reducing sprawl, protecting the environment and providing adequate facilities and services commensurate with the density of development. The Rural Self-Sufficient category provides a broad choice of areas within rural Yakima County where an independent and private lifestyle can be sustained on acreage homesites. This category is intended to maintain rural character by establishing lot sizes which will make feasible individual wells and septic systems on each parcel, and by minimizing conflicts with adjoining or nearby resource land uses through buffers and special setbacks that will permit farm, forestry and mineral resource uses to continue. The category provides density incentives to encourage development where fire protection services and hard-surfaced County Roads or State Routes are available. The Rural Self-Sufficient category also provides for flexible parcel sizing or clustering to encourage development that more effectively uses the site to reduce infrastructure and service costs. These lands are generally found at the periphery of Urban Growth Areas and Rural Transitional areas separating designated farm or forest lands and the remote rural and developmentally constrained lands.

Proposed Zoning – Rural-10/5 – R-10/5:
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. The Rural-10/5 (R-10/5) zoning district is intended to maintain rural character and provide density incentives to encourage development where fire protection services and access to roads with a paved or other hard surface are available.

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** –
  - **Staff Finding:** As described below, without any order of priority, this major rezone is consistent with five of the thirteen GMA Planning goals, RCW 36.70A.020, partially consistent with two goals, inconsistent with two goals, of unknown consistency with one goal, and not applicable to three goals.

  - **RCW 36.70A.020(1) Urban growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
    - **Staff Finding:** Inconsistent. This proposal would allow for up to 10 additional lots to be created outside of a UGA, and therefore does not encourage development in urban areas.

  - **RCW 36.70A.020(2) Reduce sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
  
    - **Staff Finding:** Partially consistent. This proposal does not reduce the conversion of undeveloped land, because it would allow for up to 10 additional lots to be created on the subject land. However, the R-10/5 zone is considered to be a GMA-consistent rural density, not one that allows inappropriate sprawling low-density development.

  - **RCW 36.70A.020(3) Transportation.** Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
    - **Staff Finding:** Inconsistent. The proposal does not encourage multimodal transportation systems. The vicinity currently has no transit service, sidewalks, or bike facilities, and the proposal does nothing to encourage such systems. The transportation system of rural low-density development is based on private motor vehicles.

  - **RCW 36.70A.020(4) Housing.** Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
    - **Staff Finding:** Consistent. The proposal will promote housing of the low-density rural variety on land currently planned for long-term agricultural uses.

  - **RCW 36.70A.020(5) Economic development.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for
disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state’s natural resources, public services, and public facilities.

**Staff Finding**: Not applicable. Although jobs would be created for constructing new homes on the site, the proposal is not a long-term economic development engine, per se.

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**: Consistent. The proposal would take not private property for public use. The transparent public review process, which will allow the applicant as well as adjacent landowners to have verbal and written input, will protect them from arbitrary and discriminatory actions.

RCW 36.70A.020 (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

**Staff Finding**: Not applicable. No permits are requested as part of this application. The review of this application is a legislative action that will occur in the predictable manner established by YCC 16B.10.

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**: Partially inconsistent. This proposal does not maintain or enhance natural resource-based industries. However, the productivity of this site as agricultural land is questionable based on lack of irrigation water and the finding from of the Ag De-designation analytical process (see Appendix A).

RCW 36.70A.020 (9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

**Staff Finding**: Not applicable. The site is not currently open space and has not been used for recreation, fish, or wildlife habitat.

RCW 36.70A.020 (10) Environment. Protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

**Staff Finding**: Consistent. Nothing about the proposal is contrary to this goal.
RCW 36.70A.020 (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

_Staff Finding:_ Consistent. YCC 16.10 encourages the involvement of citizens in this planning process and ensures that the views of communities and jurisdictions are heard and considered before making any decision concerning the proposal.

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:_ Currently unknown. Approval of the proposal could result in up to 10 additional residential lots. The input of the providers of public facilities and services necessary to support such development have not yet been heard from.

RCW 36.70A.020 (13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

_Staff Finding:_ Consistent. The applicant’s SEPA environmental checklist identified no known historical or archaeological resources to preserve.

- **Horizon 2040** Consistency - This major rezone is consistent with the following Yakima County Comprehensive Plan – **Horizon 2040** goals or policies, without any order of priority.

  Land Use Element Rural Lands Policy LU-R 1.1. Ensure that only rural densities and uses are permitted.

  _Staff Finding:_ If the proposal is approved, Title 19’s R-10/5 zone will ensure that only rural densities will be permitted.

  Land Use Element Rural Lands Policy LU-R 3.5. To meet the requirements of state law, Yakima County must ensure water availability for all new groundwater users prior to land use or building permit approval.

  _Staff Finding:_ YCC Chapter 12.08 (Water System) will ensure this policy is met for new domestic wells.

  Land Use Element Rural Lands GOAL LU-R 10: Provide areas where an independent, private lifestyle can be sustained.

  _Staff Finding:_ This is the first goal under the Rural Self-Sufficient Areas section. It is implemented by designating RSS areas and R-10/5 zoning.
Land Use Element Agricultural Policy LU-ER-AG 1.1. Encourage conservation of the County’s high quality agricultural lands for productive agricultural use and protect the opportunity for these lands to support the widest variety of agricultural crops.

**Staff Finding:** The quality of the site for productive agricultural uses is currently limited by relatively poor soils and the lack of available irrigation water.

- Sub-Area Plan Consistency – There is no applicable sub-area plan that affects this proposal.
- City Comp Plan Consistency – The site is outside of UGAs and therefore no applicable city comp plan affects this proposal.
- Capital Facilities Plan Consistency - This major rezone is consistent with the county’s Capital Facilities Plan.

**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 - This major rezone is inconsistent with the Yakima County Population Projections for the unincorporated area of Yakima County.

**Staff Finding:** In 2015 Yakima County developed a 20-year (through 2040) population forecast and allocation for each of the 14 cities and for the unincorporated areas of the county. Between 2015 and 2040 the forecast is for the county’s unincorporated population to rise from 91,460 to 117,983, which is an increase of 26,523 people. Currently, the unincorporated rural-designated areas in Yakima County have the potential to accommodate 27,642 additional residents\(^1\) and currently-designated unincorporated Ag Resource areas can accommodate even more people. Because additional acreage of Rural designated land is not needed to accommodate the projected population, the proposed major rezone could be considered to be inconsistent with the county’s population projections and allocation and would enable excessive non-urban growth.

(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, assuming that all mapping criteria are weighted equally;

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\(^1\) *Horizon 2040*, Table 5.9.5-1 (Rural Land Development Potential).
**Staff Finding:** The site is consistent with 5 of the 6 mapping criteria for the proposed RSS designation and is consistent with 3 of the 7 mapping criteria for the existing AR map designation, as discussed below:

### Proposed Land Use Designation Mapping Criteria Analysis

<table>
<thead>
<tr>
<th>Rural Self-Sufficient Areas Mapping Criteria (italics below indicates the language from <em>Horizon 2040</em>, Land Use Element):</th>
<th>Staff analysis (Does the site meet each criterion?):</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lands that do not qualify as resource land of long term commercial significance, although parcels may be assessed as farm, forest or open space.</td>
<td>No – The site qualifies as resource land of long term commercial significance by currently being designated AR and the Ag de-designation analysis (see Appendix A) indicating less than 8 adverse impacts to its long term commercial significance.</td>
</tr>
<tr>
<td>2. Lands located outside established Urban Growth Areas and Rural Settlements.</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Lands which do not generally contain the steep slopes and other development constraints found in the Remote Rural/Extremely Limited Development Potential land use category.</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Lands with soils that are generally suitable for on-site potable water supply and septic systems.</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Lands generally located within a fire district and within five road miles of a fire station.</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Lands with reasonable all-weather access to established County roads or State Routes.</td>
<td>Yes – Access easement between the site and Roza Hill Drive, a paved county-maintained road, provide reasonable all-weather access to the site.</td>
</tr>
</tbody>
</table>

### Existing Land Use Designation Mapping Criteria Analysis

<table>
<thead>
<tr>
<th>Agricultural Resource Areas Mapping Criteria (italics below indicates the language from <em>Horizon 2040</em>, Volume 1, Chapter I, Subchapter E, Land Use section):</th>
<th>Staff analysis (Does the site meet each criterion?):</th>
</tr>
</thead>
</table>
## Existing Land Use Designation Mapping Criteria Analysis

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Generally meets criteria for agricultural resource lands of long-term commercial significance as defined by state laws and regulations.</td>
<td>Yes – It is currently designated by <strong>Horizon 2040</strong> as AR (Agricultural Resource), which are Yakima County’s agricultural resource lands of long-term commercial significance.</td>
</tr>
<tr>
<td>A. May contain prime soils according to the Natural Resource Conservation Service.</td>
<td></td>
</tr>
<tr>
<td>B. May include &quot;pockets&quot; of non-agricultural land uses.</td>
<td></td>
</tr>
<tr>
<td>C. May contain high-value crops; specifically, areas where tree fruits, vineyards, hopyards, specialty field crops, and dairies are located.</td>
<td></td>
</tr>
<tr>
<td>D. May include a variety of residential uses related to agricultural activities including farmworker housing and family farm dwellings.</td>
<td></td>
</tr>
<tr>
<td>E. May include compatible uses such as the marketing of regional agricultural products from one or more producers; the production, marketing and distribution of value added agricultural products; or packing and cold storage plants.</td>
<td></td>
</tr>
<tr>
<td>F. May include non-agricultural accessory uses or activities as long as they are consistent with the size, scale and intensity of the existing agricultural use on a property.</td>
<td></td>
</tr>
<tr>
<td>2. Lands historically zoned Exclusive Agricultural or General Agricultural.</td>
<td>No – It was previously zoned GR (General Rural).</td>
</tr>
<tr>
<td>3. Lands located within an irrigation district and receiving water, or 4. Lands where dryland farming, pasture or grazing outside of irrigation districts is predominant.</td>
<td>No – It is not within an irrigation district; and while it lies just inside the open range boundary, neither dryland farming, pasture nor grazing is predominant in the immediate area.</td>
</tr>
<tr>
<td>5. Lands enrolled in one of the current use assessment programs.</td>
<td>No – It is not enrolled in a current use assessment program.</td>
</tr>
<tr>
<td>6. Lands located outside established Urban Growth Areas.</td>
<td>Yes – It is located outside of a UGA.</td>
</tr>
</tbody>
</table>
### Existing Land Use Designation Mapping Criteria Analysis

<table>
<thead>
<tr>
<th>Criteria for de-designating agricultural resource lands shall follow the “Agricultural Resource De-designation Analytical Process” found below. The agricultural resource de-designation criteria will be used for plan amendments and updates to change a land use from Agricultural Resource to another land use designation. The agricultural de-designation process shall not apply when redesignating agricultural resource lands to some other Horizon 2040 Economic Resource Land designation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes – The Agricultural Resource De-designation Analytical Process (see Appendix A) indicates the existence of only two adverse impacts to Ag at the site. Eight or more adverse impacts are needed to indicate that a site should be removed from Horizon 2040’s AR (Agricultural Resource) plan designation.</td>
</tr>
</tbody>
</table>

(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:** No. The site is suitable for the proposed RSS designation, but there is plenty of vacant RSS-designated land in the vicinity.

(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 evidence is less than compelling because of contradictions in the comprehensive plan policies. For instance, more consistency with the proposed RSS plan designation than with the current AR designation is indicated by:

- Meeting 5 of the 6 mapping criteria for the proposed RSS designation while meeting only 3 of the 7 mapping criteria for the existing AR designation;
- The ag de-designation analysis (see Appendix A) found that the site’s soils are not productive for agriculture, especially in the absence of irrigation water;
- The site was determined in 2014 to have no irrigation water rights.

On the other hand, more consistency with the current AR designation than with the proposed RSS plan designation is indicated by:

- The ag de-designation analysis finding only two of 10 adverse impacts to agriculture (eight or more impacts is the stated standard for removal from AR);
- AR would allow fewer new homes to be created through 2040 than RSS, which supports a GMA overall goal for more growth to occur in UGAs;
- In 2010 the BOCC made a finding – when approving a map amendment from AR to RSS on nearby land to the west – that Bittner and Warrior Roads provided for a logical (eastern) boundary for the RSS plan designation in the subject area. The subject application contradicts that erstwhile logical boundary.
(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: The conditions mentioned in (i) and (iii) above exist in the subject application, as follows:

(i) In 2014, the site’s irrigation water rights were sold to the property owner who bought the adjacent land to the west. This constitutes a substantial change in conditions.

(ii) By meeting 5 of the 6 mapping criteria for the proposed RSS designation while meeting only 3 of the 7 mapping criteria for the existing AR designation, the proposal better implements the comprehensive plan policies.

(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: If developed for additional lots and residences, Roza Hill Drive will provide adequate transportation services, Fire District #4 will provide adequate fire protection, and the East Valley School District will provide adequate public education services. In such case, domestic water, sewage disposal, and storm drainage will be provided by private facilities rather than public facilities.

(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: Approving this map amendment is unlikely to increase pressure for additional map amendments in the area in the near-term. The existing small lots designated AR in the vicinity would gain no additional development potential by a future map amendment. The large ag parcel immediately to the west will likely face pressure beyond the near-term to change from AR because approving the subject map amending further isolates this parcel as an ag area. But the application states that the corporate ag land owner of the large ag parcel immediately to the west has resources to put into farming and has already invested into reconditioning the soil since the property was purchased from the applicant in 2014.
(2) The following criteria shall be considered in any review and approval of changes to Urban Growth Area (UGA) boundaries:

**Staff Findings:** The criteria under (2) are not applicable because no change to a UGA boundary is proposed.

(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:** The criteria under (3) are not applicable because no change to a UGA boundary is proposed.

(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:** Through 2016, the map amendments made to the comprehensive plan since its adoption in 1997 have resulted in the following impacts:
- The amount of AR-designated land has decreased by 7,289.66 acres;
- The amount of RSS-designated land has increased by 7,374.69 acres.

(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 criteria under (5) are not applicable because the subject amendment would not amend policies or make other text changes in 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:** The criteria under (6) are not applicable because the subject amendment would no amend the text of a development regulation.

**Staff Conclusion:** As described in the staff findings above, the subject property meets more of the approval criteria outlined in YCC 16B.10.095 than not, including GMA goals, Horizon 2040 goals and policies, and the specific mapping criteria for RSS. While several criteria would suggest that the application not be approved, they are outweighed overall by the criteria that are met, as mentioned in the staff findings above. Therefore, the application should be approved.

G. **Allowable Uses**

The applicant requests a change in the Future Land Use Map on the subject property from Agricultural Resource to Rural Self-Sufficient. If the comp plan amendment is approved, a concurrent rezone from AG to Rural-10/5 (R-10/5) is also requested. The development standards of the R-10/5 zone are
provided in Appendix C. Examples of uses that would be allowed if the property were rezoned to R-10/5 include:

- **As Type 1 (permitted) uses**: ag building, ag stands, agriculture, animal feeding operations (excluding CAFOs), irrigation distribution/drainage facilities, hunting and fishing services, horse rental, pony rides, family home services, hazardous waste treatment and storage facilities, single- and multi-wide manufactured homes, single-family dwellings, minor home businesses, small bed & breakfast inns, and utility services.

- **As Type 2 (usually permitted) uses**: ag market, ag service establishment, retail ag tourist operation, ag related industry, aquaculture, microbrewery, craft distiller, farm labor shelter, winery, exercise facilities, gyms, golf courses, historic landmark allowable use permits, livestock event facilities, ORV facilities, public and private outdoor recreational facilities, recreational services, indoor & outdoor shooting ranges, indoor sports facilities, cemeteries, crematorium columbaria, mausoleums, places of worship, crisis residential facilities, child day care centers, safe/shelter homes, ag-related clubs and organizations, group care facilities, libraries, museums, art galleries, police & fire stations, ambulance services, public buildings and uses, residential care facilities, school bus storage & maintenance facilities, schools, temporary mineral extraction as part of habitat restoration, solid waste drop box site, stockpiling earthen materials, ADU, large bed and breakfast inns, building and trade contractors, gift shop, major home businesses, kennels, retail nurseries, overnight lodging facilities, pet daycare & grooming, animal training, vet clinic/hospital, water impoundments, linear transmission facilities, utility services.

- **As Type 3 (usually not permitted) uses**: destinations ag tourist operations, CAFOs, farm labor centers, livestock auctions/sale yards, amusement parks and outdoor amusements, campgrounds, RV parks, miniature golf, camps and guest ranches, community centers, correctional facilities, fraternal meeting halls, halfway house/clean and sober facilities, health care facilities, commercial education studios, colleges/universities, temporary mineral batching, temporary mineral processing & mineral site/operations, hazardous water treatment and storage, refuse landfills, solid waste transfer stations, ag implements, parts, tools and machinery, boarding/lodging house, car wash/detailing, convenience store, drive-through food/beverage vendor, mobile food vendor, expresso/coffee stands, farm and ranch supplies, maintenance/repair shops, restaurant and drive-in eating facilities, automotive service station, towing services, video sales/rentals, waste/junk processing, zoo, power generating facilities, sewage treatment plants, wastewater lagoons and spray fields.

- **As Type 4 (Quasi-judicial applications) uses**: Resort ATOs.

**Staff Conclusion**: The level of review and the types of residential uses allowed in the R-10/5 zone are exactly the same as allowed in the AG zone. Except for uses primarily serving the needs of farmers, the proposed R-10/5 zone would generally allow a wider variety of amusement, recreation, community services, manufacturing, retail trade and service uses, and/or with a lower level of review compared to the current AG zone. However, all such uses are allowed only by Type 2 or 3 review, which allows consideration for the maintenance of rural character. Given also that there are lands currently nearby zoned R-10/5, the rezone from AG to R-10/5 is expected to be compatible with the neighborhood.
H. Discussion of Environmental Analysis (SEPA)

Staff is conducting an assessment of the potential environmental impacts associated with all 2018 Biennial Amendments to the Comp Plan and Development Regulations and will propose mitigation, where appropriate.

- LRN2018-00001/SEP2018-00002: Crosier Orchards, Inc. The applicant requests to amend the Yakima County Comprehensive Plan (Horizon 2040) Future Land Use Map, and to rezone the properties (two parcels, approximately 56 acres). The request is to change the plan designation on the properties from Agricultural Resource (AR) to Rural Self-Sufficient (RSS) and rezone the property from Agriculture (AG) to Rural-10/5 (R-10/5).

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 development applications are submitted, further environmental review will likely be required of most projects. At that time the mitigation measures may be required to avoid probable significant adverse environmental impacts.

One comment letter (from Department of Ecology, see Appendix D) has so far been received during the comment period expressing: (1) a possibility that the soil contains residual concentrations of pesticides at concentrations above the Model Toxics Control Act cleanup levels; and (2) that the county should address water availability in the threshold determination for this rezone.

I. CONCLUSIONS

1. The comprehensive plan amendment request meets the approval criteria of YCC 16B.10.050(1) for a plan map amendment. It is generally consistent with the Growth Management Act (RCW36.70A) and with the goals and policies of the Yakima County Comprehensive Plan Horizon 2040.

2. The rezone request meets the approval criteria in YCC Chapter 16B.10 for a rezone.

3. 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 will be identified, if any, together with mitigation measures that would likely be necessary to avoid the need for an environmental impact statement.

J. RECOMMENDATIONS

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

###
ATTACHMENTS:

Appendix A – Agricultural Resource De-designation Analytical Process
Appendix B – Maps
Appendix C – Rural Districts (R/ELDP-40, Rural-10/5, RT) YCC 19.11.030
Appendix D – Comment Letter (Ecology)
APPENDIX A

Agricultural Resource De-designation Analytical Process

LRN2018-00001/SEP2018-00002 – Crosier Orchards Comp Plan Map Amendment

The Agricultural Resource De-designation Analytical Process is found in the Land Use Element of Horizon 2040, Section 5.10.3 ("Agricultural Resource Area Land Use Category"), immediately following the mapping criteria for Agricultural Resource Areas. Adopted in 2003, Mapping Criterion #7 states the purpose of the De-designation Analytical Process as follows:

"...The agricultural resource de-designation criteria will be used for plan amendments and updates to change a land use from Agricultural Resource to another land use designation..."

The analytical process considers 10 of the 11 criteria listed in WAC 365-190-050, which the Commerce Department recommends be considered in determining if "the land has long-term commercial significance for agriculture."

Because this WAC also states that counties “should not review resource lands designations solely on a parcel-by-parcel process” and “must approach the effort [of classifying and designating agricultural resource lands] as a county-wide or area-wide process,” Horizon 2040 states that Yakima County will only consider the mapping criteria for those site-specific properties requesting inclusion in the Ag Resource land use category. Reviews on a county-wide or area-wide basis must meet the Ag Resource land mapping criteria.

The 10 factors in Horizon 2040 are quoted below in italics, followed by the staff’s analysis of whether or not an adverse impact exists for the subject site. A “yes” answer indicates an adverse impact to the long-term commercial significance for agriculture. When the number of “yes” answers are eight or more, this indicates that the adverse impacts are overwhelming and significant to the point where the property can no longer be considered ag land of long term commercial significance.

Quantitative Analytical Process

1. Soils

Soils considered to be an Agricultural Resource of Long Term Commercial Significance are primarily those soils listed as “Prime” in the Soil Survey of Yakima County dated May 1985. This list of soils, however, does not include similar soils as those listed as Prime that are located on slopes with a gradient higher than 2 degrees. Slopes with a gradient up to and including 15 degrees are considered suitable for growing tree fruit and grapes based on good drainage and the ability for cold air to fall down gradient. The limiting factor for slopes is one of safety when operating machinery. Slopes above 15 degrees may not be suitable to the safe operation of equipment needed for commercial

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2 Horizon 2040 does not include the WAC’s 11th criterion: Proximity to markets.

3 The WAC says prime and unique soils.
agriculture. As a result of these considerations, these additional soils on slopes are
included based on their listing as suitable for the various crops grown in Yakima County.
All selected soils are then rated by their anticipated crop yield into five equal breaks,
based on the crop the soil is most suited for. For soils suitable for tree fruit, for example,
these breaks are as follows:

- 464 to 330 bu/ac crop yield: 0 points [Lowest]
- 598 to 465 bu/ac crop yield: 1 point [Below Average]
- 732 to 599 bu/ac crop yield: 2 points [Average]
- 866 to 733 bu/ac crop yield: 3 points [Above Average]
- 1000 to 867 bu/ac crop yield: 4 points [Highest]

Other crop types that have suitable soils within the Yakima County Soil Survey, such as
various row crops and hay/alfalfa, are also rated by anticipated crop yield into five equal
breaks and assigned the appropriate number of points.

Staff analysis: The subject site, as described by the Soil Survey of Yakima County, has 5
different soil map units:
- 65 – Kiona stony silt loam, 15 to 45 percent slopes – Not rated for crop yields = 0 points
  on 1.29 acres.
- 83 – Moxee silt loam, 2 to 15 percent slopes – Irrigated mint 90 lbs/acre = 4 points on
  9.73 acres.
- 85 – Moxee cobbly silt loam, 0 to 30 percent slopes [Unique] – Irrigated hay 4.0
  tons/acre = 2 points on 7.36 acres.
- 130 – Selah silt loam, 8 to 15 percent slopes [Unique] – Irrigated apples 750 bu/acre or
  nonirrigated wheat = 3 points on 0.80 acres.
- 143 – Starbuck – Rock outcrop complex, 0 to 45 percent slopes – Not rated for crop
  yields = 0 points on 35.12 acres.

To get the average score for the entire site of 56 acres, the number of points on each soil
map unit is multiplied by the number of acres on each soil map unit to get the number of
point-acres for each soil map unit; and then these products are added together to get
the total point-acres for the site. This yields 56.04 point-acres of a maximum possible 217.20
point-acres. Breaking the maximum 217.20 point-acres into five equal breaks puts the site
score of 56.04 point-acres into the lowest break, resulting in a score of 0 points for the
entire site. This represents an adverse impact to Ag:

<table>
<thead>
<tr>
<th>Variable</th>
<th>Review Criteria</th>
<th>Adverse Impact to Ag - Yes or No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Soil</td>
<td>Below Average crop yield per USDA’s Soil Survey</td>
<td>Yes</td>
</tr>
</tbody>
</table>
2. Proximity to the Urban Growth Area

Parcels are evaluated by their distance from an Urban Growth Area (UGA). The further away from the Urban Growth Area, the less influence it has on a parcel to develop at some higher use. Thus, a higher numerical value for agriculture is assigned to parcels further away as follows:

- Within ¼ mile of the UGA: 0 points [Lowest]
- Between ¼ and ½ mile: 1 point [Below Average]
- Between ½ mile and 1 mile: 2 points [Average]
- Between 1 mile and 2 miles: 3 points [Above Average]
- Greater than 2 miles from UGA: 4 points [Highest]

Staff analysis: The subject property is located approximately ¾ miles east of the Yakima UGA (2 points [Average]). Under the Ag de-designation criteria, an impact in favor of de-designation results from below average scores (i.e., 1 point and less). Therefore, the “Adverse Impact to Ag” for this site is “No.”

<table>
<thead>
<tr>
<th>Variable</th>
<th>Review Criteria</th>
<th>Adverse Impact to Ag - Yes or No</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Proximity to Urban Growth Area</td>
<td>Less than ½ mile</td>
<td>No</td>
</tr>
</tbody>
</table>
3. Predominant Parcel Size

Larger parcels are thought to be more suitable for commercial agriculture. Smaller parcels have a greater pressure to develop as a residential lot or some other higher use. Parcels under contiguous ownership, while certainly having an effect on the probability for commercial agriculture, ought not be considered during the five-year update process due to the inherent fluidity of property ownership. Contiguous ownership, however, should be a consideration when evaluating property for possible removal from a resource area during the amendment review process. Parcels were assigned a numeric value, with higher values for agriculture given to larger parcels as follows:

| Less than 5 acres | 0 points [Lowest] |
| Between 5 and 10 acres | 1 point [Below Average] |
| Between 10 and 20 acres | 2 points [Average] |
| Between 20 and 40 acres | 3 points [Above Average] |
| Greater than 40 acres | 4 points [Highest] |

Staff analysis: There are two subject parcels. The larger parcel is roughly 53 acres in size and the smaller residential parcel is 3.0 acres in size, resulting in an average size of 26 acres. Under the Ag de-designation criteria, an impact in favor of de-designation results from below average scores (i.e., 1 point and less). Therefore, the “Impact to Ag” for this site is “No.”

<table>
<thead>
<tr>
<th>Variable</th>
<th>Review Criteria</th>
<th>Adverse Impact to Ag - Yes or No</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Predominant Parcel Size</td>
<td>Smaller than 10 acres</td>
<td>No</td>
</tr>
</tbody>
</table>

4. Availability of Public Facilities

Of the list of various public facilities provided by the County and Cities, roads, sewer and water are the three whose presence could possibly add pressure to develop at a higher use. These facilities can be mapped and a study area evaluated for its proximity to them and a determination as to the effect they would have regarding pressure to develop. If facilities are within a reasonable distance to the majority of the parcels within the study area (1000’), then they are determined to have an effect. Water and sewer are normally confined to the city and its urban growth area. The only exception to this is in close proximity to the City of Yakima where sewer and water services may extend out into some rural and agricultural areas.

Staff analysis: There are no known water or sewer systems within 1,000 ft. of the subject property. However, Roza Hill Drive, a paved county-maintain road, is located approximately 640 ft. north of the property and the application states that 50 ft. and 60
ft. wide easements between the subject site and Roza Hill Drive provide access. This paved road within 1,000 ft. of the site indicates “Yes” impact to Ag.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Review Criteria</th>
<th>Adverse Impact to Ag - Yes or No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Availability of Public Facilities</td>
<td>Within 1000” of water, sewer or paved road.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

5. Tax Status
Tax Status indicates the current land use and tax rate being claimed by the property owner and reported by the Assessor. An inference can be made by looking at the current tax status as to the property owners’ intent for the land. This intent alone cannot be considered when determining the appropriateness of the land for designation as Agricultural Land of Long-term Commercial Significance, but may be another indicator of the possibility of a more intense use of the land. When the majority of the parcels within the study area have a tax status other than Agriculture, then it is considered one factor for possible removal of the area from resource designation.

Staff analysis: With 94% of the site assessed as Agricultural (Not Current Use) and 6% assessed as Residential (Single Unit), the tax status mostly does not support agriculture. This indicates “No” impact to agriculture.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Review Criteria</th>
<th>Adverse Impact to Ag - Yes or No</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Tax Status</td>
<td>Predominance of a tax status other than ag</td>
<td>No</td>
</tr>
</tbody>
</table>

6. Availability of Public Services
Public services include police, fire, and library services to the name the obvious. Police and Fire are the primary services considered for the purposes of this analysis. The County has established Level of Service standards for both the police and fire departments. These levels are calculated according to the number of calls for service, which in turn dictates the average response time throughout their service areas. New development accounts for additional calls for service at a predetermined rate per dwelling unit. Absent of any specific amplifying data to the contrary, any new development must be assumed to decrease the applicable levels of service. This decrease would then dictate that the public services are not available for any new development and therefore cannot be said to represent pressure for the area to develop and thus impact agriculture.

Staff analysis: The subject property is located within Fire District #4, which serves the East Valley area of the Upper Valley. Police protection is provided by the County Sheriff. Because these services are provided at rural levels of service that are needed by farmers, they represent “No” impact to agriculture.
### Variable Review Criteria Adverse Impact to Ag - Yes or No

| 6. Availability of Public Services | Presents an adverse impact to ag | No |

**7. & 8. Land Use Settlement Patterns and Their Compatibility with Agricultural Practices and Intensity of Nearby Uses**

Land Use Settlement Patterns and the Intensity of Nearby Uses provide similar information as Proximity to Urbanized Areas in that they show residential or other development that may represent prohibitive impacts to commercial agriculture. However, there are development areas outside of the urban growth areas that require consideration for their potential impact to agriculture. In those areas, Land use settlement patterns and their compatibility with commercial agriculture deals with those uses adjacent to a study area that may represent a level of incompatibility and impact the ability to conduct agriculture. If this pattern is of such a significant amount, it may represent a factor. Intensity of nearby land uses in those areas explains the adjacent land use patterns that, due to their size, density and proximity, cause an overwhelming pressure for the study area to develop at some higher use above commercial agriculture. In these cases, that intensity may also be counted as a factor.

**Staff analysis:** There are 9 parcels within 300 ft. of the subject property. The statistics for the sizes of those parcels are:

- 281.64 acres – total of 9 parcels
- 100.42 acres – largest parcel
- 31.29 acres – mean size of 9 parcels
- 2.02 acres – smallest parcel

The statistics above indicate a variety of lot sizes adjacent to the subject property and a lack of a specific settlement pattern and the intensity of use that would adversely impact agricultural practices on the subject property. This indicates “No” impact to agriculture because of the lack of a clear distinction either way.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Review Criteria</th>
<th>Adverse Impact to Ag - Yes or No</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Land Use Settlement Patterns</td>
<td>Compatibility of land uses with ag</td>
<td>No</td>
</tr>
</tbody>
</table>

| 8. Intensity of Nearby Land Uses | Impact on ag | No |
9. History of Land Development Permits Issued Nearby

The History of Development Permits Issued Nearby may also serve as evidence of pressure to develop at some higher use. A history of permitting activity is a way of looking at nearby permitting patterns, which may give an indication of things to come for the study area. Regardless, nearby permitting history requires individual scrutiny to determine if there may have been a significant surge in permitting, absent sufficient time for a significant development pattern to form. If there is a record of 15 or more subdivision permits within a half-mile radius, within the County’s permit history database, it can be assumed that it is a sufficient number to be considered a factor.

Staff analysis: The Planning History coverage in GIS indicates that 8 plats or short plats have been approved since 1990 on parcels within one-half mile of the subject site. This indicates “no” impact to agriculture.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Review Criteria</th>
<th>Adverse Impact to Ag - Yes or No</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. History of Land Development</td>
<td>15 or more subdivisions within ½ mile</td>
<td>No</td>
</tr>
</tbody>
</table>

10. Land Values Under Alternative Uses

Agricultural lands are generally valued at a rate significantly lower than other uses. If land values within the study area are being assessed at a higher rate than that normally associated with agriculture, then this higher rate can be considered a factor. The prevailing agricultural rate is determined by similar properties outside of the study area that are known to be actively involved in agriculture.

Staff analysis: Of the 281.64 acres (9 parcels) within 300 ft. of the subject site, 54% (152 acres, 2 parcel) are in the current use agriculture tax program and 46%, 7 parcels are not and are being tax assessed at a higher rate. Therefore, the majority of adjacent land is being assessed at the lower rate associated with agriculture, which indicates “No” impact to agriculture.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Review Criteria</th>
<th>Adverse Impact to Ag - Yes or No</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Land Values under Alternative Uses</td>
<td>Assessed value indicates non-ag use</td>
<td>No</td>
</tr>
</tbody>
</table>

Final Determination

A final assessment of a particular area’s relative value as Agricultural Land of Long Term Commercial Significance is based on a combined quantitative and qualitative analysis considering all allowable variables. The question must be answered, “Is there sufficient pressure due to nearby urban development, parcelization and the possibility of a more intense use of the land to affect a study area or parcel to the point that commercial agriculture is no longer practical?”
Those factors that can be evaluated through the quantitative process will provide a preliminary indication as to the possible current value of the land as an agricultural resource. It will also provide evidence of those specific areas within a general study area that require closer evaluation. However, a physical site evaluation as well as consideration of the remaining variables must be completed before any final assessment can be made.

Each area may offer unique circumstances that may be considered in the evaluation process and that cannot be evaluated quantitatively. As an example, proximity to an Urban Growth Area may appear to have provided pressure for an area to be removed from Agricultural Resource designation, especially if the urban area needs to expand to accommodate a city’s projected population growth. However, a closer review may indicate that properties within the existing Urban Growth Area, and adjacent to the area being studied, have not begun to develop and thus represent no pressure for the study area to develop at a higher use.

Unique physical characteristics of a particular area may also provide additional evidence for possible removal from Agricultural Resource designation. This evidence may include information concerning topographical limitations, the physical availability of irrigation water (not water rights), or any other characteristic associated with the land that was not included in the basic analytical process. It may not be practical for this evidence to be considered in the broader context of an area wide update, but may be relevant when evaluating smaller areas during a map amendment process.

When using the basic analytical process for a county-wide or area-wide review, and the answer to whether or not a variable has an effect on commercial agriculture is “yes,” the number of “yes” answers must reach a total of eight before the determination can be made that the impacts are overwhelming and significant to the point where the property can no longer be considered agricultural land of long term commercial significance. […]

**Staff analysis:** At least eight impacts to agriculture are needed to determine that a site should be removed from Ag land of long term commercial significance. The Ag Resource De-designation Analytical Process alone does not support removing the subject site from its current AR plan designation because it finds only two adverse impacts.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Review Criteria</th>
<th>Impact to Ag - Yes or No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Soil</td>
<td>Below Average crop yield per USDA’s Soil Survey</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Proximity to Urban Growth Area</td>
<td>Less than ½ mile</td>
<td>No</td>
</tr>
<tr>
<td>3. Predominant Parcel Size</td>
<td>Smaller than 10 acres</td>
<td>No</td>
</tr>
<tr>
<td>4. Availability of Public Facilities</td>
<td>Within 1000’ of water, sewer or paved road</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Tax Status</td>
<td>Predominance of a tax status other than ag</td>
<td>No</td>
</tr>
<tr>
<td>6. Availability of Public Services</td>
<td>Presents an adverse impact to ag</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Land Use Settlement Patterns</td>
<td>Compatibility of land uses with ag</td>
</tr>
<tr>
<td>---</td>
<td>------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>8</td>
<td>Intensity of Nearby Land Uses</td>
<td>Impact on ag</td>
</tr>
<tr>
<td>9</td>
<td>History of Land Development</td>
<td>15 or more subdivisions within ½ mile</td>
</tr>
<tr>
<td>10</td>
<td>Land Values under Alternative Uses</td>
<td>Assessed value indicates non-ag use</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>
Yakima County Comprehensive Plan - Land Use Designations

- Urban Residential (UR)
- Rural Self-Sufficient (RSS)
- Rural Remote/Extremely Limited Development Potential (RR/ELDP)
- Agricultural Resource (AR)
- Mineral Resource Overlay (MRO)

Parcel Lot lines are for visual display only. Do not use for legal purposes.

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APPENDIX C

19.11.030 Rural Districts (R/ELDP-40, Rural-10/5, RT).

(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.

   (b) The Rural-10/5 (R-10/5) zoning district is intended to maintain rural character and provide
density incentives to encourage development where fire protection services and access to roads
with a paved or other hard surface are available.

   (c) The Rural Transitional (RT) zoning district is intended to provide for rural development in
areas near Urban Growth Area boundaries to encourage clustering, minimize public
expenditures, and coordinate land uses with public infrastructure investment.

(2) Development Standards. New lots, structures and additions to structures subject to this Section shall
comply with the standards for lots, building height, and setbacks in Tables 19.11.030-1 and 19.11.030-2 below,
subject to the provisions of Chapter 19.10 and Section 19.35.020.

(3) Special Development Standards in the Rural Districts (R/ELDP-40, R-10/5, RT).

   (a) Lot size and density in Rural-10/5 district may vary depending on water availability, soil
suitability for septic systems, access conditions and proximity to fire stations in each area as
follows:

      (i) Where property is outside of a fire district, more than five road miles from a year-
round responding fire station or not served by a county-maintained hard-surfaced road,
maximum density for new development in the Rural-10/5 zoning district shall be four units
per quarter/quarter section (e.g. 10-acre average), with no lot being less than five acres.
Lots not meeting the criteria in Table 19.11.030-1 shall not be further divided below the
ten-acre average as calculated from the parent lot existing on May 21, 1997; and
(ii) Where the lots of the development will have access (either directly or via a road meeting the requirements of Chapter 19.23) to a publicly maintained hard-surfaced roadway, (or other hard-surfaced roadway determined to be acceptable by the Reviewing Official), a maximum density of one unit per five acres is permitted, provided the new development is within a fire district and not more than five road miles from a year-round responding fire station. A lot size of less than 3.0 acres is considered clustering and subject to Section 19.34.035.

(b) The acreage of a lot in the RT or R-10/5 that is less than the minimum lot area listed in Table 19.11.030-1 New Lot Requirements and has existed since May 21, 1997 may be multiplied by a factor of 1.15 to determine whether it qualifies for a division or cluster development consistent with the minimum lot sizes of these districts. This Subsection should allow a division on marginally non-qualifying parcels, but shall not allow the combined area of two or more lots to be used to result in more than one additional division.

(c) The lot size and density calculations shall be based on the size of the lot as it existed on May 21, 1997 (i.e., the effective date of the current adopted Comprehensive Plan). All lots of any subsequent division of land shall be included in the calculation.

Table 19.11.030-1. New Lot Requirements

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Area (acres)</th>
<th>Minimum Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>R/ELDP-40</td>
<td>40 or legally described as 1/16 of a section</td>
<td></td>
</tr>
<tr>
<td>R-10/5</td>
<td>Project site lacks one or more of these elements See 19.11.030(3)(a)(i)</td>
<td>10.0 (2)</td>
</tr>
<tr>
<td></td>
<td>Project site meets all three of these elements See 19.11.030(3)(a)(ii)</td>
<td>5.0 (3)</td>
</tr>
</tbody>
</table>

- (1) Minimum Lot Area
- (2) 25% of lot depth
- (3) Project site meets all three of these elements
Table 19.11.030-1. New Lot Requirements

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Area (acres)</th>
<th>Minimum Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>RT</td>
<td></td>
<td>5.0 [4]</td>
</tr>
</tbody>
</table>

Notes:

(1) The following uses may be permitted on newly approved lots of less than the minimum parcel size:

   (a) Utilities, structures and uses including, but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities.

   (b) Dams for flood control and hydroelectric generating facilities.

   (c) Conservation tracts under Chapter 19.34.

(2) A minimum lot area of five acres is allowed for one or more lots on a site, provided the overall maximum density of the site is one dwelling per ten acres, consistent with the minimum lot size requirements of this Section.

(3) A minimum lot area of one acre, with a maximum lot area of three acres, shall apply to newly created lots for clustering dwellings on sites ten acres or larger under Section 19.34.035.

(4) A minimum lot area of one-third of an acre shall apply to newly created lots for Rural Transitional cluster developments on sites four acres or larger under Section 19.34.035. In either case the maximum allowed density on the total site shall be one dwelling per two acres.
Table 19.11.030-2. Setbacks, Lot Coverage and Building Height

<table>
<thead>
<tr>
<th>Subject</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R/ELDP-40</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>Not specified, however sitescreening may be required under Subsection 19.21.030(2)(f) and (g)</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>Not specified</td>
</tr>
<tr>
<td>Minimum vision clearance triangle at intersections, railroads, curbcuts and driveways</td>
<td>See Subsection 19.10.040(7)</td>
</tr>
<tr>
<td>Minimum setbacks</td>
<td></td>
</tr>
<tr>
<td>Front and street side setbacks*</td>
<td>Designated classified road (arterial or collector)</td>
</tr>
<tr>
<td></td>
<td>Roads with a right-of-way or vehicular access easement more than 60 feet in width</td>
</tr>
<tr>
<td></td>
<td>Turnaround or cul-de-sac</td>
</tr>
<tr>
<td></td>
<td>Right-of-way or vehicular access easement 60 feet or less in width</td>
</tr>
<tr>
<td></td>
<td>Local access or private road</td>
</tr>
<tr>
<td></td>
<td>Private, shared driveway or alley (see Chapter 19.23)</td>
</tr>
<tr>
<td>Interior side setback*</td>
<td>Primary structure*</td>
</tr>
<tr>
<td></td>
<td>Accessory structure*</td>
</tr>
<tr>
<td>Rear setback*</td>
<td>Right-of-way or vehicular access easement</td>
</tr>
<tr>
<td></td>
<td>Adjoining lot</td>
</tr>
</tbody>
</table>
Table 19.11.030-2. Setbacks, Lot Coverage and Building Height

<table>
<thead>
<tr>
<th>Subject</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Dwellings and other especially sensitive land uses (ESLU) adjacent</td>
<td>See Section</td>
</tr>
<tr>
<td>to designated resource lands and/or activities are subject to additional setbacks</td>
<td>19.18.205</td>
</tr>
<tr>
<td>Additional setback to accommodate required sitescreening or landscaping</td>
<td>See Section 19.21.030</td>
</tr>
</tbody>
</table>

Note:

1. Additional restrictions may apply within the Airport Safety Overlay (See Chapter 19.17) and Shoreline Jurisdiction (see YCC Title 16D).

2. Where there is no right-of-way, the front setback shall be 20 feet from the front property line.

3. Gates restricting vehicular access and garage and carport entrances must be set back 20 feet from the edge of a right-of-way or easement other than an alley.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).
April 25, 2018

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

Re: LRN2018-00001, SEP2018-00002

Dear Mr. Hoge:

Thank you for opportunity to comment on the pre-threshold determination for the 2018 Biennial Comprehensive Plan Map Amendment and rezone of approximately 61 acres. This is proposed by Crosier Orchards and Craig and Lanette Hooper. We have reviewed the environmental checklist and have the following comment.

TOXICS CLEAN-UP

Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels Ecology recommends that potential buyers be notified of their occurrence.

If you have any questions or would like to respond to these Toxics Clean-up comments, please contact Valerie Bound at (509) 454-7886 or email at valerie.bound@ecy.wa.gov.

WATER RESOURCES

An approved rezone often results in the property value significantly increasing in anticipation of future subdivision(s). If this rezone is approved, prospective buyers may purchase the property with the intent to subdivide and develop residential lots. Ecology believes water availability should be addressed by the county and the project proponent in the threshold determination for this rezone.

If additional wells are necessary, they shall be constructed in accordance with the provisions of Chapter 173-160 WAC by a driller licensed in the State of Washington. All wells must be
located a minimum of 100 feet from any known, suspected, or potential source of contamination and shall not be located within 1,000 feet of the property boundary of solid waste landfills. A well report must be submitted to the Department of Ecology within thirty days after the completion of a well.

The Attorney General's Opinion, (AGO 1997 No. 6) regarding the status of exempt ground water withdrawals, states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area, for the same purpose or project should be considered a single withdrawal and would not be exempt from the permitting requirement contained in RCW 90.44.050, if the total amount withdrawn for domestic use exceeds 5,000 gallons per day or if a total of more than .5 acre of lawn and garden are irrigated.

At the construction phase, if you plan to use water for dust suppression 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
crospacoordinator@ecy.wa.gov

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