

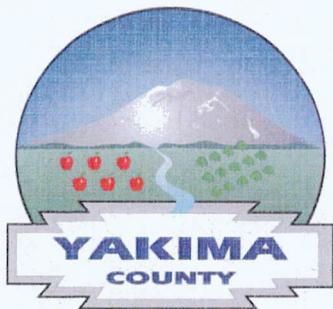
**YAKIMA COUNTY HEARING EXAMINER**  
**September 2, 2020 HEARING**  
**EXHIBIT LIST**

File Nos.: ZON2020-00001/SUB2020-00004/SEP2020-00005

Staff Contact: Noelle Madera, Senior Long Range Planner

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# Public Services

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*LISA H. FREUND – Director*

## YAKIMA COUNTY PLANNING DIVISION Findings and Recommendation Of the Administrative Official

In the Matter of an Application by HLA )  
Engineering and Land Surveying on )  
Behalf of Scenic Ranch, LLC. for a minor )  
rezone to include the property in the Master )  
Planned Development Overlay and a )  
16-Lot Subdivision within the R-1 Zoning )  
District )

File No. ZON2020-00001  
SUB2020-00004  
SEP2020-00005  
Staff Contact: Noelle Madera

### **I. INTRODUCTION**

On February 7, 2020 Yakima County, Public Services Department: Planning Division received an application from Mike Heit of HLA Engineering and Land Surveying, Inc. on behalf of Scenic Ranch, LLC., for a Residential Master Planned Development Overlay minor rezone and a 16-Lot Subdivision on 19.97 acres of land within the Single-Family Residential zoning district. The lots are proposed to vary in size from approximately 0.89 acres to 1.55 acres, with access onto Scenic Drive.

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

Based on the information in the application file, technical evaluation by members of the Multi-Disciplinary Team, a review of Title 19 Unified Land Development Code (ULDC) requirements (sections 19.30.080, 19.17.040, 19.34.050, and 19.36.030), and a review of applicable goals and policies of the Yakima County Comprehensive Plan (**Horizon 2040**) the Administrative Official recommends **Approval** of the Scenic Ranch MPDO rezone and Subdivision, subject to conditions to assure compliance with the Yakima County Comprehensive Plan – Horizon 2040 and pertinent development criteria, standards, and regulations. These conditions are set out in Section V below.

### **III. FINDINGS STATEMENT**

#### **Jurisdiction**

1. Title 19.36.030 Minor Rezone – Map Amendment states that “Rezone applications consistent with Table 19.36-1 and not dependent upon a comprehensive plan or sub-area plan amendment shall be considered minor rezones.” These quasi-judicial actions, when site-specific, may be processed at any time under Type 4 review pursuant to YCC Section 16B.30.030. According to Table 19.36-1 ‘Zoning District consistency with Comprehensive Plan Future Land Use Designations’ of Title 19, the requested Master Planned Development Overlay (MPDO) plan designation is consistent and may implement the Single-Family Residential zoning district and Urban Residential land use designation of the Yakima County Comprehensive Plan. The review process will consider those sections of Title 19 that control the direction and requirements for considering approval of this application. The Yakima County Hearing Examiner will conduct an open record public hearing, consider the written evidence and testimony presented, prepare a written recommendation, and forward the recommendation to the Board of County Commissioners (BOCC). The BOCC will then consider the recommendation of the Hearing Examiner at a closed record public hearing, deliberate in public, and conclude with the decision. The records of both public hearings shall be open to public inspection (YCC 16B).

YCC 16B.03.040 Table 3-2 also identifies subdivisions as a Type 4 process. The applicants are proposing the rezone and subdivision concurrently. A Pre-Application Conference, as required by YCC Title 19.17.040(5)(b) for both the MPDO and the Subdivision took place under EAC2020-00008 on February 4, 2020.

#### **Location**

2. The subject property is located on the north side of Scenic Drive, approximately 600 feet west of the City of Yakima (Parcel Number: 181317-13423).

#### **Project Proposal**

3. Scenic Ranch, LLC has proposed to subdivide a 19.97-acre parcel into 16-lots and to include the property within the Master Planned Development Overlay (MPDO). The lots are proposed to vary in size from approximately 0.89 acres to 1.55 acres, with access onto Scenic Drive. The development will have a 30-foot-wide private road with rolled curb and a meandering asphalt pathway. The development will feature approximately 3,200 lineal feet of asphalt walking path through the community. There are two open space recreational areas, totaling 2.52 acres that can be used for various recreational and sporting activities. The recreational areas will feature a combination of greenspace and natural landscape with an additional 1,700 lineal feet of gravel walking path.

The development will be fully built out in one phase with the private road extending off Scenic Drive. Nob Hill Water will be extended through the development. The large on-site septic systems, or community septic systems will service the homes.

### **Zoning and Land Use**

4. The subject property and surrounding parcels are zoned Single-Family Residential (R-1). This zoning district is intended to facilitate development at targeted urban densities under the Comprehensive Plans, and provide for low-density, single-family residential development in areas designated by the Comprehensive Plan, depending on availability of infrastructure. Lower densities facilitate future subdivision at urban densities as infrastructure availability increase. The existing land use designation for this property and surrounding area is Urban Residential. The intent of the Urban Residential land use category is to provide for a full range of urban housing types, from single and multi-family development to high density family housing. The Urban Residential land use designation is a general designation intended to accommodate all the urban residential land use designations listed in each of the fourteen cities' and towns' future land use maps. The subject property is currently vacant. The surrounding properties are vacant, in agriculture production, or developed as residential properties.

The MPDO is intended to allow larger scale, mixed-use developments in selected areas within Urban Growth Areas where certain development requirements may be modified to promote an integrated approach to planning and site design. The County finds that such developments require special review and conditioning to ensure adjacent areas are preserved and protected. An MPDO is specifically intended to allow regulatory flexibility and incentives, accommodate large developments, and encourage innovative design.

### **Public Notice / Environmental Review**

5. After the application was submitted, an internal notice of project review was accessible via the County database system to representatives of the Transportation Division, the Building and Fire Safety Division, the Environmental and Natural Resources Planning Section, the Water Resources Division, the Utilities Division, and the Yakima Health District. Internal comments from Yakima County Public Services were received from the Yakima Health District, Water Resources, Transportation, and Building & Fire Safety Divisions, and are addressed in the Findings below.

The proposal is not exempt under the State Environmental Policy Act (SEPA) through WAC 197-11-800. A SEPA review was submitted under SEP2020-00005. A SEPA determination will be issued concurrently with this recommendation.

A Notice of Application, Notice of Completeness, and Notice of Environmental Review and Notice of Future Hearing was mailed to adjoining property owners (APOs) and agencies with interest on February 26, 2020. It was discovered that the noticed mailed did not include it's second page, which contained the information regarding commenting. Therefore, a corrected notice was mailed March 11, 2020 with the comment period ending March 25, 2020.

A Notice of SEPA Threshold Determination and Notice of Future Hearing was mailed to the same agencies and APOs on May 29, with the comment period ending June 12. The Notice of the Open and Closed Record Hearing and the posting of the property will be completed in accordance with County Code. Comments were received from adjoining property owners and agencies, which are address below.

Timeline of Application Process:

|                               |                   |
|-------------------------------|-------------------|
| Intake                        | February 7, 2020  |
| Application Complete          | February 18, 2020 |
| NOA/NOC/NOE/NOFH              | February 26, 2020 |
| Corrected NOA/NOC/NOE/NOFH    | March 11, 2020    |
| Notice of SEPA Threshold Det. | May 29, 2020      |
| Open Record Hearing           | September 2       |
| BOCC Hearing                  | To be determined  |

a. State of WA Department of Ecology:

Toxics Clean Up: Based on the historical use of this land, there is a possibility that 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.

Water Quality: In summary, a NPDES Construction Stormwater General Permit is recommended and that a Stormwater Pollution Prevention Plan shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.

*Staff finding: The applicant shall comply with the Department of Ecology's recommendation for soil testing, obtain an NPDES permit, and prevent stormwater discharge off-site. See the Department of Ecology's comment letter for contact information.*

b. Yakima-Tieton Irrigation District: In summary, the District commented that this project is within the Irrigation District boundaries and has irrigation water shares appurtenant to it. The project must include irrigation water distribution to all lots created by the Plat.

*Staff finding: The applicant will be required to comply with and meet the requirements of the Yakima County Code, as conditioned in Condition 12. For more information see the attached comment letter.*

c. Yakima County Building and Fire Life Safety: The Building Division provided the following comments:

“No flood plains on parcel. Building permit required for proposed structures in addition to fire code and supplemental permits as needed.”

*Staff Finding: At the time of construction the property owners will be required to obtain all necessary building permits.*

d. Neighbor Comment: A neighboring comment letter was received with the following questions. Additionally, the neighbor had some questions on how the property is proposed to be developed, which could be found in the application materials. A copy of the application was sent to the neighbor with information on future commenting opportunities.

*Staff finding: Below are questions from the neighbor with Yakima County responses (italicized).*

Will the development be gated/will there be CC&Rs? *Unknown – Yakima County Planning doesn't require or enforce private CC&Rs.*

How can they be assured that the development is of the same standard as the surrounding community and will not reduce the value of our property/home? *Yakima County doesn't regulate the standard of residential structures built; however, in the application material the proposal is referred to as a “premier upscale residential housing development”.*

Will the location of the on-site community septic system adversely affect the neighbor's property? *Yakima County conducted an environmental review, which included the proposed community septic system under file number SEP2020-00005. A determination was made that there were no environmental impacts. Additionally, the community septic system will be required to be meet all approval requirements (see Finding 7(b)(vi) and Condition 9).*

Will there be a master plan development review required by the City and will neighboring land owners have the opportunity comment? *The property is within Yakima County's jurisdiction; therefore, all permitting will be completed by the County. The City of Yakima was notified of the proposal and given an opportunity to comment.*

It was the neighbors understanding that the property in this area was deemed farm land and questioned how it transferred into residential property. Additionally, they stated that they were under the impression that the property could only be subdivided into smaller parcels over extended periods of time. *Although it appears the property has been in agricultural production, the property is zoned Single-Family Residential (R-1) and is within the Urban Growth Area (UGA). Agricultural production can occur in the UGA and the R-1 zoning district. The subdivision onto smaller parcels over an extended period of time sounds like the subdividing requirements in the Agricultural (AG) zoning district. That requirement allows for a 1-3 acre subdivision around an existing house every 15 years. However, that requirement only applies to the Agricultural zone; therefore, it does not apply to this property.*

e. Neighbor Comment: Another neighbor responded with the following comments:

“I am concerned about the environmental impact of a large on-site community septic system being placed on the edge of Cowiche Canyon in close proximity to Cowiche Creek; an environmentally sensitive area. Your agency has determined that an Environmental Impact Statement is not necessary, which I believe is a wrong decision. To my

understanding, this specific system was vested under a loophole in the Master Planned Development code provisions; this loophole has since been closed. Approval through a loophole only reinforces my opinion that this approval without an EIS is highly questionable.

Scenic Ranch LLC owns the adjacent land to the west (24408, 24409, 24410) that is zoned R-1, but presently is in agriculture. In the Scenic Ranch Master Development Overlay response to question 19, it is stated that ‘impacts from the existing farming operations will be eliminated.’ One may assume that future residential development will follow on this property, some of which abuts Cowiche Canyon as well. Setting the precedent of a large on-site community septic system on the edge of the Canyon may have further negative impacts on the canyon in the future.”

*Staff Finding:*

*Concerns Over Impact of Community Septic – The Environmental Review evaluated potential impacts of the proposal. The determination was that there was no need to require mitigation regarding the placement of the community septic. Although it was determined the community septic didn’t need mitigation through the SEPA review, it will still have to be approved through either the Yakima Health District or the Washington State Department of Health (see Finding 7(b)(vi) and Condition 9).*

*Vested Under Previous Code – Yakima County did update this section of code (Ordinance 9-2019), which went into effect 19 February 2020. The applicants applied prior to the effective date of the newly adopted code and the application was deemed complete (applied 7 February, deemed complete 18 February). YCC 16B.04.010(6) states that “all project permit applications are vested under relevant County codes in effect at the time of filing a completed application.” Since the application was deemed complete prior to the effective date of the code updates, they are vested under the previous code, which allows for this proposal (superseded version of Chapter 19.17 attached for reference).*

*Development on Adjacent Property – Scenic Ranch LLC does own parcels west of the subject property. Based on aerial photos, this property is in active agriculture production. This property is also located within the Urban Growth Area and zoned R-1; therefore, the property owner can develop it in residential lots. If they want the property within the MPDO they would need to meet the current requirements of 19.17.040 as updated in Ordinance 9-2019. They will not be vested under the previous code.*

**Master Planned Development Overlay Minor Rezone Review Criteria**

6. YCC 19.36.030(5) for Minor Rezones outlines the review criteria for minor rezones. The review criteria, with staff findings, are addressed below:

- a. The testimony at the public hearing:

*Staff Finding:* *The Hearing Examiner will consider all testimony provided at the public hearing.*

b. The suitability of the property in question for uses permitted under the proposed zoning:

YCC 19.17.040(5)(d) outlines the review criteria for the MPDO, which are addressed below to determine the suitability of the proposed zoning:

i. The master plan development application demonstrates the economic and efficient use of land and provides for an integrated and consistent development plan for the site:

*Staff Finding. The narrative states that the proposal is a premier, upscale residential housing development. The applicants are intending this to be high-end housing. The proposal has identified that, based on the level of homes, development and the topography, that the master planned development demonstrates the best economic use and efficient use of the land.*

ii. The applicant has identified development standards and uses that are consistent with the master plan and designed to be compatible with adjacent land uses after consideration of applicable mitigation and site design. The Hearing Examiner may consider development standards that are different from currently adopted development standards to provide flexibility in site planning; to implement project design and concepts; to respond to market conditions; or to otherwise achieve the public benefits contemplated by the concept plan;

*Staff Finding: Except for one aspect, this proposal is consistent with development standards and land uses, based on the zoning of this property. Subdivisions within the R-1 zoning district that are utilizing a community on-site septic system are required to cluster (YCC Table 19.12.010-1). This would require the lots to meet the 4.0 to 7.0 units per acre site density (YCC Table 19.34.035-1). The lot sizes associated with this proposal do not meet that requirement (0.89 to 1.55 acre lots).*

*Because the applicants have applied under the MPDO, the Hearing Examiner may consider the adjustment to the development standard based on the criteria above. Yakima County Planning feels that the reasoning for adjusting the standards outlined in Finding 6(b)(ix) fall within the allowable reasons to adjust the standards (flexibility to implement project design).*

iii. Consideration shall be given to “low impact development” concepts.

*Staff Finding: YCC 19.01.070(12) states that low impact design means stormwater management and land development strategies that emphasizes conservation and use of existing natural site features integrated with [distributed], small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial and industrial settings. Low impact design addresses stormwater management and land development that is applied at the parcel and subdivisions scale that emphasis conservation and use of on-site natural features.*

*The application material states that the Scenic Ranch MPDO stormwater will all be contained on-site in a combination of retention swales and underground infiltration and that all drainage facilities and mitigation measures for this proposal will be in accordance with the current edition of the Washington State Department of Ecology Stormwater Management Manual for Eastern Washington and the Yakima County Regional Stormwater Manual. The subdivision will also have large greenspace areas and pathways, further promoting a low impact development concept. As proposed, this meets the intent of the low impact development.*

- iv. There will be adequate infrastructure capacity available by the time each phase of development is completed.

*Staff Finding: The MPDO is proposed to be built out in one phase. As proposed and conditioned, adequate infrastructure will be available at the time of development. A 30-foot wide paved road with rolled curb and meandering asphalt pathway as a sidewalk is proposed. The subdivision will be served by Nob Hill Water and will be serviced by a community Large On-Site Septic System (LOSS) on community owned tracts, meeting WAC 246-272B, and WA State Department of Health requirements. The property will have an 8" sewer main collecting all the sewerage for the subdivision and transporting the sewage to the community LOSS. In the future if public sewer becomes available to service the property, the 8" sewer line could be converted to a public sewer line and connected to the public main.*

- v. The Master Planned Development contains design, landscaping, parking/traffic management, and use mixture and location that limit or mitigate conflicts between the Master Planned Development and adjacent uses. Consideration shall be given to site planning that supports land use flexibility through means of appropriate setbacks, landscaping, site screening, buffers and other design features or techniques;

*Staff Finding: The applicants have proposed landscaping and some fencing. This MPDO proposal is a mixture of residential and recreation areas for the MPDO residents. The surrounding area is residential or in active agriculture; therefore, this proposed development will not create a conflict with the surrounding properties or adjacent uses.*

- vi. All potential significant off-site impacts including noise, shading, glare and traffic have been identified and mitigation incorporated to the extent reasonable and practical:

*Staff Finding: The SEPA environmental review did not identify any potential off-site impacts due to this proposal. The Yakima County Transportation Division has stated that this proposal will have no significant impact to the existing Yakima County Roadway System (see Transportation Comments attached). Any impacts associated with the private roadway will be managed by development standards (Finding 7(b)(i) and Conditions 2-8). And finally, this proposal is for a residential MPDO with no*

*commercial uses associated with it; therefore, the noise impacts associated with this development will be no different than the surrounding residential area.*

- vii. The project is designed and includes appropriate consideration of open spaces and transportation corridors, designs of street and public open space amenities, and results in the functional and visual appearance of one integrated project;

*Staff Finding: The applicants have proposed a 30-foot-wide private road with rolled curb and a meandering asphalt pathway for sidewalks. The road alignment winds down the hillside to meet Yakima County's 10 percent grade requirements. Open spaces have also been provided, over two acres (not including the pathway). This proposal results in a cohesive, integrated project.*

- viii. The proposed development is not adverse to the public health, safety or welfare:

*Staff Finding: As proposed and conditioned, this proposal will have no adverse impacts to the public health, safety, or welfare.*

- ix. The public benefits of approving the Master Planned Development outweigh the effect of modification of standards to the underlying zoning district:

*Staff Finding: This proposal does include a modification to standards. Since public regional sewer is not available to this property the applicants have proposed a community on-site septic system. YCC requires subdivisions with Public Water and a community septic system to meet YCC Section 19.34.035, Cluster Developments, which limits lot size to 0.25 acres. Due to that restriction, the applicants have applied for a MPDO, which allows for a relaxation to development standards. The narrative provides the following reasoning for the modification of standards:*

*"The property is relatively steep in grade, and 10,890 square foot lot size is insufficient to create building pads and driveways necessary for the proposed development. The development is anticipating being a Premier residential neighborhood with 5,000 square foot plus sized homes similar to adjacent developments. In order to maintain the natural beauty and elegance of the hillside, the proposed lot size requires a departure from the clustering lots, and the 0.25 acre lot size, and allow the proposed larger 0.89 acre to 1.55 acre lot size. This will allow the building pads to be leveled and sloped back to existing ground without the use of massive retaining walls, destroying the natural beauty and elegance of the hillside, and limiting the ability for appealing landscape."*

*The Yakima County Comprehensive Plan – **Horizon 2040**, identifies several goals and policies and development regulations related to this proposal. Finding 6(d) below is a full review of those applicable goals and policies. Although there are goals and policies that are supportive and not supportive of this proposal, which are reviewed in Finding 6(d), the Unified Land Development Code 19.17.040, attached to this recommendation, allows for modification of standards.*

*Horizon 2040 Goal H1 states “sufficient housing should be available to meet the needs of the existing and projected population, including a diversity in the type, density and location of housing within the County.” This proposal would provide high-end, upscale housing to the residents of Yakima County.*

*When reviewing the proposal, the development regulations, and Horizon 2040, Yakima County feels the benefit to the public would outweigh the relaxation of standards associated with the MPDO.*

- x. The proposed development is designed to be consistent with the Shoreline Master Program and Critical Areas Ordinance.

*Staff Finding: This project is not located within the SMP. A very small portion of the subject property is mapped as Oversteepened Slopes – High Risk. No residential units will be located within this mapped area; therefore, this proposal is consistent with the Critical Areas Ordinance.*

- xi. An approved Master Planned Development Overlay shall be incorporated into a development agreement as authorized by RCW 36.70B.170 (YCC 19.17.040(5)(h)).

*Staff Finding: The applicants shall record a Development Agreement as required by code.*

- c. The recommendation from interested agencies and departments:

*Staff Finding: Comments from agencies are addressed in Finding 5 and Yakima County comments are addressed in Finding 7. No comments were received from agencies expressing concern over the proposal.*

- d. The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Comprehensive Plan, adopted neighborhood plans and the intent of this Title:

*The Yakima County Comprehensive Plan – Horizon 2040 has several goals and policies and development regulations related to this proposal.*

*Elements, Goals and Policies of **Horizon 2040** that support the MPDO and subdivision are as follows:*

*Housing Element 7.4.1 – Additional Housing Units Needed. Based on population increase, states “As discussed in detail in Section 7.3.4 of the Housing Element, Yakima County will need roughly 25,341 additional housing units by the year 2040. The Housing section works on the assumption that of the 25,341 total housing units, 11,525 units will be needed just for the unincorporated areas and 13,816 for the incorporated areas.”*

*Housing Element 7.4.11 – Neighborhood Character and Vitality. “Yakima County’s residential neighborhoods vary in size, density, housing type, and amenities. The character of a neighborhood, both its livability and identity, is closely associated with its design, the characteristics of the residents and the services provided. Regardless of the character of the neighborhood, residents generally want a feeling of comfort and security, privacy and a sense of belonging. Neighborhood character is an important element of the Housing Element and is a central component of an approach that encourages a hierarchy of well-defined places. Over the next 20 years, preservation of existing neighborhoods will require a conscious acknowledgement of existing nature of the people, visual character, and services found in each neighborhood.”*

*GOAL H 1: Sufficient housing should be available to meet the needs of the existing and projected population, including a diversity in the type, density and location of housing within the County.*

*POLICY H 1.4: Encourage the public and private sectors to develop and maintain an adequate supply of housing for all segments of the population.*

*GOAL H 6: Encourage the preservation and protection of existing neighborhoods and design and/or plan future development in a manner which promotes neighborhood settings and environments.*

*POLICY H 6.3: Design subdivisions, planned residential developments, multi-family units or other residential projects in a manner which encourages neighborhood environments and open space.*

*MPDO Regulatory Flexibility (YCC 19.17.040(1)(a)(i-vii)) – A Master Planned Development Overlay (MPDO) is a comprehensive development plan intended to provide flexibility in design and building placement, promote attractive and efficient environments that incorporate a variety of uses, densities and/or dwelling types, provide for economy of shared services and facilities, and economically utilize the land, resources and amenities. A MPDO is intended to create regulatory incentives and standards that:*

- i. *Allow flexibility in development standards, densities, and permitted uses while ensuring compatibility with neighboring uses. Facilitate the efficient use of land and provide for a comprehensive review of integrated development projects;*
- ii. *Increase economic feasibility by fostering efficient arrangement of land uses, buildings, transportation systems, open space and utilities;*
- iii. *Provide certainty regarding the character, timing, and conditions for planned residential, commercial, industrial and mixed-use development within an identified geographic area and vest such projects through a public review process;*
- iv. *Provide needed services and facilities in an orderly, fiscally responsible manner;*
- v. *Promote economic development;*
- vi. *Create vibrant mixed-use neighborhoods, with a balance of housing, employment, commercial and recreational opportunities; and,*
- vii. *Promote consistency with goals, policies, and objectives of the Comprehensive Plans.*

*GOAL YKLU-U2: Build sustainable new neighborhoods.*

*YKLU-U 2.1: For large-scale residential projects, encourage development through Master Planned Development Overlay Districts (MPDOS).*

*Elements, Goals and Policies of **Horizon 2040** that do not support the MPDO and subdivision are as follows:*

*Housing Element 5.8.2 Urban Lands – Growth Management Act Requirements. The Growth Management Act (GMA) includes the following goals that directly relate to urban land use:*

1. *Urban Growth. Encourage development in areas where adequate public facilities and services exist or can be provided in an efficient manner.*
2. *Reduce Sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.*

*GOAL LU-U 2: Provide for an orderly, phased transition from rural to urban uses within the Urban Growth Area.*

*POLICY LU-U 2.3: Through land use controls, prevent conversion of land in urban growth areas to uses/densities that cannot be urbanized by:*

*OBJECTIVE 2.3.1: Requiring cluster development where it is clear that urban services are not immediately available and when it is feasible to approve interim community water and/or sewer systems.*

*OBJECTIVE 2.3.2: Requiring connection to public water and sewer systems where available, including interim systems or facilities where feasible.*

*OBJECTIVE 2.3.3: Providing a conversion plan identifying how the balance of the property could urbanize when all services are available.*

*Staff Finding:* As identified above, there are Goals and Policies that support the MPDO proposal, as well as those that don't support it. There are no neighborhood plans that apply. The intent of the MPDO section of this code allows for flexibility in design. Although this proposal doesn't meet code requirements and there are Horizon 2040 Goals and Policies that do not support this proposal, Yakima County feels the proposal is supported by several other Horizon 2040 Goals and Policies, the code allows for flexibility, and it is consistent with previous approvals.

- e. The adequacy and availability of public facilities, such as roads, sewer, water and other required public services:

*Staff Finding:* Most public facilities are available and adequate for this proposal (roads and water). As addressed previously, public sewer is not available to this property; however, the applicants have proposed a community on-site septic system to serve the development, which will be adequate.

- f. The compatibility of the proposed zone change and associated uses with neighboring land uses:

*Staff Finding: The proposed zone change of the MPDO is for a residential development, which will be compatible with the surrounding residential development.*

- g. The public need for the proposed change. Public need shall mean that a valid public purpose, for which the Comprehensive Plan and this title have been adopted, is served by the proposed application. Findings that address public need shall, at a minimum, document:
  - i. Whether additional land for a particular purpose is required inconsideration of the amount already provided by the plan map designation or current zoning district within the area as appropriate; and,
  - ii. Whether the timing is appropriate to provide additional land for a particular use:

*Staff Finding: As discussed in Finding 6(d) above, there is a need for more housing stock to meet the projected population growth. Additionally, this land is already designated for residential development; therefore, this Residential MPDO is no change to the existing designation for housing.*

- h. Whether substantial changes in circumstances exist to warrant an amendment to the current designation or zone:

*Staff Finding: This rezone to include the property within the MPDO for residential purposes does not change the existing designation of residential use of the property since the existing land use designation is Urban Residential and the existing zoning is Single-Family Residential (R-1). The need for the rezone is to allow the flexibility to develop the property in a way that will allow large view lots.*

*Staff Finding: Based on the review above of the minor rezone and MPDO criteria, Yakima County Planning feels that overall, this proposal is consistent with the criteria.*

### **Subdivision Review Criteria**

7. YCC 19.34.050(5) Subdivisions Decision Criteria, states that the Reviewing Official shall approve a preliminary subdivision if the applicant has demonstrated the application complies with the following approval criteria or that the application can meet these criteria by complying with conditions of approval:

- a. The preliminary subdivision is in the public interest:

*Staff Finding: The public interest will be served by the proposed subdivision because it will provide additional lots as a good location for construction of an additional residence to help serve the housing needs of County residents. The public use and public health, safety, and general welfare will be served because the proposed subdivision will comply with the subdivision and zoning development standards and land use requirements which have been adopted by the Board of Yakima County Commissioners for the purpose of promoting the public health, safety, and general welfare.*

- b. Public and Private Facilities. The following facilities are adequate to serve the proposed subdivision before or concurrent with the development of the preliminary subdivision:

- i. Public and private streets and roads: (YCC 19.23.050) The development is proposed to be served by a private road that accesses off Scenic Drive. The applicants have proposed a 30-foot-wide private road with rolled curb and a meandering asphalt pathway for sidewalks. The road alignment winds down the hillside to meet the Yakima County's 10% grade requirements. Portions of the Transportation Division's comments are provided below. The full comments are attached.

“The private road will need to provide access for parcel 181317-13421, as proposed. Approval of the MPDO (ZON2020-001) is required in order to allow the private road serving 16 or more lots. If approved the proposed private roadway is allowed per YCC 19.23.050. Per YCC 19.23.050 the proposed roadways may not be private as they will serve more than 16 lots. “(b) Servicing 16 lots or development that generate 160 or more daily vehicle trips, unless located within an approved rural master planned resort or urban master planned development.”

“Primary proposed roadway name conflicts with Title 13.26.070(1)(a)(iii) of the County code which states, ‘variations of the same name with a different road designation shall not be used (i.e., Maple Avenue, Maple Road, Maple Drive).’ The applicant will be required to submit a ‘Road Naming Application’ to the County Roads Department for approval and the name chosen for the naming application will need to be shown on the face of the final plat.”

*Staff Finding: YCC 19.23.050 outlines the required private road standard. This development will be required to comply with all standards of YCC 19.23.050 prior to the final plat approval (a few of which are listed below). As conditioned, this project meets the requirements of this code.*

*A professional engineer shall design the road, provide the specification, engineering judgement and assumptions supporting the road design, test its construction, and certify it meets the following standards:*

- A. *All private roads shall be designed using the highest practical design speed with a minimum of 25 miles per hour.*
- B. *The private road shall accommodate two-way traffic based unless a design modification for one-way traffic is proposed and approved.*
- C. *All private roads must meet the minimum fire apparatus access road requirements of YCC Title 13.*

*The road shall meet AASHTO recommended 20-year design guidelines for development density, use and intensity that could be served by the road based on plan designation, zoning, public safety and natural hazards. In lieu of the applicant’s engineer submitting a detailed analysis, the following minimums are required. The applicant’s engineer will be required to certify that the project meets the minimum requirements contained in Table 19.23.050-1.*

*Pedestrian facilities that meet AASHTO guidelines for a separated multi-user trail or sidewalk shall be provided from all lots and units to the nearest public road or trail in Urban Growth Areas and the Rural Settlement zoning district.*

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

*Easements shall be of sufficient widths to include all provided transportation improvements.*

*Hard surfacing shall be provided in Urban Growth Areas, in the RS, HTC zones and areas in the Rural Transitional zone within the designated FHWA Urban Area, and in other locations where the Reviewing Official determines that the road will serve more than 15 lots or units or such surfacing is otherwise required, as determined through the development approval process, based on zoning and the intensity of the use.*

*The applicants shall provide a road agreement that binds the owners within the development to financially participate in the perpetual maintenance of the private roadway (YCC 19.23.050(6)(b)(ii)). This agreement must meet the requirements for being recorded with the Yakima County Auditor.*

*Per YCC 19.23.050(6)(b)(vi): The face of any plat shall bear the following language: Yakima County has no responsibility to build, improve, maintain or otherwise service any private road for this plat/short plat. Any right-of-way dedicated to the public by this plat/short plat shall not be opened as a County road until it is improved to County road standards and accepted as part of the County road system.*

*All road grants, deed, and dedications of right-of-way shall be shown on the final short plat. Utility easements in accordance with YCC 19.25.050 must be reserved for and granted to all utilities (and to their respective successors and assigns) and shall be shown on the face of the plat.*

*Based on the Transportation Division's comments, the proposed road name does not meet the naming requirements of YCC 13.26. The applicant will be required to apply for a Road Naming Application that meets the requirements.*

*YCC Table 19.12.010-2: Setbacks, Lot Coverage, and Building Height, requires structural setbacks from private roads. There is an existing garage located on parcel 181317-13421 adjacent to the new private road. This parcel is also owned by Scenic Ranch, LLC. Based on the setback table, the structural setback for the existing garage to the new private road would be 40 feet from the planned centerline. The original site plan does not show the setback but does have a note that the garage will be relocated. The applicants provided an updated site plan showing that the existing garage meets the setback (Attachment for reference). Since the existing structure*

*meets the setback, relocation of that structure will not be required as a condition of this decision.*

- ii. Open Spaces, parks and recreation: The proposal includes approximately 3,200 lineal feet of asphalt walking path through the community. There are two open space recreational areas, totaling 2.52 acres that can be used for various recreational and sporting activities. The recreational areas will feature a combination of greenspace and natural landscape with an additional 1,700 lineal feet of walking path.

*Staff Finding: YCC 19.34.060(7) requires subdivisions five acres or larger within Urban Growth Areas (UGAs) to designate a portion of land area as recreation area. Recreation areas may include private or public parks, pocket parks or mini-parks, playgrounds, trails, and pathways. The required ratio is 435.6 sq. ft. per dwelling unit. The 2.52 acres proposed by the applicant exceeds this requirement. The applicant will be required to dedicate and maintain the open space areas in accordance with YCC 19.34.060(7).*

- iii. Drainage (Stormwater Requirements): (YCC 19.10.040(12)) “is intended to ensure public and private development projects comply with the National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable.” The Yakima County Water Resources Division had the following comment:

“This proposal is located within the Yakima County Stormwater Management Utility. Stormwater must be retained on site. A Stormwater Plan with supporting documentation will be required for this project (SUB) and approval of the Plan by Yakima County Public Services is required prior to any land disturbance and issuance of building permits. This includes road construction and utility installation. Best Management Practices (BMPs) for subdivisions may also be required. The pathways and recreation areas must also be included in the stormwater analysis to minimize the risk of stormwater flowing off-site and over the rocky bluff on the north end of parcel. The ability to use drainage swales and roadside ditches may be limited or prohibited due to the parcel’s slope and shallow soils on the north end.

A Washington State Department of Ecology Construction Stormwater Permit will be required and must be reviewed for completeness by Yakima County prior to soil disturbance. Yakima Regional Stormwater and Low Impact Design Manuals are posted on the County stormwater web site, <http://www.co.yakima.wa.us/1732/Stormwater-Management>. These manuals are equivalent to the Eastern Washington Stormwater Manual and may be used for guidance. A stormwater plan checklist link is also located on this web site to assist the applicant in submitting a complete plan.

Natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250. Drainageways include the two draws arriving from the west and east that

merge near the center of the parcel. Easements for the natural drainageways may be required which could affect lot layout. The need for drainageway easements will be determined as part of the stormwater plan review.

**Condition before land disturbance.**

A stormwater plan must be submitted and approved before any ground disturbance occurs or building permits are issued. Ground disturbance includes grading vegetation removal and utility installation.

The stormwater plan review includes evaluation of the application for Washington State Department of Ecology Construction Stormwater Permit.

**On-going conditions.**

Stormwater must be retained on site.

Any natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250

**Plat notes.**

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

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

Yakima County GIS contour information indicates the presence of drainageways on the parcel that may limit the amount and location of future development.

*Staff Finding: This recommendation conditions that all stormwater generated on the subject parcels be retained on site. Approval by Yakima County Public Services of an engineered stormwater plan along with supporting documentation is required prior to issuance of the building permit or land disturbance. The above plat notes shall appear on the face of the final short plat map. Please contact the Water Resources Division, at (509) 574-2300 for questions regarding stormwater.*

iv. Access to mass transit where there is or will be such transit: The closest mass transit stop is one mile from the property (Summitview Avenue).

*Staff Finding: Since the proposal is not located near a mass transit route, such transit facilities and transit stops are not required for the proposed subdivision.*

v. Potable water supplies: The applicants have proposed to serve the development with Nob Hill Water.

*Staff Finding: YCC 19.25-1 requires connections of 9 or more lots within the Urban Growth Area to connect to an area wide public water system. This proposal meets this requirement. As a condition, all lots must be served with public water from Nob Hill Water Association prior to final plat approval. All applicable fees must be paid, easements provided, and lines installed to each of the lots prior to final plat approval. Construction must be according to the requirements of the water provider. The applicant shall provide written verification by the Nob Hill Water Association that this condition is met.*

vi. Sanitary waste collection and treatment: YCC Table 19.25-2 requires a subdivision in the Urban Growth Area serving more than 9 lots to be served by a Municipal, County, or Other State Approved Operator. The applicant has proposed to serve the proposal with a community septic system. As mentioned previously, the applicants have applied for the MPDO along with this Subdivision which allows for the relaxation of standards.

The Yakima Health District commented the following:

“The septic system(s) for this project are to be community septic systems and must follow the Yakima Health District process for community septic systems. Guidance on community septic systems was given to the applicant at the meeting. Alternatively, a large on-site septic system may be used. Large on-site septic systems are regulated by the State Department of Health. Test holes will be required before a determination can be made regarding septic system suitability on this project.”

The applicants provided the following in the application materials:

“The Scenic Ranch MPDO will be serviced by a community Large On-Site Septic System (LOSS) on a community owned tract, meeting WAC 246-272B, and Washington State Department of Health requirements. A community septic system is proposed because the inability to service the land with public sewer. The property will have an 8” sewer main collecting all the sewerage for the subdivision, and transporting the sewage to the community LOSS. In the future if public sewer became available to service the property, the 8” sewer line could be converted to a public sewer line and connected to the public main.”

YCC 19.25.045(3) requires a covenant or plat note with the following information. This requirement is a condition of final approval for future sewer connection.

“A covenant or plat note is recorded by the property owner that commits the current and future property owner(s) to connect to a regional sewer system and an area-wide public water system, if both are not provided, within 12 months of the system being located adjacent to the subject property. The covenant or plat note shall also contain a provision that commits the current and future property owner(s) to

participate in a future local improvement district if this is the method used to extend sewer and water.”

*Staff Finding: The applicant shall work with the Yakima Health District or the Department of Health for the installation of the community septic system. Provide verification to the Yakima County Planning Division that the community septic system has been approved.*

vii. Schools and Educational Service: The property is located within the Naches Valley School District.

*Staff Finding: The proposed subdivision will have adequate schools, educational services and schoolgrounds by being located within the Naches Valley School District in an area that is served by the school bus route system. No comments were received from the School District.*

viii. Pedestrian facilities, particularly for students who walk to and from school;

*Staff Finding: The proposed subdivision will have adequate pedestrian facilities for students who will only have to walk a relatively short distance from their home to Scenic Drive and back in order to attend schools which are not within walking distance of proposed subdivision. The applicant has proposed walking paths within the MPDO/Subdivision for students who may want to walk to school.*

ix. Fire prevention services: Comments received from the Yakima County Fire Marshal’s Office are as follows:

“Must meet fire apparatus access requirements including but not limited to width, turnouts, turnarounds, all weather surface and grade of no greater than 10%. (Ordinance 503.1, Appendix D of the International Fire Code) Fire Flow will be required (Ordinance and International Fire Code 507.3, Appendix B of the International Fire Code) All buildings will need to obtain proper building and fire safety permits.”

*Staff Finding: The property is located within Fire District 12. All requirements of the Fire & Life Safety Division shall be met. For questions regarding these comments, please contact Chris Pederson, Fire Marshall at (509) 574-2300.*

x. Irrigation water supplies. The property is located within the Yakima-Tieton Irrigation District. Comments were received from the Irrigation District (Finding 5(b)). Irrigation easements and distribution facilities shall be provided as required under RCW 58.17.310 and YCC 19.34.070(2)(d). A statement shall be placed on the face of the plat evidencing that the subdivision lies within the boundaries of an irrigation district and that irrigation water rights-of-way may be imposed by said irrigation district under RCW 58.17.310. If the irrigation district serves as its own treasurer, a certificate in accordance with YCC 19.34.070(2)(d)(iv) is required. The following

irrigation district acknowledgement shall also be placed on the face on the plat (YCC 19.34.070(2)(d)(iii)):

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

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

- c. Compliance with Standards. The application will conform to all adopted County and State rules and regulations as set forth in Section 19.01.020.

*Staff Finding: As proposed and conditioned this project meets all County and State rules and regulations.*

- d. Phasing. If a phasing plan is proposed, the applicant must demonstrate that:
  - i. The phasing plan includes all land within the preliminary subdivision. A master preliminary plat shall be required with the initial phase approval that shows the future plat phases on the same document to establish and delineate the general development parameters for future phases;
  - ii. Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire subdivision;
  - iii. Prior to recording the final plat for each phase, all required improvements for that phase will be built, bonded or escrowed;
  - iv. Each phase is consistent with an overall site and drainage plan under YCC Chapter 12.10 approved for the entire development prior to the recording of the final plat of the first phase; and,
  - v. The sequencing of phasing may occur in any order provided that all conditions of each phase are met consistent with the approved phasing plan.

*Staff Finding: The applicants are not proposing phased development.*

- e. Grading. Where the slope between the highest and lowest points on the site exceeds five percent, a final grading plan for the full development, consistent with the drainage plan,

depicting the final grade shall be shown for the entire plat with topographic contours at intervals of not more than five feet.

*Staff Finding: The application material states that the site slopes from the south to the north with slopes varying from approximately 10-percent to 25-percent slopes. Prior to final plat the applicants will be required to provide a final grading plan.*

- f. Flood, Inundation or Swamp Conditions. A proposed subdivision may be denied because of flood, inundation or swamp conditions under RCW 58.17.120. Construction of protective improvements may be required as a condition of approval and such improvements shall be noted in the final subdivision or in the Hearing Examiner's recommendation.

*Staff Finding: This property is not located in an area impacted by flood, inundation, or swamp conditions. This is not applicable to this development.*

#### **Consistency Analysis (YCC 16B.06.020)**

8. As part of project review, the reviewing official will determine if a proposed project is consistent with Yakima County's applicable development regulations or, in the absence of applicable regulations, the adopted Yakima County Comprehensive Plan. Consistency should be determined in the project review process by considering four factors found in applicable plans and regulations (RCW 36.70B.040). They are as follows:

- a. The type of land use;

*Staff Finding: If approved, the applicant's request will change the Yakima County Zoning Official Zoning Map by adding Master Planned Development Overlay (MPDO) over the Single-Family Residential (R-1) zoning district and the Urban Residential land use category. The applicants have proposed a residential MPDO only, accessory commercial uses have been proposed or approved. The Residential MPDO proposal is consistent with the existing zoning and land use designation, with the land uses allowed with the MPDO, and with the surrounding area.*

- b. The level of development, such as units per acre or other measures of density;

*Staff Finding: The underlying zoning district of the MPDO is R-1 which allows one dwelling per parcel. The proposal shows that only one dwelling will be proposed per parcel under the MPDO, however the lot sizes will be larger than typical for an R-1 zoning district in the Urban Growth Area. Under the R-1 zoning district, if the subject parcel had access to both municipal water and sewer, there is no maximum lot area for each parcel. Without access to both municipal water and sewer, under R-1 zoning the applicant is required to cluster the development with a density of 4.0-7.0 units per acres, making the largest lot area 1/4 acre. Applying under the MPDO allows for flexibility of development standards. Since the applicants have applied under the MPDO provision, this development would not be considered inconsistent with the density requirements.*

- c. Infrastructure, including public facilities and services needed to serve the development;

*Staff Finding: As discussed in Finding 6(e), adequate public facilities exist or will be conditioned to serve the proposed development.*

- d. The characteristics of the development, such as development standards.

*Staff Finding: As conditioned, the character of the development will be consistent and compatible with applicable development standards and the purpose and intent of the MPDO and R-I zoning district.*

#### **IV. CONCLUSIONS.**

1. The application for preliminary plat approval is adequately reviewed by the conditions set forth in this recommendation to reasonably ensure compatibility, compliance, and consistency with the provisions of the Master Planned Development Overlay and the goals, objectives, and policies of **Horizon 2040**, in compliance with all applicable Yakima County and State of Washington plat law requirements.
2. Based on the Findings of the Administrative Official, staff recommends **APPROVAL** of the Master Planned Development Overlay identified (file number ZON2020-00001) and the 16-Lot Subdivision (SUB2020-00004), entitled Scenic Ranch, subject to conditions.

#### **V. RECOMMENDATION**

*Prior to the finalization of the subject Master Planned Development Overlay, Development Agreement and Subdivision the following conditions must be completed within five years of the date of the final Yakima County Board Decision.*

##### **Building:**

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

## **Roads**

2. Prior to the recording of the final plat, a private road shall be designed, approved and constructed to provide each lot with access to Scenic Dr. Private roads serving a development must meet the requirements of YCC 19.23.050(6). Stamped engineering documentation demonstrating that the private road meets the standards of YCC 19.23.050(6) shall be provided prior to plat finalization:
  - a. A professional engineer shall design the road, provide the specifications, engineering judgement and assumptions supporting the road design, test its construction, and certify it meets the following standards:
    - i. All private roads shall be designed using the highest practical design speed with a minimum of 25 miles per hour.
    - ii. The private road shall accommodate two-way traffic unless a design modification for on-way traffic is proposed and approved.
    - iii. All private roads must meet the minimum fire apparatus access road requirements of YCC Title 13.
  - b. The road shall meet AASHTO recommended design guidelines for development density, use and intensity that could be served by the road based on plan designation, zoning, public safety, and natural hazards. In lieu of the applicant's engineer submitting a detailed analysis, the following minimums are required. The applicant's engineer will be required to certify that the project meets the minimum requirements contained in Table 19.23.050-1.
  - c. Where private roads require a crossing of an existing natural stream or drainageway, the crossing shall comply with applicable Building Codes, and the Critical Areas Ordinance or Shoreline Master Program.
  - d. Drainage facilities shall be provided in accordance with YCC Chapter 12.10 to prevent any drainage onto a public roadway.
  - e. Easements shall be of sufficient widths to include all provided transportation improvements.
  - f. Pedestrian facilities that meet AASHTO guidelines for a separated multi-user trail or sidewalk shall be provided from all lots and units to the nearest public road or trail in Urban Growth Areas.
3. In accordance with YCC 19.23.050(6)(b)(i) the private road must be retained permanently as a private road, be located within a non-exclusive access easement, and be maintained privately.
4. Covenants meeting the recording requirements of the Yakima County Auditor's Office shall be provided for the perpetual maintenance of the private road and shall be submitted to the Yakima County Planning Division prior to finalization of the subdivision. These covenants must be signed by the owners, according to the records of the office of the County Auditor of property to an aggregate amount of

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

5. A private road name sign shall be provided by the developer at the intersections of the private roads with the public road. Such sign shall meet the specifications in the Manual on Uniformed Traffic Control Devices. Names for private roads shall be approved by the County under the Road Naming and Site Addressing Ordinance YCC Chapter 13.26. The applicants shall complete a Road Name application with the Yakima County Transportation Division. Contact the Yakima County Transportation Division at (509) 574-2300 for more information.
6. The private road shall be open and unobstructed for use by emergency, public service and utility vehicles.
7. The private road must meet fire apparatus access requirements, including but not limited to width, turnouts, turnarounds, all weather surface, and grade of no greater than 10%. Contact the Building and Fire Safety Division at (509) 574-2300 for further information on turnarounds.
8. All prior dedications of right-of-way, deeds, and grants shall be shown on the face of the final plat.

#### Sewage

9. Lot(s) 1-16 of this subdivision shall be served via a community on-site sewage disposal system or large on-site sewage disposal system. The sewage disposal system must be approved by the Yakima Health District and installed prior to the recording of the final plat. Verification of approval from the Yakima Health District or Washington State Department of Health must be submitted to the Planning Division verifying that the community on-site sewage disposal system was installed meeting the requirements of the Yakima Health District or Washington State Department of Health.
10. Community on-site sewage disposal easements must be established in accordance with YCC 19.25.050. The applicant will need to coordinate easement placement with their surveyor, the Yakima Health District or Washington State Department of Health, and any other agency with jurisdiction.

#### Water

11. All lots must be served with public water from Nob Hill Water Association prior to final plat approval. All applicable fees must be paid, easements provided, and lines

installed to each of the lots prior to final plat approval. Construction must be according to the requirements of the water provider. Provide written verification by Nob Hill Water Association that this condition is met.

### **Irrigation**

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

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

### **Misc.**

13. Utility easements in accordance with YCC 19.25.050 must be reserved for and granted to all utilities (and their respective successors and assigns) and shall be shown on the face of the plat.
14. A development agreement is required and shall be signed by the majority of the Board and all property owners and lien holders within the boundaries of the Master Planned Development Overlay and recorded prior to approval and/or issue of any implementing plat or permits (YCC 19.17.040(5)(h)).
15. All recreation areas shall be dedicated on the plat. A covenant shall provide perpetual maintenance of recreation areas dedicated to or operated by parties other than a local government. The covenants shall establish a fund for recreation area maintenance and require the owners in the development to pay annually into such fund. Covenants shall be approved by the County.
16. Approval of a Stormwater Plan by Yakima County Public Services is required prior to issuance of the building permit or land disturbance, which includes: vegetation removal, grading, grubbing and utility installation.

17. A Washington State Department of Ecology Construction Stormwater Permit will be required. A copy of the permit must be submitted to Public Services before ground disturbance.
18. A final grading plan for the full development, consistent with the drainage plan, depicting the final grade shall be submitted for the entire plat with topographic contours at intervals of not more than five feet, in accordance with YCC 19.34.050(5)(a)(v).
19. The applicant shall show on the face of the final plat the location of the acreage for the park and other recreational features.
20. At the time the final plat is to be recorded all property taxes and special assessments must be paid for the full year (RCW 84.56.345)
21. Please be aware that all parties with an ownership interest in the property must sign the final plat. All required signatures shall be in permanent black ink (YCC 19.34.070(2)(c)). If there are other owners (including contract sellers or purchasers, etc.) the applicant should first verify that they will also be willing to sign the final plat.
22. The Final Subdivision Application shall consist of:
  - a. A survey of the final plat meeting the requirements of YCC 19.34.070 and consisting of the original Mylar (or equivalent material, paper or other form acceptable to the County Auditor) and five paper copies (YCC19.34.070(4));
  - b. A current Subdivision Guarantee (title report), which cannot be more than 60 days old (YCC 19.30.060(8)); and
  - c. The final plat recording fee (YCC 19.34.040(4)).
23. The owners, their grantees and assignees in interest will abide by the Compliance, Extension, Expiration and Reinstatement requirements as outlined in YCC 16B.07.050. The applicant shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions.

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

24. In accordance with YCC 19.17.040, the proposed MPDO has set aside Tract A and Tract B as the recreation area/open space and is not subject to further subdivision.
25. The owner(s) of Lots 1-16 hereon, their grantees and assignees in interest, hereby covenant, and agree to participate in the maintenance of the shared open space -

Tract A and Tract B, as provided in this plat, and to join in an owner's maintenance association designed to provide for its perpetual maintenance.

26. Yakima County has no responsibility to build, improve, maintain or otherwise service any private road for this plat. Any road right-of-way dedicated to the public by this plat shall not be serviced by the County until such time as it is improved to County road standards and accepted as a part of the County road system.
27. The owner(s) of Lots 1-16 shown hereon, their grantees and assignees in interest, hereby covenant and agree to participate in the maintenance of the private road serving this plat and to join in an owners' or road maintenance association designed to provide for their perpetual maintenance.
28. Yakima County has in place an urban and rural addressing system per YCC Chapter 13.26. Determination of street names and address numbers for developed residential and commercial lots within this plat are at the discretion of the Yakima County Public Services Department upon issuance of an eligible building permit.
29. Lots 1-16 of this subdivision have been required to use a (large) community on-site sewage disposal system for the maximum number of \_\_\_\_\_ bedrooms as permitted by the Yakima Health District/Department of Health. The owners shown hereon, their grantees and assignees in interest, hereby covenant and agree to adhere to the requirements of the community on-site sewage disposal system as established by the Yakima Health District/Department of Health and as designed under the recorded Declaration of Covenants for Community On-Site Sewage Disposal System to provide for its perpetual maintenance. Individual septic systems may not be installed on any of these lots.
30. In accordance with YCC 19.25.045(3) the purchaser(s) and lessee(s) of Lots 1-16 hereby agree to connect to an available regional sewer system and area-wide public water system within 12 months of the system being located adjacent to the lots within the subdivision and to participate in a future local improvement district if this method is used to extend sewer.
31. Purchaser(s) and lessee(s) are hereby notified that Lots 1-16 have been provided water by Nob Hill Water Association. Individual wells may not be installed on any of these lots.
32. The owners shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site. Any natural drainageways must not be altered or impeded.
33. Natural Resources Conservation Service soils data, as depicted by the Yakima County GIS Department, indicate the parcel has shallow depth to groundwater, shallow depth to hardpan, and/or poorly draining soils that may make compliance with requirements to retain runoff on site difficult or limiting, depending on the

amount and type of current and future site development and available engineering solutions.

34. Yakima County GIS contour information indicates the presence of drainageways on the parcel that may limit the amount and location of future development.

**Attachments:**

- A. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
- B. Internal Comments
- C. Department of Ecology Comment Letter (March 6, 2020)
- D. Yakima-Tieton Irrigation District Comment Letter – June 2, 2020 (Received June 5, 2020)
- E. Foster Comment Letter – Received March 23, 2020
- F. Response to Foster Comment Letter (April 27, 2020)
- G. Henderson Comment Letter – June 10, 2020
- H. YCC Chapter 19.17 Overlay Districts (Effective through February 19, 2020)
- I. Revised Site Plan

\Int2\Planning\Development Services\Projects\2020\ZON\ZON20-001\_Scenic Ranch LLC Long Subdivision\ZON20-001\_SUB20-004\_R-1\_ScenicRanch\_MPDO\_nm.docx

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

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



# Compliance, Extension, Expiration and Reinstatement (YCC 16B.07.050)

- (1) Compliance with Conditions and Safeguards of Project Permit. It is the affirmative duty of a project permit holder and the land owner (as applicant) to comply with any conditions made a part of the terms under which the approval of a project permit was granted as authorized by Yakima County Code. The applicant shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions. When the conditions of the project permit have been met within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the applicant shall provide a letter certifying that the conditions were met to the Administrative Official to document compliance.
- (2) Extension of Any Approved Project Permit. A valid project permit, other than a preliminary plat, may be extended one time only for up to one additional year by action of the Administrative Official.
  - (a) Requests for extensions shall be made in writing, shall be submitted to the Planning Division prior to the expiration date and shall be accompanied by the final approved site plan showing the location and size of any development or work already completed on the project. Such extension request shall present a timeline that identifies when each of the conditions of the decision has or will be completed and shall detail unique and special circumstances that prohibited the commencement or completion, or both, of the use authorized.
  - (b) The Administrative Official shall review the request without public notice or hearing and issue the decision within fourteen days from the receipt of the completed request. The Administrative Official may:
    - (i) Approve the extension based on a work schedule provided by the applicant to assure the work will be completed according to a modified schedule, or
    - (ii) Disapprove the extension.
  - (c) The Administrative Official shall mail the decision to the applicant and shall specify the decision as final unless appealed to the Hearing Examiner under the provisions of Chapter 16B.09 of this Title. Conditions of approval listed previously in the Notice of Decision issued pursuant to 16B.07.010 through 16B.07.030 of this Chapter may be appealed only according to the procedures and time periods specified in YCC 16B.09.010 and are not subject to appeal again following any decision or determination of the Administrative Official made under this Section 16B.07.050.

Attachment: A

(3) Failure to Complete Approved Permit Conditions within Specified Timeframe and Failure to Comply with Permit Decisions or Conditions.

- (a) Expiration. If compliance with the terms of the project permit approval has not occurred within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the project shall be considered expired by time limitation and the land use approval shall be null and void. Expiration of a project permit granted pursuant to Yakima County Code shall not be subject to appeal.
- (b) Violations. A project permit issued or processed pursuant to any applicable Title listed in YCC 16B.01.020 will be deemed in violation of this Code if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted are not being maintained. Such violations of project permit approval shall be subject to Chapter 16B.11 and other remedies available to Yakima County under any applicable law to enforce conditions of permit approvals, remedy land use and code violations or abate those violations including without limitation YCC Title 13.
- (c) Compliance agreement. The applicant and the County may enter into a compliance agreement to complete the required conditions subject to appropriate fees to compensate the County in preparing, recording and implementing the compliance agreement. On terms acceptable to the Administrative Official, in his or her sole discretion, the County may offer an extension of time to complete the required conditions of approval subject to appropriate fees to compensate the County in preparing, recording and implementing any such compliance agreement; provided, however, that no compliance agreement may be used in lieu of the permit process to remove or negotiate conditions of approval.

(4) Reinstatement. Where a project permit has expired, the applicant may apply to have the permit reinstated and the work authorized by the original permit can be recommenced, provided the following are met:

- (a) The applicant submits a written request not more than sixty days after the original permit or authorized extension expired.
- (b) The applicant provides a timeline for successful achievement of all conditions upon which the Administrative Official can agree.
- (c) The codes under which the original permit was issued and other laws which are enforced by Yakima County have not been amended in any manner which affects the work authorized by the original permit.
- (d) No changes have been made or will be made in the original plans and specifications for such work.
- (e) The applicant submits a reinstatement fee. The fee for a reinstated permit shall be seventy percent of the amount required for a new project permit pursuant to YCC Title 20.
- (f) Where the request for reinstatement does not comply with all of the preceding criteria in this Subsection, a new project permit application must be submitted and processed as a new project, at full permit fees.



## Division Comments

Attachment: B

ZON2020-00001

| DATE      | STATUS | TASK                    | ACTION BY           | STATUS                   | COMMENTS   |
|-----------|--------|-------------------------|---------------------|--------------------------|--|
| 2/10/2020 |        | Address Review          | Jase K Testerman    | Comments<br>Not Required |  |
| 2/11/2020 |        | Building Review         | Kimberly Villarruel | Complete                 | No flood plains located on parcel. Building permit required for proposed structures in addition to fire w/Conditions code and supplemental permits as needed.  |
| 2/18/2020 |        | Code Enforcement Review | Noelle Madera       | Comments<br>Not Received |  |
| 2/12/2020 |        | Current Planning Review | Noelle Madera       | Complete                 |  |
| 2/12/2020 |        | Environmental Review    | Byron J Gumz        | Complete                 | Reviewed under SEP2020-00005   |
| 2/10/2020 |        | Fire Review             | Chris M Pedersen    | Comments<br>Not Required |  |
| 2/18/2020 |        | Flood/Hazard Review     | Noelle Madera       | Comments<br>Not Received |  |
| 2/10/2020 |        | Health Review           | Ted J Silvestri     | Complete                 | This project is proposed to be served by Nob Hill Water. The septic system(s) for this project are to be community septic systems and must follow the Yakima Health District process for community septic systems. Guidance on community septic systems was given to the applicant at the meeting. Alternatively, a large on-site septic system may be used. Large on-site septic systems are regulated by the State Department of Health. Test holes will be required before a determination can be made regarding septic system suitability on this project. YHD has no objections to the rezone.  |
| 2/12/2020 |        | Long Range Review       | Noelle Madera       | Complete                 |  |
| 2/11/2020 |        | Transportation Review   | Jamie D West        | Complete                 | The proposed master planned development overlay has no significant impacts to the existing Yakima County Roadway System.   |
| 2/18/2020 |        | Utility Review          | Noelle Madera       | Comments<br>Not Received |  |
| 2/10/2020 |        | Water Resources Review  | Dianna L Woods      | Complete<br>w/Conditions | This proposal is located within the Yakima County Stormwater Management Utility. Stormwater must be retained on site. A Stormwater Plan with supporting documentation will be required for this project (SUB) and approval of the Plan by Yakima County Public Services is required prior to any land disturbance and issuance of building permits. This includes road construction and utility installation. Best Management Practices (BMPs) for subdivisions may also be required. The pathways and recreation areas must also be included in the stormwater analysis to minimize the risk of stormwater flowing off-site and over the rocky bluff on the north end of parcel. The ability to use drainage swales and roadside ditches may be limited or prohibited due to the parcel's slope and shallow soils on the north end. A Washington State Department of Ecology Construction Stormwater Permit will be required and must be reviewed for completeness by Yakima County prior to soil disturbance. Yakima Regional Stormwater and Low Impact Design Manuals are posted on the County stormwater web site, <a href="http://www.co.yakima.wa.us/1732/Stormwater-Management">http://www.co.yakima.wa.us/1732/Stormwater-Management</a> . These manuals are equivalent to the Eastern Washington Stormwater Manual and may be used for guidance. A stormwater plan checklist link is also located on this web site to assist the applicant in submitting a complete plan. Natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250. Drainageways include the two draws arriving from the west and east that merge near the center of the parcel. Easements for the natural drainageways may be required which could affect lot layout. The need for drainageway easements will be determined as part of the stormwater plan review. Conditions required before land disturbance. * A stormwater plan must be submitted and approved before any ground disturbance occurs or building permits are issued. Ground disturbance includes grading, vegetation removal and utility installation. * The stormwater plan review includes evaluation of the application for Washington State Department of Ecology Construction Stormwater Permit. On-going conditions. * Stormwater must be retained on site. * Any natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250. |



## Division Comments

### SUB2020-00004

| DATE      | STATUS                  | TASK                | ACTION BY             | STATUS  | COMMENTS |
|-----------|-------------------------|---------------------|-----------------------|---|----------|
| 2/10/2020 | Address Review          | Jase K Testerman    | Complete w/Conditions | Primary proposed roadway name conflicts with Title 13.26.070(1)(a)(iii) of the County code which states, "Variations of the same name with a different road designation shall not be used (i.e., Maple Avenue, Maple Road, Maple Drive)." The applicant will be required to submit a "Road Naming Application" to the County Roads Department for approval and the name chosen for the naming application will need to be shown on the face of the final plat.  |          |
| 2/11/2020 | Building Review         | Kimberly Villarruel | Complete w/Conditions | No flood plains located on parcel. Building permit required for proposed structures in addition to fire code and supplemental permits as needed.  |          |
| 2/18/2020 | Code Enforcement Review | Noelle Madera       | Comments Not Received |   |          |
| 2/12/2020 | Current Planning Review | Noelle Madera       | Complete              |   |          |
| 2/12/2020 | Environmental Review    | Byron J Gumz        | Complete              | Reviewed under SEP2020-00005  |          |
| 2/10/2020 | Fire Review             | Chris M Pedersen    | Complete w/Conditions | Must meet fire apparatus access requirements including but not limited to width, turnouts, turnarounds, all weather surface and grade of no greater than 10%. (Ordinance 503.1, Appendix D of the International Fire Code) Fire Flow will be required (Ordinance and International Fire Code 507.3, Appendix B of the International Fire Code) All buildings will need to obtain proper building and fire safety permits.   |          |
| 2/18/2020 | Flood/Hazard Review     | Noelle Madera       | Comments Not Received |   |          |
| 2/10/2020 | Health Review           | Ted J Silvestri     | Complete w/Conditions | This project is proposed to be served by Nob Hill Water. The septic system(s) for this project are to be community septic systems and must follow the Yakima Health District process for community septic systems. Guidance on community septic systems was given to the applicant at the meeting. Alternatively, a large on-site septic system may be used. Large on-site septic systems are regulated by the State Department of Health. Test holes will be required before a determination can be made regarding septic system suitability on this project.  |          |
| 2/12/2020 | Long Range Review       | Noelle Madera       | Complete              |   |          |
| 2/11/2020 | Transportation Review   | Jamie D West        | Complete w/Conditions | The private road will need to provide access for parcel 18131713421, as proposed. Approval of the MPDO (ZON2020-001) is required in order to allow the private road serving 16 or more lots. If approved the proposed private roadway is allowed per YCC 19.23.050. Per YCC 19.23.050 The proposed roadways may not be private as they will serve more than 16 lots. "(b) Serving 16 lots or development that generates 160 or more daily vehicle trips, unless located within an approved rural master planned resort or urban master planned development." The proposed roadway must meet the standards of YCC 19.23.050 and AASHTO. The applicant's engineer will need to submit an as built design or an analysis that is stamped by a WA State licensed engineer. As proposed, the private roadway will generally meet the same standards as a public roadway; instead of installing a sidewalk the applicant is proposing a meandering walkway that meets the legislative intent of providing infrastructure that supports all users and meets clause (v) of YCC 19.23.050 (Pedestrian facilities that meet AASHTO guidelines for a separated multi-user trail or sidewalk shall be provided from all lots and units to the nearest public road or trail in Urban Growth Areas and the Rural Settlement zoning district) Illumination is required - Yakima County Standard design does not need to be used. Decorative lighting or other alternatives can be proposed. Tract C has minimal frontage to Scenic Drive, a majority of which will encompass the private road. No frontage improvements required. Single Family Residences are evaluated at 10 trips per day. The estimated impact of this development is 160 ADT. This amount of traffic will not have a significant adverse impact to the public roadway. A traffic impact analysis will not be required in conjunction with the application. No off-site mitigation will be required. |          |
| 2/18/2020 | Utility Review          | Joe E Stump         | Comments Not Required |   |          |

SUB2020-00004

| DATE      | STATUS | TASK ▲                     | ACTION BY      | STATUS                | COMMENTS   |
|-----------|--------|----------------------------|----------------|-----------------------|--|
| 2/10/2020 |        | Water Resources Review     | Dianna L Woods | Complete w/Conditions | <p>This proposal is located within the Yakima County Stormwater Management Utility. Stormwater must be retained on site. A Stormwater Plan with supporting documentation will be required for this project (SUB) and approval of the Plan by Yakima County Public Services is required prior to any land disturbance and issuance of building permits. This includes road construction and utility installation. Best Management Practices (BMPs) for subdivisions may also be required. The pathways and recreation areas must also be included in the stormwater analysis to minimize the risk of stormwater flowing off-site and over the rocky bluff on the north end of parcel. The ability to use drainage swales and roadside ditches may be limited or prohibited due to the parcel's slope and shallow soils on the north end. A Washington State Department of Ecology Construction Stormwater Permit will be required and must be reviewed for completeness by Yakima County prior to soil disturbance. Yakima Regional Stormwater and Low Impact Design Manuals are posted on the County stormwater web site, <a href="http://www.co.yakima.wa.us/1732/Stormwater-Management">http://www.co.yakima.wa.us/1732/Stormwater-Management</a>. These manuals are equivalent to the Eastern Washington Stormwater Manual and may be used for guidance. A stormwater plan checklist link is also located on this web site to assist the applicant in submitting a complete plan. Natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250. Drainageways include the two draws arriving from the west and east that merge near the center of the parcel. Easements for the natural drainageways may be required which could affect lot layout. The need for drainageway easements will be determined as part of the stormwater plan review. Conditions required before land disturbance. * A stormwater plan must be submitted and approved before any ground disturbance occurs or building permits are issued. Ground disturbance includes grading, vegetation removal and utility installation. * The stormwater plan review includes evaluation of the application for Washington State Department of Ecology Construction Stormwater Permit. On-going conditions. * Stormwater must be retained on site. * Any natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250.</p> |
| 2/12/2020 |        | Zoning/Sub Planning Review | Noelle Madera  | Complete              |  |



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

March 6, 2020

Byron Gumz  
Yakima County Planning Division  
128 North 2nd Street  
4<sup>th</sup> Floor Courthouse  
Yakima, WA 98901

Re: ZON2020-00001, SUB2020-00004, SEP2020-00005

Dear Byron Gumz:

Thank you for opportunity to comment on the pre-threshold determination for the Scenic Ranch Master Planned Development. 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](mailto:valerie.bound@ecy.wa.gov).

#### WATER QUALITY

##### Project with Potential to Discharge Off-Site

If the project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.

The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by

Attachment: C

Byron Gumz

March 6, 2020

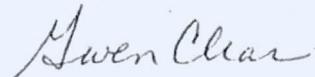
Page 2

stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.

In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control and is subject to enforcement action.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact **Lloyd Stevens, Jr.** at the Dept. of Ecology, 509-574-3991, with questions about this permit.

Sincerely,



Gwen Clear

Environmental Review Coordinator

Central Regional Office

509-575-2012

[crosepa@ecy.wa.gov](mailto:crosepa@ecy.wa.gov)

202001114

## Noelle Madera

**From:** ECY RE CRO SEPA Coordinator <[crosepa@ecy.wa.gov](mailto:crosepa@ecy.wa.gov)>  
**Sent:** Friday, March 6, 2020 12:20 PM  
**To:** Bryon.Gumz@co.yakima.wa.us; Noelle Madera  
**Subject:** ZON2020-00001, SUB2020-00004, SEP2020-00005  
**Attachments:** 202001114 Scenic Ranch LLC.pdf  
**Importance:** High

Public Services (NVR)

MAR 11 2020

Lisa  Matt  David  Lynn   
Harold  Carmen

**CAUTION :** This email originated from outside of this organization. Please exercise caution with links and attachments.

Please see the attached comment letter for the Scenic Ranch Master Planned Development.  
Thank you,

Gwen Clear  
WA State Dept. of Ecology  
Regional SEPA Coordinator  
1250 W. Alder Street  
Union Gap, WA 98903-0009  
(509) 575-2012  
[crosepa@ecy.wa.gov](mailto:crosepa@ecy.wa.gov)



## ***YAKIMA-TIETON IRRIGATION DISTRICT***

TELEPHONE  
COWICHE  
(509)678-4101

OFFICE, TIETON HEADQUARTERS  
470 CAMP 4 ROAD  
YAKIMA, WA 98908

FAX  
COWICHE  
(509)678-5730

Public Services 

June 2, 2020

JUN 05 2020

Lisa  Matt  David  Lynn   
Harold  Carmen

Yakima County Planning  
128 N. 2<sup>nd</sup> St.  
4<sup>th</sup> Floor Courthouse  
Yakima, WA 98901

TO: Yakima County Public Services Department: Planning Division

RE: ZON2020-00001/SUB2020-00004/SEP2020-00005 Scenic Ranch Type-4 MPDO

Please find enclosed a copy of a letter sent to the Owner and the Agent associated with the above referenced project on February 28, 2020.

The purpose of this letter is to inform the Planners that this project is within the Yakima-Tieton Irrigation District boundaries and has irrigation water shares appurtenant to it. This project must include irrigation water distribution to all lots created by the Plat.

Thank you for the update on the progress of this project and the opportunity to comment.

Regards,



John Dickman  
YTID Assistant Manager

Encl: February 28, 2020 letter to Owner and Agent

Attachment: 

## ***YAKIMA-TIETON IRRIGATION DISTRICT***

TELEPHONE  
COWICHE  
(509)678-4101

OFFICE, TIETON HEADQUARTERS  
470 CAMP 4 ROAD  
YAKIMA, WA 98908

FAX  
COWICHE  
(509)678-5730

February 28, 2020

HLA Engineering and Land Surveying, Inc.  
Attn: Mike Heit  
2803 River Road  
Yakima, WA 98902

Dear Mike Heit,

The Notice sent to us from Yakima City Planning Department has made Yakima-Tieton Irrigation District aware of your proposed Plat:

Subject: ZON2020-0001/SUB2020-00004/SEP2020-00005 Scenic Ranch Type-4 MPDO

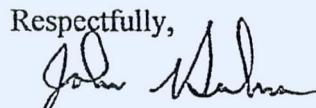
PARCEL NUMBER: 181317-13423

Some or all of the above listed property lies within the District's boundaries and have irrigation shares and/or frost water. In Resolution 97-5, the Board of Directors of Yakima-Tieton Irrigation District requires the owner and or developer, provide for irrigation rights-of-way and for completed irrigation water distribution facilities for lands within the District that are classified as irrigable and having appurtenant District shares. The District is required to sign the short plat to confirm that these requirements are met.

There will need to be Agreement documents created by Yakima-Tieton Irrigation District and signed by the Developer before the District will sign the Plat.

Please contact us so we can discuss private irrigation easements and irrigation delivery options.

Respectfully,



John Dickman  
Assistant Manager

Cc: Scenic Ranch LLC

Public Services ( )

SUBJ: ZON2020-00001/SUB2020-00004/SEP2020-00005

MAR 23 2020

Tax Parcel No.: 181317-13423

Lisa  Matt  David  Lynn   
Harold  Carmen

To Whom It May Concern:

We have been residents of 1101 Scenic Canyon Lane (parcel 13426-13427) for 25 years. It was our understanding that the land next to us in question was deemed farm land, making us wonder how it was able to so quickly be transferred into residential property ready to be developed? Additionally, the lower parcel 13423, we understood could only be subdivided into smaller parcels over extended periods of time. We question how this issue was worked around and how sixteen lots are now available?

Following is an extended list of questions that we would appreciate response to in this process:

- What is the housing development layout / lot map?
- Will the development be gated?
- What building requirements and CC&Rs will be in place? Will there be a minimum square footage requirement? How can we be assured that the development is of the same standard as the surrounding community and will not reduce the value of our property / home?
- What is the size and location of the on-site community septic system? Will its location adversely affect my property?
- Will there be a master plan development review required by the city and will neighboring land owners have the opportunity to comment?

Thank you for your time and response.

Craig & Jennifer Foster

Attachment: E

Foster  
101 Scenic Canyon Ln.  
Yakima WA.  
98908

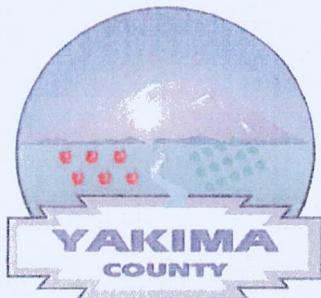


Yakima County planning division  
128 N. 2nd St.  
4th floor Courthouse  
Yakima, WA 98901

RECEIVED  
MAR 23 2020  
PS ACCOUNT

98901-2639 C001

00000000000000000000000000000000



# Public Services

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

*LISA H. FREUND – Director*

April 27, 2020

Craig & Jennifer Foster  
1101 Scenic Canyon Ln.  
Yakima, WA 98908

Re: Scenic Ranch Master Planned Development Overlay/Subdivision (ZON2020-00001/SUB2020-00004/SEP2020-00005)

We received your comment letter in reference to the above-mentioned proposal. Your letter included several questions; however, you did not include any contact information.

The answers to many of the questions that you asked can be found in the application material. The notices that we send include a link to a website that information on the proposal can be found. For your convenience I have included the application material with this letter. Please review the enclosed material for the answers to some of your question.

A proposal like this provides a few opportunities to comment. First, there will be another request for comment that will be sent to you in which you can respond in writing. Please feel free to respond during this comment period on any follow up questions that you don't feel were answered after reviewing the application materials. Second, there will be an open record hearing before a Hearing Examiner. The date for that hearing has not yet been determined, but you will be notified when it is scheduled. That is an opportunity for you to provide public comment. Finally, there will be a closed record hearing before the Board of Yakima County Commissioners. You can attend and comment during that hearing, but since it is closed record you can only discuss issues that you have previously commented on (no new information).

Prior to the open record hearing, I will issue a recommendation on behalf of Yakima County Planning. This recommendation will be available at the same website that is on the notice. Your comments will be addressed in that staff report, so be sure to review it prior to the open record hearing. Please call or email prior to the hearing if you are having trouble finding this.

I hope this helps give you a better idea of the process. If you have further questions please call or email me at 509-574-2300 or [noelle.madera@co.yakima.wa.us](mailto:noelle.madera@co.yakima.wa.us).

*Noelle Madera*

Noelle Madera  
Senior Project Planner

Attachment: F

Craig and Jennifer Foster  
1101 Scenic Canyon Ln.  
Yakima, WA 98908

FILE NO.: ZON2020-00001/SUB2020-00004/SEP2020-00005  
Comment Letter Response

**AFFIDAVIT OF MAILING**

STATE OF WASHINGTON )  
: ss.  
COUNTY OF YAKIMA )

I, Eva Rivera, being first duly sworn, and as an employee of the Yakima County Public Services, Planning Division, dispatched through the United States Mails, a Comment Letter Response, a true and correct copy of which is enclosed herewith; that Comment Letter Response was addressed to the adjoining property owner, that said party is individually listed on the Mailing List retained by the Planning Division and that said response was mailed by me on the 27<sup>th</sup> day of April 2020.

That I mailed said response in the manner herein set forth and that all of the statements are made herein are just and true. Dated this 27<sup>th</sup> day April 2020.



Eva A. Rivera  
Office Specialist

JUN 10 2020

Date: June 10th, 2020

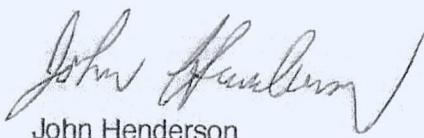
To: Yakima County Public Services Department: Planning Division  
From: John Henderson 1011 Scenic Canyon Ln. Yakima, WA 98908  
Subject: ZON2020-00001/SUB2020-00004/SEP2020-00005 Scenic Ranch Type-4  
Master Planned Development Overlay (MPDO) and 16 lot Long Plat Subdivision  
Threshold Determination- Determination of Non-Significance (DNS)

Lisa  Matt  David  Lyn  
Harold  Carmen 

I am concerned about the environmental impact of a large on-site community septic system being placed on the edge of Cowiche Canyon in close proximity to Cowiche Creek; an environmentally sensitive area. Your agency has determined that an Environmental Impact Statement is not necessary, which I believe is a wrong decision. To my understanding, this septic system was vested under a loophole in the Master Planned Development code provisions; this loophole has since been closed. Approval through a loophole only reinforces my opinion that this approval without an EIS is highly questionable.

Scenic Ranch LLC owns the adjacent land to the west (24408,24409,24410) that is zoned R-1, but presently is in agriculture. In the Scenic Ranch Master Development Overlay response to question 19, it is stated that "impacts from the existing farming operations will be eliminated". One may assume that future residential development will follow on this property, some of which abuts Cowiche Canyon as well. Setting the precedent of a large on-site community septic system on the edge of the Canyon may have further negative impacts on the canyon in the future.

Thank you for consideration of my concerns.

  
John HendersonAttachment: G

## Chapter 19.17 OVERLAY DISTRICTS

Sections:

- 19.17.010 Legislative Intent
- 19.17.020 Applicability of Overlay Development Standards
- 19.17.030 Airport Safety Overlay District (ASO)
- 19.17.040 Master Planned Development Overlay District (MPDO)
- 19.17.050 Greenway Overlay District (GO)

### **19.17.010 Legislative Intent.**

Overlay districts are established to coordinate the provisions established in this Title with the goals, policies and standards adopted in other plans and ordinances. They are intended to provide flexibility for master planned developments and to provide protection for state and federal system airports and for the Yakima River Greenway.

### **19.17.020 Applicability of Overlay Development Standards.**

(1) Applicability.

This Chapter shall apply when all or a portion of a development, or modification thereto, is proposed within the boundaries of an overlay district and when changes to the area of an overlay district is proposed.

(2) Special Development Standards for the Overlay Districts.

This Chapter specifies certain standards that under special circumstances may apply to, or be required for approval of, a proposed development or modifications to development. The adopted plans, programs and regulations listed below shall be implemented, as applicable, for a use proposed within the indicated overlay district.

| OVERLAY DISTRICT                   | PLANS, PROGRAMS, REGULATIONS   |
|------------------------------------|--|
| Airport Safety Overlay             | Yakima Air Terminal at McAllister Field Master Plan and comprehensive plans.   |
| Master Planned Development Overlay | The particular Master Development Plan adopted when the MPDO was established, or as subsequently amended.                            |
| Greenway Overlay                   | Yakima Greenway Foundation Master Plan Update 1995, or subsequent revisions, as adopted by the Board of Yakima County Commissioners. |

(3) Project Review in Greenway and Master Planned Development Overlay Districts.

To assure the appropriate standards are applied, the following uses, when located within the Greenway Overlay District or the Master Planned Development Overlay District, unless otherwise specified, shall be reviewed as provided below. ~~Provided that uses within the~~

**Attachment: H**

Master Planned Development Overlay District that are approved in a Master Development Plan shall be reviewed subject to Type 1 review.

- (a) All Type 1 (permitted) uses shall be subject to Type 2 review.
- (b) All Type 2 (administrative) uses shall be subject to Type 2 review.
- (c) All Type 3 (conditional) uses shall be subject to Type 3 review.

(4) Decision Authority.

A Reviewing Official may approve, condition, or deny approval of any use, development, or modification thereto, in an overlay based on the provisions set forth and adopted by this Chapter.

**19.17.030 Airport Safety Overlay District (ASO).**

(1) Legislative Intent.

The Airport Safety Overlay is intended to protect the airspace around State and Federal system airports from airspace obstructions or hazards and incompatible land uses in proximity to The Yakima Air Terminal at McAllister Field and the Sunnyside Municipal Airport or other public airports within defined airspace per Federal Aviation Regulations (FAR), Part 77. In addition to regulations of the principal use district, the Airport Safety Overlay includes provisions for:

- (a) Preserving land adjacent to the airport for future commercial and industrial development; and
- (b) Assuring land uses locating near the airport are compatible with noise, height obstruction and other impacts from the airport operation.

(2) Application of Airport Safety Overlay Provisions.

(a) Applicability.

All zoning districts regulated under this Title lying within the Airport Safety Overlay are subject to the requirements of this overlay, except as may be otherwise stated.

(b) Definition.

The Airport Safety Overlay contains those spaces lying over and under the areas defined by Federal Aviation Regulations (FAR), Part 77 as imaginary surfaces and the Runway Protection Zone(s) as illustrated on the Airport Layout Plan (ALP) and zoning map, and comprised of two parts.

(i) Primary Airport Safety Overlay.

The primary Airport Safety Overlay area addresses land use compatibility with airport operations and structure height. Located in an area bounded by the limits of the runway protection zone and the Federal Aviation Administration (FAA) defined approach and transitional surfaces within the conical surface area; and

(ii) Secondary Airport Safety Overlay.

The secondary Airport Safety Overlay principally addresses structure height, particularly where a structure may constitute an incompatible land use under this Title. It is bounded by the exterior of the conical surface and the approach, and transitional approach surfaces extending beyond the conical surface.

(3) Permitted Uses.

(a) Height Limit.

The uses listed in the Allowable Land Use Table 19.14-1 in Chapter 19.14 as Permitted Uses shall be subject to the height restrictions in Subsection 19.17.030(6) or Chapters 19.11 through 19.13, whichever is more restrictive. No separate application for a Permitted Use in the Airport Safety Overlay is required, provided the Reviewing Official can determine that the proposed structure or use:

- (i) Does not constitute a potentially incompatible land use;
- (ii) Will not exceed 35 feet in height; or, if greater than 35 feet in height, will not penetrate the approach, transitional, horizontal, or conical surface zones of the airport for any existing or planned approaches as defined by FAR, Part 77; and
- (iii) Is not within a designated runway protection area or an identified future 65 Day Night Average Sound Level (DNL) aircraft noise impacted area within the airport master plan or the FAA approved airport layout plan. Such structures and uses shall be subject to the limitation of Subsection 19.17.030(6) and to recording an aviation easement.

(b) Potentially Incompatible Land Uses.

Type 1 Permitted Uses shall be subject to Type 2 application and review procedures under Subsection 19.17.030(5) Application Requirements where the use is a potentially incompatible land use, as defined in Section 19.01.070, or where the Reviewing Official cannot make a determination as required in Subsection 19.17.030(3)(a) above.

(4) Administrative and Conditional Uses.

(a) The Administrative and Conditional Uses are subject to:

- (i) The height restrictions in Subsection 19.17.030(6) and in Chapters 19.11 through 19.13, whichever are the more restrictive;
- (ii) The provision of Chapters 19.11 through 19.13 and any other review criteria for the use required by the underlying zoning district; and
- (iii) A determination that the use is not incompatible with the airport or can be appropriately conditioned to mitigate airport safety concerns such as noise impacts.

(b) Where an airspace hazard has been determined to exist by the Reviewing Official, the FAA determination on obstructions and hazards to air navigation shall be balanced with special consideration for unique characteristics of local terrain, reporting points for pilots using Visual Flight Rules (VFR), airport operations, and development patterns.

(5) Application Requirements.

(a) Applications for uses within the Airport Safety Overlay established by this Chapter, when required, shall include the following information:

- (i) Property boundary lines as they relate to the boundaries of the primary and secondary Airport Safety Overlay;
- (ii) Location, elevation and height of all existing and proposed buildings, structures, utility lines, and trees taller than 35 feet in height;
- (iii) A description of the proposed use; and

- (iv) A statement of compatibility from the airport manager when the use is located within the Airport Safety Overlay relative to the impact of the use on airport operations and safety.
- (b) In consideration of an application for a building, structure, or other use that will exceed 35 feet in height, the Reviewing Official may require the applicant to submit either of the following:
  - (i) A certificate from a registered professional engineer or a licensed land surveyor that states that no airspace obstruction will result from the proposed use, or
  - (ii) Either or both of the following:
    - A. The maximum elevations of proposed structures based on the established airport elevation and U.S. Geological Survey (USGS) datum. Elevations shall be determined by a registered professional engineer or a licensed land surveyor, accurate to plus or minus one foot shown as mean sea level elevation or other available survey data. The accuracy of all elevations shall be certified by the engineer and surveyor; and/or
    - B. A map of topographic contours with not more than five foot intervals, showing all land within 100 feet of the proposed structure(s) for which the permit is being sought. This map shall also bear the verification of a licensed land surveyor or registered professional engineer.

(6) Height Limitations and Additional Requirements.

- (a) A building, structure, communication tower, use or tree that penetrates the FAA designated imaginary surfaces constitutes an obstruction within the Airport Safety Overlay. Therefore, the allowable height of any building, structure, communication tower, use or tree with the Airport Safety Overlay shall conform to the following:
  - (i) No building, structure, communication tower, use or tree at its proposed location shall penetrate any FAR; Part 77 designated imaginary surfaces of an airport;
  - (ii) Structures may penetrate the imaginary surfaces when the Reviewing Official, in consultation with Washington State Department of Transportation (WSDOT) Aviation Division or the airport manager, can determine the structure is not likely to constitute an airspace hazard;
  - (iii) The Reviewing Official may require lights or markers as a warning to aircraft on the building, structure, communication tower, use or tree(s), or to top the tree to reduce the height when recommended by the FAA, WSDOT Aviation Division or the airport manager. Lights and markers shall meet FAA specifications; and
  - (iv) Notwithstanding any other provision of this Title, the Reviewing Official shall not approve any buildings, structures, communication tower, use or tree when the FAA has designated it a hazard to air navigation.
- (b) Whenever the height limitation of this Section differs from those of any other Section of this Title, or is adopted by another local ordinance or regulation, the more restrictive limitation shall apply.
- (c) No use or activity shall take place within the Airport Safety Overlay in such a manner as to: make it difficult for pilots to distinguish between airport lights and others;

create electrical interference with navigational signals or radio communication between the airport and aircraft; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird-strike hazards; or otherwise create a hazard that may endanger the landing, takeoff, or maneuvering of aircraft to use the airport.

- (d) The regulations prescribed by this Chapter shall not be construed to require a property owner to remove, lower, or make changes or alterations to any structure that legally existed prior to the effective date of this Chapter, except as compelled by state or federal regulation. However, such structures shall be considered nonconforming if such structure is in conflict with these regulations.
- (e) An aviation easement and deed declaration that recognizes the preexistence of the airport and the right of over flight shall be recorded for all uses within the approach and transitional surfaces of the conical surface area.

(7) New Airports, Heliports and Landing Fields.

Section 19.18.040 contains special provisions for new airports, heliports and landing fields.

**19.17.040 Master Planned Development Overlay District (MPDO).**

(1) Legislative Intent.

The Master Planned Development Overlay is intended to allow larger scale, mixed-use developments in selected areas within Urban Growth Areas where certain development requirements may be modified to promote an integrated approach to planning and site design. The County finds that such developments require special review and conditioning to ensure adjacent areas are preserved and protected. An MPDO is specifically intended to accomplish the following:

(a) Regulatory Flexibility and Incentives.

A Master Planned Development Overlay is a comprehensive development plan intended to provide flexibility in design and building placement, promote attractive and efficient environments that incorporate a variety of uses, densities and/or dwelling types, provide for economy of shared services and facilities, and economically utilize the land, resources and amenities. A Master Planned Development Overlay is intended to create regulatory incentives and standards that:

- (i) Allow flexibility in development standards, densities and permitted uses while ensuring compatibility with neighboring uses. Facilitate the efficient use of land and provide for a comprehensive review of integrated development projects;
- (ii) Increase economic feasibility by fostering efficient arrangement of land use, buildings, transportation systems, open space and utilities;
- (iii) Provide certainty regarding the character, timing and conditions for planned residential, commercial, industrial and mixed use development within an identified geographic area and vest such projects through a public review process;
- (iv) Provide needed services and facilities in an orderly, fiscally responsible manner;
- (v) Promote economic development;
- (vi) Create vibrant mixed-use neighborhoods, with a balance of housing, employment, commercial and recreational opportunities; and

(vii) Promote consistency with the goals, policies and objectives of the Comprehensive Plans.

(b) Accommodate Large Developments.

A Master Planned Development may take the form of a residential, commercial, industrial or mixed-use development. Each is intended to accommodate and facilitate larger scale development designed to accomplish integrated and flexible site planning. Residential, Commercial and Industrial Master Planned Developments shall be allowed in zoning districts consistent with the primary use of the respective Master Planned Development (e.g., residential Plan Development in residential zones). A Master Planned Development mixed use shall be permitted in any zoning district subject to specific findings that the site and master concept plan are compatible with existing adjacent land uses.

(c) Innovation.

Applicants for Master Planned Development will be encouraged to utilize unique and innovative facilities that encourage the efficient and economical use of the land; promote a sound system for traffic and pedestrian circulation; promote open space and use of natural and/or developed amenities; and provide an architecturally attractive, durable and energy efficient development.

(2) Types of Master Planned Development Overlays – Permitted Uses.

(a) Types.

The following four types of Master Planned Development Overlays are authorized within the Urban Growth Area:

(i) Master Planned Development – Residential.

A residential Master Planned Development is designed to provide a type or mixture of residential dwellings (single-family, two-family, or multiple-family) with attendant streets, utilities, public facilities and appurtenant common open space and recreational facilities or other areas or facilities. A residential Master Planned Development is authorized in any residential zone (Suburban Residential, Single Family Residential, Two Family Residential and Multi-Family Residential) and Professional Business (B-1) and Local Business (B-2) zones. The residential Master Planned Development may include incidental or supporting uses and facilities consistent with the densities and primary use of the site for residential dwelling units;

(ii) Master Planned Development – Commercial.

A commercial Master Planned Development is designed for the integrated site planning of commercial, retail, office or mixed commercial use (commercial, office and retail) developments. The commercial Master Planned Development shall provide commercial services and facilities, and may include any incidental and/or supportive land uses. A commercial Master Planned Development is authorized in any commercial or business district (i.e., B-1, B-2, SCC, LCC, GC), and Light Industrial (M-1) district as identified in Chapter 19.13;

(iii) Master Planned Development – Industrial.

An industrial Master Planned Development is designed to allow for the innovative site planning of industrial land uses and facilities, industrial parks and business parks. The industrial Master Planned Development shall be

allowed in Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts as designated in Chapter 19.13; and

(iv) Master Planned Development – Mixed Use.

- A. The intent of the Mixed Use Master Planned Development is to encourage the innovative mixture of residential, office, commercial, retail, and certain light manufacturing uses. Uses may be combined in single structures or buildings or may be designed with other uses as designated in the Allowable Land Use Table 19.14-1 in Chapter 19.14; and
- B. A mixed use Master Planned Development is intended to accommodate larger scale residential, commercial, retail, office and/or recreational uses. Mixed use development will include innovative planning techniques; a mixture and variety of land uses; integrated planning of site improvements and structures; and site planning that increases the economic feasibility and efficient use of land. A mixed use Master Planned Development is authorized in any zoning district, except Heavy Industrial (M-2).

(b) Master Planned Developments - Permitted Uses.

The following uses are permitted in Master Planned Developments upon approval of a Master Development Plan:

(i) Residential Master Planned Developments.

- A. One-family, two-family and multifamily residences;
- B. Recreational and amusement facilities that serve the Master Planned Development and general public including, but not limited to, golf courses, clubhouses, restaurants, driving ranges, tennis courts, swimming pools, parks, community centers and playgrounds;
- C. Schools, libraries, museums, and art galleries;
- D. Public services and facilities including police and fire stations;
- E. Manufactured home park and subdivision, provided that Sections 19.18.280 and 19.34.080 shall be met as a condition of approval of the Master Planned Development; and
- F. Any other uses authorized in the underlying zone are under Type 1, 2 or 3 Review and are in this Title.

(ii) Commercial and Industrial Master Planned Developments.

- A. Uses are permitted under those uses allowed within the underlying zoning district as identified in Chapters 19.11 through 19.13; and
- B. Such other uses consistent with the Comprehensive Plans and Future Land Use Map or are of a similar type and intensity as those uses allowed in the Allowable Land Use Table 19.14-1 in Chapter 19.14.

(iii) Mixed Use Master Planned Development.

Any residential, retail, commercial, office, public, light industrial and/or recreational use may be permitted in a mixed use Master Planned Development, provided such uses are designed in harmony with the overall site plan and do not adversely impact adjoining properties and development. Uses may include a combination of residential, commercial, retail, service and recreational uses developed in an innovative manner. This overlay is

intended to provide flexibility in design, concept and usage in order to respond to and meet the needs of the community and marketplace.

(c) Additional Uses Allowed in Residential and Commercial MPDOs.

Unless otherwise restricted by this Title, the Hearing Examiner is authorized to recommend additional uses within a Master Planned Development, provided such uses are an integrated component of the development and not detrimental to surrounding land uses. Authorization of additional uses shall consider the following factors:

(i) Factors to Consider in Residential MPDOs.

- A. Any non-residential uses proposed in a Master Planned Development
  - Residential shall be primarily designed and intended for the residents within the proposed development and planned as an integral part of such Master Planned Development; and
- B. Non-residential uses within a Master Planned Development – Residential are limited to those uses allowed as Permitted or Administrative uses in Professional Business (B-1) and Local Business (B-2), as listed in the Allowable Land Use Table 19.14-1 in Chapter 19.14 of this Title. Such non-residential uses will be limited to only ten percent of the land in the Master Planned Development, except recreational facilities or as otherwise provided in this Title. No commercial or other intensive non-residential use may be closer to the boundary of any adjacent residential district than is permitted for the same use by the underlying zoning.

(ii) Factors to Consider in Commercial MPDOs.

Residential uses within a Master Planned Development – Commercial or Industrial shall be secondary to the primary commercial and industrial use as designed to be consistent with integrated site planning.

(3) Minimum Project Size.

The minimum project size for a Master Planned Development shall be ten acres. All properties in the Master Development Plan shall be contiguous, with logical outer boundaries.

(4) Application.

Applications for Master Planned Development Overlay - The Master Planned Development Overlay zone shall be established only with a Master Development Plan that sets forth the parameters for development of the property, including a Site Plan and Development Agreement. An application for a Master Planned Development may be submitted as a concept plan or consolidated with site specific proposals (e.g., preliminary plat, use applications, etc.) as provided in Chapter 19.30.060(12). The proposed master plan shall be for property under single ownership, or if in multiple ownerships, the master plan application shall be signed by each owner of the property within the master plan and all owners shall be bound by conditions of approval, including use, design and layout and development standards established through the hearing process. All properties in the master concept plan shall be contiguous with logical outer boundaries within in the Urban Growth Area (UGA).

(5) Review Process.

(a) Application.

The Master Planned Development Overlay application shall be reviewed using the minor rezone procedures described in Section 19.36.030 (Minor Rezone – Map Amendment), except the criteria of Subsection 19.36.060(1)(d) shall be used instead of the minor rezone decision criteria of 19.36.030(5). The binding site plan process is not available for MPDO applications. Upon filing of a complete Master Plan application and completion of the required environmental review process, the Planning Division shall forward the application, together with its recommendation, to the Hearing Examiner to conduct a public hearing and review in conformity with this Title and YCC Title 16B.

(b) Pre-Application Conference.

A Master Planned Development site plan shall be subject to a pre-application conference prior to formal submittal. The preliminary site plan shall be submitted to the Administrative Official, which shall include the material outlined for a master concept plan as set forth in Subsection 19.30.060(12)(b). The Administrative Official shall coordinate with the appropriate departments and provide recommendations to the applicant regarding site planning; use and concept design; street and utility layout; design and location; development standards and other matters pertinent to the application and review criteria.

(c) Public Hearing and Recommendation.

A Master Plan Development application shall be reviewed in an open record public hearing before the Hearing Examiner. Hearings shall be as prescribed in YCC Title 16B. The Hearing Examiner shall apply the Master Plan Development review criteria set forth herein and issue a written recommendation to the Board to approve, approve with conditions or deny the proposed Master Planned Development. The Hearing Examiner may add recommended conditions as necessary to protect the general public interest, health, safety, comfort and welfare from potential impacts, nuisances, hazards, or offensive conditions. The recommendation shall include findings, conclusions and conditions based on evidence and testimony in the open record public hearing.

(d) Master Plan Development – Review Criteria.

The Hearing Examiner shall evaluate a Master Planned Development application and other evidence submitted into the record, and shall issue such recommendation based upon the following considerations and criteria:

(i) The master plan development application demonstrates the economic and efficient use of land and provides for an integrated and consistent development plan for the site;

(ii) The applicant has identified development standards and uses that are consistent with the master plan and designed to be compatible with adjacent land uses after consideration of applicable mitigation and site design. The Hearing Examiner may consider development standards that are different from currently adopted development standards to provide flexibility in site planning; to implement project design and concepts; to respond to market conditions; or to otherwise achieve the public benefits contemplated by the concept plan;

(iii) Consideration shall be given to “low impact development” concepts;

- (iv) There will be adequate infrastructure capacity available by the time each phase of development is completed;
- (v) The Master Planned Development contains design, landscaping, parking/traffic management, and use mixture and location that limit or mitigate conflicts between the Master Planned Development and adjacent uses. Consideration shall be given to site planning that supports land use flexibility through means of appropriate setbacks, landscaping, site screening, buffers and other design features or techniques;
- (vi) All potential significant off-site impacts including noise, shading, glare and traffic have been identified and mitigation incorporated to the extent reasonable and practical;
- (vii) The project is designed and includes appropriate consideration of open spaces and transportation corridors, designs of street and public open space amenities, and results in the functional and visual appearance of one integrated project;
- (viii) The proposed development is not adverse to the public health, safety or welfare;
- (ix) The public benefits of approving the Master Planned Development outweigh the effect of modification of standards to the underlying zoning district; and
- (x) The proposed development is designed to be consistent with the Shoreline Master Program and Critical Areas Ordinance.

(e) Board of Yakima County Commissioners.  
Following receipt of the Hearing Examiner's recommendation, the Board shall schedule a closed record hearing for consideration of the Hearing Examiner's recommendation on the Master Planned Development Overlay application as provided in this Title and YCC Title 16B. Upon conclusion of said hearing, the Board may:

- (i) Accept the Hearing Examiner's recommendation;
- (ii) Remand the Master Planned Development application to the Hearing Examiner to provide supplementary findings and conclusions on specific issues;
- (iii) Modify Hearing Examiner's recommendation based upon testimony and evidence at the open record public hearing. In the event of a modification of the Hearing Examiner's recommendation, the Board shall enter its own modified findings of fact and conclusions of law as are necessary and consistent with their final determination; or
- (iv) Deny the application, with or without prejudice.

(f) Appeals.  
The Board's decision shall be the final decision on the project permit application, subject to appeal under the Land Use Petition Act (LUPA) – RCW Ch. 36.70C.

(g) Phased Development.  
The Master Planned Development Overlay application may include two or more phases of development provided that:

- (i) The development plan identifies phases of the project in sufficient detail to evaluate timing and coordination of phased development;
- (ii) The proposed timing or sequencing of development, recognizing that phasing may require flexibility responsive to market demands;

- (iii) Each phase will be subject to development standards identified, adopted and vested in the review process; and
- (iv) Each phase of a proposed master plan shall contain adequate infrastructure, landscaping and all other conditions in order to allow the phase to stand alone if no other subsequent phases are developed.

(h) Master Planned Development Overlay – Development Agreement.

An approved Master Planned Development Overlay (including conditions and development standards) shall be incorporated into a development agreement as authorized by RCW 36.70B.170. The development agreement shall provide for vesting of such development conditions and standards as deemed reasonable and necessary to accomplish the goals of the Master Planned Development for the duration specified in the agreement, not to exceed ten years. This agreement shall be binding on all property owners within the Master Planned Development and their successors and shall require development of the subject property be consistent with and implement the provisions of the approved Master Planned Development. The approved development agreement shall be signed by the majority of the Board and all property owners and lien holders within the boundaries of the Master Planned Development Overlay and recorded prior to approval and/or issue of any implementing plats or permits.

(i) Implementing Permits and Approvals.

- (i) Implementing Applications.  
Any development applications submitted for property within an approved Master Planned Development Overlay shall be reviewed for consistency with and implement the Master Planned Development plan. Implementing applications with appropriate fees shall include, but not be limited to, applications for preliminary plat approval, binding site plans, certificates of zoning review, building permits and other similar applications. Any subsequent application shall be reviewed and approved under the conditions and standards adopted in the Master Planned Development Overlay.
- (ii) Planned Action – Environmental Review.  
An applicant may submit a Master Planned Development concept plan as a planned action under WAC 197-11-164. Any project review under the authorized planned action shall include:
  - A. Verification that the project meets the description, and will implement any conditions or mitigation measures identified in the Master Planned Development approval and ordinance or resolution; and
  - B. Verification that the probable significant adverse environmental impacts of the project have been addressed in environmental review in the master plan review processes.

If the implementing project meets the above requirements, the Administrative Official may deem the project to qualify as the planned action designated in the master plan approval and a project threshold determination or EIS shall not be required. [WAC 197-11-172(2)]. The County may place conditions on the project to address significant impacts that were not fully addressed through the planned action process. Public notice for projects that qualify as planned actions shall be tied to the underlying permit.

## **19.17.050 Greenway Overlay District (GO)**

### **(1) Legislative Intent.**

The Board of Yakima County Commissioners adopted the Master Plan for the Yakima River Regional Greenway in 1976 to preserve and maintain the Yakima River as a natural resource for all citizens to enjoy. The Greenway boundaries were originally defined in 1977 by the state legislature with the creation of the Washington State Yakima River Conservation Area (RCW 79A.05.750 *et seq.*).

The Greenway corridor is classified by the Greenway Master Plan into natural, conservation and recreation areas. Each Greenway corridor area may contain various facilities developed by the Greenway Foundation, such as pathways, recreational sites, boat landings, park, playgrounds, campgrounds and group camps. Many of the Greenway facilities, such as trails, have been constructed on the top of existing dikes and levees. The Greenway provides access for levee maintenance and repair and to be responsible for damage to trails caused by flooding.

In addition to the principal use district, the purpose of the Greenway Overlay is to:

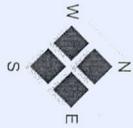
- (a) Make the Greenway accessible to the public;
- (b) Assure development conserves shoreline vegetation and controls erosion;
- (c) Implement the Yakima County Regional Shoreline Management Master Program and the Yakima River Regional Greenway Plan;
- (d) Limit development to activities dependent on a location in the Greenway;
- (e) Preserve and protect the fragile natural resources and culturally significant features along the Greenway;
- (f) Increase public access to publicly-owned areas of the Greenway where increased use is desirable;
- (g) Protect public and private properties from the adverse effects of improper development in hazardous shoreline areas; and
- (h) Give preferences to uses creating long-term over short-term benefits.

### **(2) Applicability.**

The Greenway Overlay District is designated by legislative action by the Board of County Commissioners and applies as an additional set of considerations in review of project permit applications under this Title. Changes to the boundaries of this district will be considered at the request of the Yakima Greenway Foundation.

### **(3) Design Standards.**

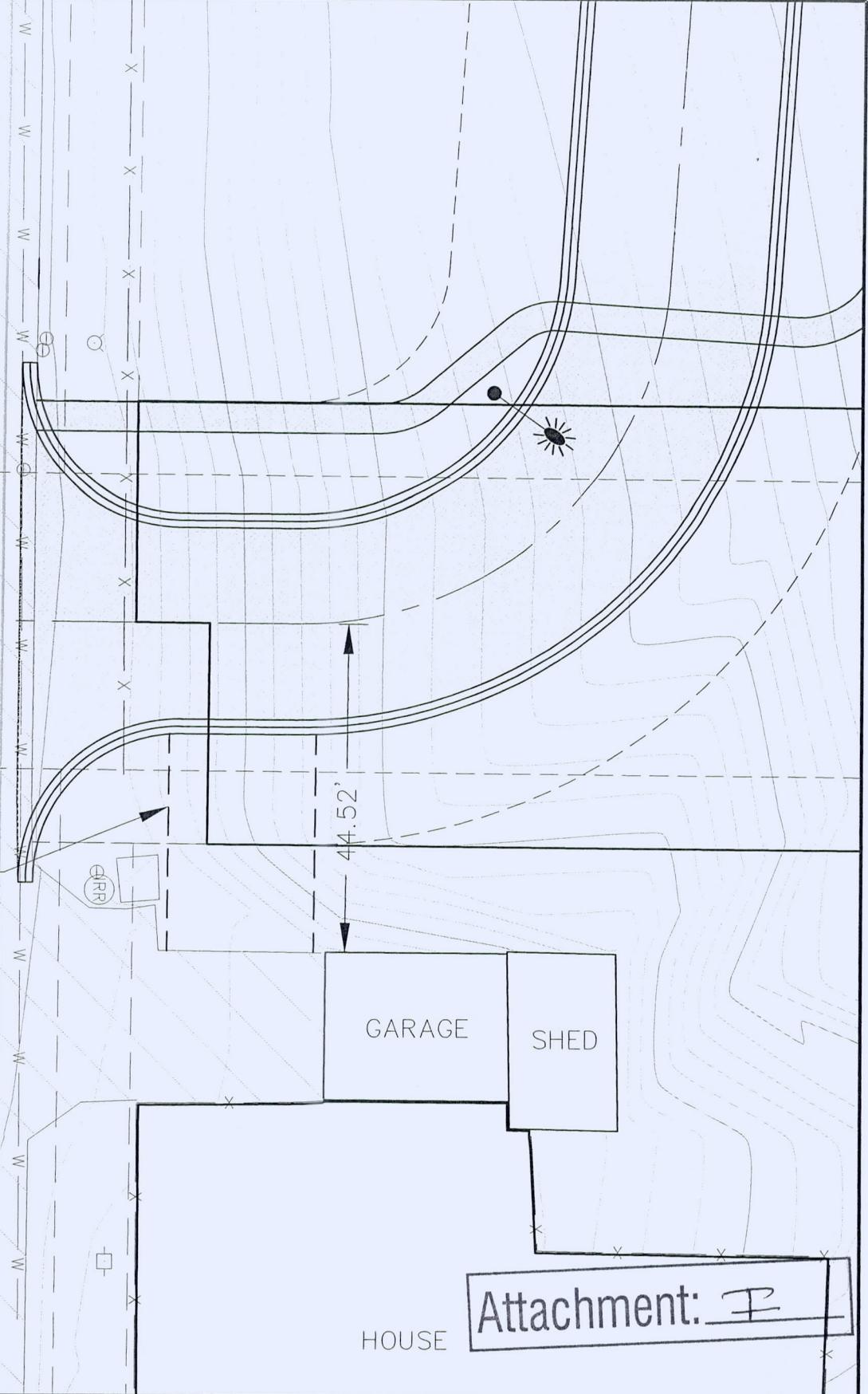
All development in the Greenway Overlay shall conform to the requirements and standards of the underlying zoning district. Where consistent with this Title and Shoreline Master Program, the Reviewing Official may use the Greenway design guidelines for the review and conditioning of project permits under Chapter 19.30 to implement the Overlay District.



0 5 10 20

SCENIC DRIVE

GARAGE DRIVEWAY  
ACCESS TO BE  
RELOCATED



HOUSE

Attachment: 1



**HLA**

Engineering and Land Surveying, Inc.

2803 River Road  
Yakima, WA 98902  
509.966.7000  
Fax 509.965.3800  
[www.hlacivil.com](http://www.hlacivil.com)

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|--------------|-----------|
| JOB NUMBER:  | DATE:     |
| 18118        | 8-05-20   |
| FILE NAMES:  |           |
| DRAWING:     | 18118.dwg |
| PLAN:        | SHEET.dwg |
| DESIGNED BY: | MRH       |
| ENTERED BY:  | MDH       |

**SCENIC RANCH LLC**  
YAKIMA  
GARAGE ACCESS EXHIBIT

## SIGN POSTING PROCEDURES AND CERTIFICATION

The applicant is required to post one or more public hearing notification signs at the site of the land use proposal. The applicant is responsible for obtaining the sign(s) from the Yakima County Planning Division and for posting and maintaining the sign(s) as prescribed below (YCC 16B.05.030 (4)):

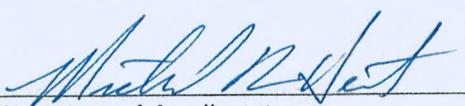
1. The sign(s) shall be placed on the property a minimum of 15 days before the scheduled public hearing date;
2. If the public hearing is continued, delayed, or postponed, the sign(s) shall be replaced or amended to accurately describe the new date, place, and time for the public hearing;
3. If the property has more than one (1) street frontage, a sign shall be placed facing each street;
4. If the property under consideration does not have any abutting street, consult with the Planning Division staff regarding the appropriate location for the sign(s);
5. The sign(s) shall be firmly affixed on the property in a place visible from the adjoining streets;
  - a. The sign(s) shall be placed within five (5) feet of the public right-of-way; and
  - b. The sign(s) shall be a minimum of two (2) feet above the ground;
  - c. The sign(s) shall be positioned to have no visual obstructions and to be readily seen;
6. The status of the sign(s) should be checked frequently and fallen or destroyed sign(s) shall immediately be replaced; new sign(s) are available from the Planning Division if needed for an additional fee; and
7. The sign(s) shall be posted and maintained throughout the approval process and then removed by the applicant within five (5) days after the public hearing.

The sign board(s) shall be returned to the Planning Division no later than 7 days after the hearing date or a reimbursement fee for the board will be added to the final billing.

Fifteen (15) days prior to the public hearing the applicant is required to certify that the sign(s) have been posted and maintained as required. Applicants are also required to submit a photo showing the posted sign(s) as viewed from the abutting street(s). Failure to comply with these requirements will cause the public hearing to be canceled and rescheduled for a later date.

THE FOLLOWING CERTIFICATION IS TO BE COMPLETED AND SUBMITTED TO THE PLANNING DIVISION A MINIMUM OF 15 DAYS PRIOR TO THE PUBLIC HEARING.

I, Michael R. Heit (printed name) hereby state that I have received a copy of the Sign Posting Procedures and that the required sign(s) have been posted and maintained as prescribed in the Sign Posting Procedures.

  
Signature of Applicant

0/17/2020  
Date

For Official Use Only:

Case Number: SUB2019-00057

Date Received: \_\_\_\_\_

Planner: Dinah Reed

Comments: \_\_\_\_\_

FILED  
HEARING EXAMINER

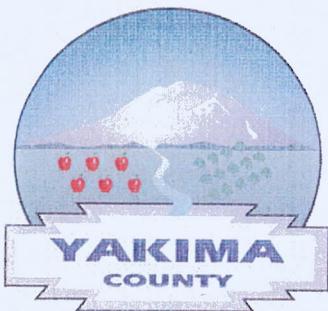
EXH# 1 DATE 01/17/20  
FILE NO. 204 2020-001

(1)





(3)



# Public Services

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

LISA H. FREUND - Director

DATE: August 15, 2020

TO: Scenic Ranch LLC, Mike Heit-HLA Engineering and Land Surveying, Inc., and Interested Agencies

FROM: Byron Gumz, Senior Environmental Planner  
Noelle Madera, Senior Long Range Planner

SUBJ: **ZON2020-00001/SUB2020-00004/SEP2020-00005** Scenic Ranch Type-4  
Master Planned Development Overlay (MPDO) and 16-lot Long Plat  
Subdivision  
Final Threshold Determination  
**Notice of Open Record Hearing**

Enclosed is the Final Threshold Determination - Determination of Non-Significance to subdivide 19.97 acres into 16 single-family lots, varying in size from 0.89 acre to 1.55 acres. If you have any questions on the environmental review or its appeal process, please contact Public Services Department: Planning Division at (509) 574-2300.

## **PROJECT INFORMATION**

A land use application has been submitted near your property. To view the application materials online go to: [www.yakimap.com/permits/](http://www.yakimap.com/permits/) (follow the instructions on the left of the webpage and type in the associated case number(s) in the search box as referenced above). Additionally, you can request a copy to be emailed or mailed to you.

## **NOTICE OF PUBLIC HEARING:**

Per the Governor's Emergency Proclamation 20-28, et seq., Yakima County is prohibited from holding an in-person meeting at this time. **An open record public hearing is scheduled before the Yakima County Hearing Examiner on Wednesday, September 2, 2020 at 9:30 a.m.** The hearing will be conducted **virtually/telephonically** using the GoTo Meeting platform. The public is highly encouraged to attend the meeting by using one of the following two methods:

- **Via Internet, go to the following website:**  
<https://global.gotomeeting.com/join/558188693>
- **Via Telephone, you must call in between fifteen minutes prior to the scheduled hearing at the following number and enter the Access Code when prompted:**  
United States: [+1 \(872\) 240-3212](tel:+1(872)240-3212) Access Code: 558-188-693

FILED  
HEARING EXAMINER  
EXH # 2 DATE 8/15/20  
FILE NO. ZON2020-001

(4)

If you wish to speak during the Public Hearing, there will be an allotted time for public comments. We will ask that all attendees state their name and contact information into the record. Please do not mute or unmute yourself; the host will do this for you. All participants must have their name listed in the GoTo Meeting application window.

Your views on the proposal are welcome, and any person may provide written comments on the issues related to the proposal and must include the above referenced file number. All mailed comments must be received by 4:00 pm the day prior to the public hearing. Any person may submit written comments or other exhibits to be received at or prior to the hearing as follows:

- Via email to: [planning\\_info@co.yakima.wa.us](mailto:planning_info@co.yakima.wa.us)
- Via mail to: Planners Name, Fourth Floor County Courthouse, 128 North Second Street, Yakima WA 98901.

Anyone who submits written comments will automatically become a party of record and will be notified of any decision on this project.

Interested parties may request copies of the hearing notice or participate in the hearing. A staff report on the project will be available about a week before the hearing on the Yakima County Hearing Examiners webpage at:

<https://www.yakimacounty.us/843/Hearing-Examiner>

Notice of the final decision will be sent to those who comment or may be obtained upon request. The final decision will contain specific appeal information. If you have any questions on this proposal, please call **Noelle Madera** or **Byron Gumz**, at (509) 574-2300 or 1-800-572-7354 ext. 2300.

Encl. DNS  
Cc: Parties of Record

\nt2\Planning\Development Services\Projects\2020\SEPA\SEP20-005 Scenic Ranch LLC Long Subdivision\SEP2020-00005 Scenic Ranch LLC Final DNS\_bjg.doc

(5)

**FINAL**  
**DETERMINATION OF NON-SIGNIFICANCE**  
(Notice of Action)

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1. **Description of Proposal:** The Scenic Ranch Master Planned Development is proposed to be a premier residential 16-lot subdivision located on one parcel along the north side of Scenic Drive. The parcel is within the Single-Family Zoning District and the Urban Growth Area of the City of Yakima. The project will subdivide 19.97 acres into 16 single-family lots, varying in size from 0.89 acre to 1.55 acres. Access to the plat will be off Scenic Drive, with a 30-foot wide private road with rolled curb and gutter, and a meandering asphalt pathway for sidewalks. The property will feature approximately 3,200 lineal feet of asphalt walking path and 1,700 lineal feet of gravel walking path. The subdivision will also have 2.52 acres dedicated for various recreational and sporting activities. The development will be served by Nob Hill Water and have a Community Septic System.
2. **File Number:** SEP2020-00005
3. **Property Owner:** Scenic Ranch LLC  
3748 State Hwy 97A  
Wenatchee, WA 98801
4. **Applicant/Agent:** Mike Heit  
HLA Engineering and Land Surveying, Inc.  
2803 River Road  
Yakima, WA 98902
5. **Location of Proposal:** Located on the north side of Scenic Drive, approximately 600 feet west of the City of Yakima. (Parcel No. 181317-13423)
6. **Lead Agency:** Yakima County Planning Division
7. **Determination:** The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a careful review of the completed environmental checklist, and other information on file with the lead agency. This information (including all environmental documentation) is available to the public on request and can be examined online at [www.yakimap.com/permits](http://www.yakimap.com/permits). Environmental documents include the SEPA checklist, this threshold determination, and submittal materials.
8. **Comment and Appeal Information:** This Final DNS is issued under WAC 197-11-340(2). There is no further comment on it. There is no administrative appeal of this SEPA decision. For information on the appeal processes, or on other issues

(D)

relating to this proposal, contact Byron Gumz, Senior Project Planner, at (509) 574-2300.

9. **SEPA Responsible Official:** Thomas Carroll

  
10. **Address:** 128 N. 2<sup>nd</sup> St.  
4<sup>th</sup> Floor Courthouse  
Yakima, WA 98901  
11. **Date:** August 15, 2020

(7)

Harold MacLean Jason Earles  
Joe Stump John Walkenhauer  
Mark Cleaver Jase Testerman  
Michele Pescador Terry Keenhan  
Dianna Woods David Haws  
Chris Pederson Troy Havens

Elizabeth Sanchez  
Environmental Program  
Program Manager  
[esanchey@yakama.com](mailto:esanchey@yakama.com)

Jill Nogi  
U.S. EPA, Region 10  
1200 Sixth Ave, Suite 155  
Seattle, WA 98101

WA Dept. of Fish & Wildlife  
Eric Bartrand and Scott  
Downes  
[Eric.bartrand@dfw.wa.gov](mailto:Eric.bartrand@dfw.wa.gov)  
[Scott.downes@dfw.wa.gov](mailto:Scott.downes@dfw.wa.gov)

Naches School District # 3  
Attn: Robert Bowman  
P.O. Box 99  
Naches, WA 98937

City of Yakima  
Engineer

Charter Communications  
1005 N. 16th Avenue  
Yakima, WA 9890

Pacific Power & Light  
ATTN: Clarke Satre  
500 N. Keys Road  
Yakima, WA 98901

Mike Heit  
HLA Engineering & Land  
Surveying, Inc.  
2803 River Road  
Yakima, WA 98902

[sepa@dahp.wa.gov](mailto:sepa@dahp.wa.gov)

WA. State Dept. of Ecology  
Attn: Gwen Clear  
[crosepacordinator@ecy.wa.gov](mailto:crosepacordinator@ecy.wa.gov)

Superintendent  
Bureau of Indian Affairs  
P.O. Box 632  
Toppenish, WA 98948

Yakima Health District  
Help Desk  
[yhd@co.yakima.wa.us](mailto:yhd@co.yakima.wa.us)

Yakima-Tieton Irrigation Dist.  
Attn: Richard Dieker  
470 Camp 4 Rd.  
Yakima, WA 98908

West Valley School District # 208  
Attn: Dr. Michael Brophy  
8902 Zier Road  
Yakima, WA 98908

City of Yakima  
Utility Services

CenturyLink Communication  
Attn: Mike Brown  
409 S. 5<sup>th</sup> Street  
Sunnyside, WA 98944

Nob Hill Water Company  
Attn: Preston Shepherd  
6111 Tieton Drive  
Yakima, WA 98908

[SEPADesk@dfw.wa.gov](mailto:SEPADesk@dfw.wa.gov)

Yakama Nation  
Cultural Resources  
[jessica@Yakama.com](mailto:jessica@Yakama.com) AND  
[ccamuso@Yakama.com](mailto:ccamuso@Yakama.com)

Clean Air Agency  
186 Iron Horse Court, Suite 101  
Yakima, WA 98901

Robert Bright  
Air Traffic & Airspace Officer  
Joint Base Lewis-McChord  
[robert.d.bright10.civ@mail.mil](mailto:robert.d.bright10.civ@mail.mil)

Fire Chief  
Fire District # 12  
10000 Zier Road  
Yakima, WA 98908

City of Yakima  
Planning

Yakima County Sheriff Office  
PO Box 1388  
Yakima, WA 98907-1388

Cascade Natural Gas  
701 S. 1st Avenue  
Yakima, WA 98902

WA State Dept of Health  
Wastewater/Shellfish  
16201 E. Indiana Ave - Ste 1500  
Spokane Valley, WA 99216

Department of Ecology  
SEPA Register  
[separegister@ecy.wa.gov](mailto:separegister@ecy.wa.gov)

ZON20-001/SUB20-004/SEP20-005  
08/15/20  
18 Labels

(8)

FILE NO.: ZON2020-00001/SUB2020-00004/SEP2020-00005  
Final Threshold Determination and Notice of Open Record Hearing

**AFFIDAVIT OF MAILING**

STATE OF WASHINGTON )  
                          ) ss.  
COUNTY OF YAKIMA    )

I, Eva Rivera, being first duly sworn, and as an employee of the Yakima County Public Services, Planning Division, dispatched through the United States Mails, or otherwise by electronic mail, a Final Threshold Determination and Notice of Open Record Hearing, a true and correct copy of which is enclosed here-with; that Final Threshold Determination and Notice of Open Record Hearing was addressed to the applicant/agent, property owner, and interested agencies, that said parties are individually listed on the Mailing List retained by the Planning Division and that said determination and Notice were mailed by me on the 15<sup>th</sup> day of August 2020.

That I mailed said determination and notice in the manner herein set forth and that all of the statements are made herein are just and true. Dated this 15<sup>th</sup> day August 2020.



Eva A. Rivera  
Office Specialist

FILED  
HEARING EXAMINER  
EXH # 3 DATE 8/15/20  
FILE NO. ZON2020-001

(9)

**YAKIMA  
HERALD-REPUBLIC**  
WE TELL YOUR STORIES [YAKIMAHERALD.COM](http://YAKIMAHERALD.COM)

**El Sol de Yakima**  
**-Ad Proof-**

This is the proof of your ad scheduled to run on the dates indicated below.

Please proof read notice carefully to check spelling and run dates,  
if you need to make changes

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Date: 08/13/20

Account #: 110343

Company Name: YAKIMA COUNTY PLANNING DIVISION

Contact: Tina Beck,AP

Address: COURTHOUSE - ROOM 417  
128 N 2ND STREET  
YAKIMA, WA 98901

Telephone: (509) 574-2230

Account Rep: Simon Sizer  
Phone #: (509) 577-7740  
Email: ssizer@yakimaherald.com

Ad ID: 955529

Start: 08/15/20  
Stop: 08/15/20

Total Cost: \$239.36  
Lines: 136.0  
# of Inserts: 1  
Ad Class: 6021

Run Dates:  
Yakima Herald-Republic 08/15/20

FILED  
HEARING EXAMINER  
EXH # 4 DATE 01/15/20  
FILE NO. ZON2020-001

10

Yakima County Public Services  
Planning Division  
Notice of Hearing

File No.: ZON2020-00001/SUB2020-00004/SEP2020-00005 – Scenic Ranch MPDO/Subdivision

**Description of Proposal:** The Scenic Ranch proposal is a minor rezone to include the property within Master Planned Development Overlay and a proposed 16-lot subdivision.

**Location of Proposal:** The property is located on the north side of Scenic Drive, approximately 600 feet west of the City of Yakima. Parcel Number: 181317-13423.

**An open record public hearing** Per the Governor's Emergency Proclamation 20-28, et seq., Yakima County is prohibited from holding an in-person meeting at this time. **An open record public hearing is scheduled before the Yakima County Hearing Examiner on Wednesday, September 2, 2020 at 9:30 a.m.** The hearing will be conducted **virtually/telephonically** using the GoTo Meeting platform. The public is highly encouraged to attend the meeting by using one of the following two methods:

- **Via Internet, go to the following website:**  
<https://global.gotomeeting.com/join/558188693>
- **Via Telephone, you must call in between fifteen minutes prior to the scheduled hearing at the following number and enter the Access Code when prompted:**  
United States: +1 (872) 240-3212 **Access Code:**  
558-188-693

**Comment and Appeal Information:** Your views on the proposal are welcome, and any person may provide written comments on the issues related to the proposal and **must include the above referenced file number**. All mailed comments must be received by 4:00 pm the day prior to the public hearing. Any person may submit written comments or other exhibits to be received at or prior to the hearing as follows:

- Via email to: [planning\\_info@co.yakima.wa.us](mailto:planning_info@co.yakima.wa.us)
- Via mail to: Planners Name, Fourth Floor County Courthouse, 128 North Second Street, Yakima WA 98901.

Anyone who submits written comments will automatically become a party of record and will be notified of any decision on this project. Interested parties may request copies of the hearing notice or participate in the hearing. A staff report on the project will be available about a week before the hearing on the Yakima County Hearing Examiners webpage at: <https://www.yakimacounty.us/843/Hearing-Examiner>. Notice of the final decision will be sent to those who comment or may be obtained upon request. The final decision will contain specific appeal information. If you have any questions on this proposal, please call **Noelle Madera or Byron Gumz**, at (509) 574-2300 or 1-800-572-7354 ext. 2300.

If you are a person with a disability who needs any accommodation in order to participate in this program, hearing or service, you may be entitled to receive certain assistance at no cost to you. Please contact the ADA Coordinator at Yakima County no later than five (5) working days prior to the date service is needed.

Yakima County ADA Coordinator  
128 N. 2nd Street, Room B27  
Yakima, WA 98901  
(509) 574-2210  
7-1-1 or 1-800-833-6384 (Washington Relay Services for deaf and hard of hearing)

Dated this 13th day of August 2020

(955529) August 15, 2020



Courtesy of Yakima Herald-Republic



# Public Services

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

LISA H. FREUND - Director

DATE: May 29, 2020

TO: Scenic Ranch LLC, Mike Heit-HLA Engineering and Land Surveying, Inc., APO's, and Interested Agencies

FROM: Yakima County Public Services Department: Planning Division

SUBJ: **ZON2020-00001/SUB2020-00004/SEP2020-00005** Scenic Ranch Type-4 Master Planned Development Overlay (MPDO) and 16-lot Long Plat Subdivision  
Threshold Determination - Determination of Non-Significance (DNS)

Yakima County, as lead SEPA agency for this proposal, is issuing the attached DNS for comment under WAC 197-11-340(2). Your views on this proposal are welcome and you may provide written comments on issues related to this threshold determination. Comments must be submitted within 14 days. The Responsible Official will reconsider this DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the DNS.

After the comment period has ended, Yakima County will issue a notice of decision to retain, modify or withdraw the DNS, without an additional comment period. That final determination can be appealed as allowed under the Yakima County Code. Specific appeal information will be provided with the final decision.

**An open record public hearing will be scheduled before the Hearing Examiner.** The date of the Hearing is not yet known. A notice of hearing will be issued in the future. Written comments may be provided at the hearing. Interested parties may request copies of the hearing notice or participate in the hearing. A staff report on the project will be available about a week before the hearing. Notice of the final decision will be sent to those who comment or may be obtained upon request. The final decision will contain specific appeal information. If you have any questions on this proposal, please call Noelle Madera or Byron Gumz at (509) 574-2300 or 1-800-572-7354 ext. 2300.

Encl: Site plan & narrative information – APOs & Agencies  
SEPA Checklist – Agencies

G:\Development Services\Projects\2020\SEPA\SEP20-005 Scenic Ranch LLC Long Subdivision\SEP2020-00005 Scenic Ranch LLC  
Preliminary DNS\_bjg.doc

(12)

FILED  
HEARING EXAMINER  
EXH # 5 DATE 5/29/20  
FILE NO. ZON2020-00

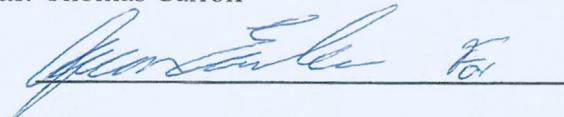
## DETERMINATION OF NON-SIGNIFICANCE

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1. **Description of Proposal:** The Scenic Ranch Master Planned Development is proposed to be a premier residential 16-lot subdivision located on one parcel along the north side of Scenic Drive. The parcel is within the Single-Family Zoning District and the Urban Growth Area of the City of Yakima. The project will subdivide 19.97 acres into 16 single-family lots, varying in size from 0.89 acre to 1.55 acres. Access to the plat will be off Scenic Drive, with a 30-foot wide private road with rolled curb and gutter, and a meandering asphalt pathway for sidewalks. The property will feature approximately 3,200 lineal feet of asphalt walking path, 1,700 lineal feet of gravel walking path. The subdivision will also have 2.52 acres of recreational area that can be used for various recreational and sporting activities. The development will be served by Nob Hill Water and have a Community Septic System.
2. **File Number:** SEP2020-00005
3. **Property Owner:** Scenic Ranch LLC  
3748 State Hwy 97A  
Wenatchee, WA 98801
4. **Applicant/Agent:** Mike Heit  
HLA Engineering and Land Surveying, Inc.  
2803 River Road  
Yakima, WA 98902
5. **Location of Proposal:** Located on the north side of Scenic Drive, approximately 600 feet west of the City of Yakima. (Parcel No. 181317-13423)
6. **Lead Agency:** Yakima County Planning Division
7. **Determination:** The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a careful review of the completed environmental checklist, and other information on file with the lead agency. This information (including all environmental documentation) is available to the public online at [www.yakimap.com/permits](http://www.yakimap.com/permits). Environmental documents include the SEPA checklist, this threshold determination, and submittal materials.
6. **Comment and Appeal Information:** This DNS is issued under WAC 197-11-340(2). The Lead Agency will not act on this proposal for 14 days from the date of issuance. You may submit comments on this proposal to the address below before 4:00 p.m. on **June 12, 2020**. Agencies and those providing comments will receive a copy of the final decision. Appeal information will be provided with the

final decision. For information on the comment or appeal processes, or on other issues relating to this proposal, contact Byron Gumz, Senior Project Planner, at (509) 574-2300.

7. **SEPA Responsible Official:** Thomas Carroll



8. **Address:** 128 N. 2<sup>nd</sup> St.  
4<sup>th</sup> Floor Courthouse  
Yakima, WA 98901

9. **Date:** May 29, 2020

(14)

ALISSA KATHRYN & LANNY GILL  
7027 SCENIC DR  
YAKIMA WA 98908

BRANDY ESCOBEDO SCHWARTZ  
7314 SCENIC DR  
YAKIMA WA 98908

CITY OF YAKIMA  
129 N 2ND ST  
YAKIMA WA 98901

CLIFFORD A & JANIE G PLATH  
PO BOX 1588  
YAKIMA WA 98907

COWICHE CANYON CONSERVANCY  
PO BOX 877  
YAKIMA WA 98907

CRAIG D & JENNIFER A FOSTER  
1101 SCENIC CANYON LN  
YAKIMA WA 98908

GARTH R & CRISTINA M NOTESTINE  
6909 COWICHE CANYON RD  
YAKIMA WA 98908

GEORGE B & HEATHER A UNDERWOOD  
4001 SUMMITVIEW AVE STE 5-322  
YAKIMA WA 98908

JAN HEMSTAD  
7204 SCENIC DR  
YAKIMA WA 98908

JOHN & KATHERINE CARBERY  
7102 SCENIC DR  
YAKIMA WA 98908

JULIE A BRACONNIER  
7007 COWICHE CANYON RD  
YAKIMA WA 98908

KENNETH E & MARY E POOLE  
7520 SCENIC DR  
YAKIMA WA 98908

KEVIN HIATT  
7405 COWICHE CANYON RD  
YAKIMA WA 98908

MARK & JEAN MCWHORTER( DUP)  
4001 SUMMITVIEW AVE STE 5  
YAKIMA WA 98908

MARK & JEANIE MCWHORTER  
4001 SUMMITVIEW AVE STE 5  
YAKIMA WA 98908

MAVIS M JENNERJOHN  
7409 COWICHE CANYON RD  
YAKIMA WA 98908

NATHAN A & NICOLE M OCONNOR  
7507 SCENIC DR  
YAKIMA WA 98908

RICHARD D & CAROLYN CHRISTENSEN  
719 N 39TH AVE #101  
YAKIMA WA 98902

RICHARD K & MARY D HOGSETT LIVING  
TRUST  
7605 SCENIC DR  
YAKIMA WA 98908

ROBERT & BARBARA COOPER  
1020 SCENIC CANYON LN  
YAKIMA WA 98908

ROBERT D & GAYLE E HALL  
7488 SCENIC DR  
YAKIMA WA 98908

ROBERT D JENNERJOHN  
PO BOX 4141  
YAKIMA WA 98907

SCENIC RANCH LLC  
3748 STATE HWY 97A  
WENATCHEE WA 98801

SCENIC RANCH LLC  
7650 SCENIC DR  
YAKIMA WA 98908

THOMAS F & MARILYN J HINSON  
1010 SCENIC CANYON LN  
YAKIMA WA 98908

USA DEPT OF INTERIOR  
PO BOX 043  
BOISE ID 83724

WAYNE K & VICKIE M KISNER  
7105 COWICHE CANYON RD  
YAKIMA WA 98908

WHITMAN L HOLT & ADINA MORI-  
HOLT  
402 EAST YAKIMA AVE STE 200  
YAKIMA WA 98901

WILSON REAL ESTATE XI LLC  
1104 E MEAD AVE  
YAKIMA WA 98903 (Rec'd Return to  
sender Letter 3/17/20)

(15)

Harold MacLean Jason Earles  
Joe Stump John Walkenhauer  
Mark Cleaver Jase Testerman  
Michele Pescador Terry Keenhan  
Dianna Woods David Haws  
Chris Pederson Troy Havens

Elizabeth Sanchez  
Environmental Program  
Program Manager  
esanchez@yakama.com

Jill Nogi  
U.S. EPA, Region 10  
1200 Sixth Ave, Suite 155  
Seattle, WA 98101

WA Dept. of Fish & Wildlife  
Eric Bartrand and Scott  
Downes  
[Eric.bartrand@dfw.wa.gov](mailto:Eric.bartrand@dfw.wa.gov)  
[Scott.downes@dfw.wa.gov](mailto:Scott.downes@dfw.wa.gov)

Naches School District # 3  
Attn: Robert Bowman  
P.O. Box 99  
Naches, WA 98937

City of Yakima  
Engineer

Charter Communications  
1005 N. 16th Avenue  
Yakima, WA 9890

Pacific Power & Light  
ATTN: Clarke Satre  
500 N. Keys Road  
Yakima, WA 98901

Mike Heit  
HLA Engineering & Land  
Surveying, Inc.  
2803 River Road  
Yakima, WA 98902

[sepa@dahp.wa.gov](mailto:sepa@dahp.wa.gov)

WA. State Dept. of Ecology  
Attn: Gwen Clear  
[crosepacordinator@ecy.wa.gov](mailto:crosepacordinator@ecy.wa.gov)

Superintendent  
Bureau of Indian Affairs  
P.O. Box 632  
Toppenish, WA 98948

Yakima Health District  
Help Desk  
[yhd@co.yakima.wa.us](mailto:yhd@co.yakima.wa.us)

Yakima-Tieton Irrigation Dist.  
Attn: Richard Dieker  
470 Camp 4 Rd.  
Yakima, WA 98908

West Valley School District # 208  
Attn: Dr. Michael Brophy  
8902 Zier Road  
Yakima, WA 98908

City of Yakima  
Utility Services

CenturyLink Communication  
Attn: Mike Brown  
409 S. 5<sup>th</sup> Street  
Sunnyside, WA 98944

Nob Hill Water Company  
Attn: Preston Shepherd  
6111 Tieton Drive  
Yakima, WA 98908

[SEPADesk@dfw.wa.gov](mailto:SEPADesk@dfw.wa.gov)

Yakama Nation  
Cultural Resources  
[jessica@Yakama.com](mailto:jessica@Yakama.com) AND  
[ccamuso@Yakama.com](mailto:ccamuso@Yakama.com)

Clean Air Agency  
186 Iron Horse Court, Suite 101  
Yakima, WA 98901

Robert Bright  
Air Traffic & Airspace Officer  
Joint Base Lewis-McChord  
[robert.d.bright10.civ@mail.mil](mailto:robert.d.bright10.civ@mail.mil)

Fire Chief  
Fire District # 12  
10000 Zier Road  
Yakima, WA 98908

City of Yakima  
Planning

Yakima County Sheriff Office  
PO Box 1388  
Yakima, WA 98907-1388

Cascade Natural Gas  
701 S. 1st Avenue  
Yakima, WA 98902

WA State Dept of Health  
Wastewater/Shellfish  
16201 E. Indiana Ave – Ste 1500  
Spokane Valley, WA 99216

Department of Ecology  
SEPA Register  
[separegister@ecy.wa.gov](mailto:separegister@ecy.wa.gov)

ZON20-001/SUB20-004/SEP20-005  
5/29/20  
18 Labels

(1b)

AGENCY MAILING LIST

HIGHLIGHTED = EMAILED

FILE NO.: ZON2020-00001/SUB2020-00004/SEP2020-00005  
Threshold Determination-Determination of Non-Significance DNS

### AFFIDAVIT OF MAILING

STATE OF WASHINGTON )  
: ss.  
COUNTY OF YAKIMA )

I, Eva Rivera, being first duly sworn, and as an employee of the Yakima County Public Services, Planning Division, dispatched through the United States Mails, or otherwise by electronic mail, a Threshold Determination-Determination of Non-Significance DNS, a true and correct copy of which is enclosed here-with; that Threshold Determination-Determination of Non-Significance DNS was addressed to the applicant/agent, property owner, adjoining property owners, and interested agencies, that said parties are individually listed on the Mailing List retained by the Planning Division and that said determination was mailed by me on the 29<sup>th</sup> day of May 2020.

That I mailed said determination in the manner herein set forth and that all of the statements are made herein are just and true. Dated this 29<sup>th</sup> day May 2020.



Eva A. Rivera  
Office Specialist

17  
FILED  
HEARING EXAMINER  
EXH # 16 DATE 5/29/20  
FILE NO. ZON2020-001

**YAKIMA  
HERALD-REPUBLIC**  
WE TELL YOUR STORIES [YAKIMAHERALD.COM](http://YAKIMAHERALD.COM)

**El Sol de Yakima**  
**-Ad Proof-**

This is the proof of your ad scheduled to run on the dates indicated below.

Please proof read notice carefully to check spelling and run dates,  
if you need to make changes

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Date: 05/27/20

Account #: 110343

Company Name: YAKIMA COUNTY PLANNING DIVISION

Contact: Tina Beck,AP

Address: COURTHOUSE - ROOM 417  
128 N 2ND STREET  
YAKIMA, WA 98901

Telephone: (509) 574-2230

Account Rep: Simon Sizer  
Phone #: (509) 577-7740  
Email: ssizer@yakimaherald.com

Ad ID: 945786

Start: 05/29/20  
Stop: 05/29/20

Total Cost: \$239.36  
Lines: 136.0  
# of Inserts: 1  
Ad Class: 6021

Run Dates:  
Yakima Herald-Republic 05/29/20

(18)

FILED  
HEARING EXAMINER  
EXH # 7 DATE 5/29/20  
FILE NO. 2042020-001

Yakima County Public Services Planning Division  
Preliminary Threshold Determination, Notice of Future  
Hearing

**File No.:** ZON2020-00001/SUB2020-00004/SEP2020-00005 Scenic Ranch Type-4 Master Planned Development Overlay (MPDO) and 16-lot Long Plat Subdivision

**Description of Proposal:** The Scenic Ranch Master Planned Development is proposed to be a premier residential 16-lot subdivision located on one parcel along the north side of Scenic Drive.

**Location of Proposal:** Located on the north side of Scenic Drive, approximately 600 feet west of the City of Yakima. **(REQUIRED)** (Parcel No. 181317-13423)

**Notice of Future Open Record Public Hearing:** An open record public hearing will be scheduled before the Hearing Examiner. The date of the Hearing is not yet known. A notice of hearing will be issued in the future. Written comments may be provided at the hearing. Interested parties may request copies of the hearing notice or participate in the hearing. A staff report on the project will be available about a week before the hearing. Notice of the final decision will be sent to those who comment or may be obtained upon request. The final decision will contain specific appeal information.

**Determination:** The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2) (c). (Use this only when MDNS, not for DNS) This decision was made after a careful review of the completed environmental checklist, and other information on file with the lead agency. This information (including all environmental documentation) is available to the public on request and can be examined online at [www.yakimap.com/permits](http://www.yakimap.com/permits). Environmental documents include the SEPA checklist, this threshold determination, and submittal materials.

**Comment and Appeal Information:** This DNS is issued under WAC 197-11-340(2). The Lead Agency will not act on this proposal for 14 days from the date of issuance. You may submit comments on this proposal to the address below before **4:00 p.m. on June 12, 2020**. Agencies and those providing comments will receive a copy of the final decision. Appeal information will be provided with the final decision. For information on the comment or appeal processes, or on other issues relating to this proposal, please contact Noelle Madera or Byron Gumz at (509) 574-2300.

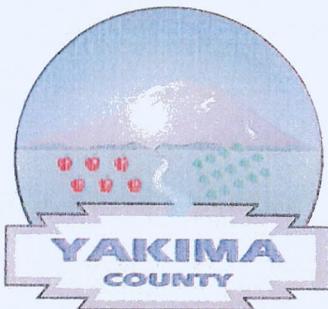
If you are a person with a disability who needs any accommodation in order to participate in this program, hearing or service, you may be entitled to receive certain assistance at no cost to you. Please contact the ADA Coordinator at Yakima County no later than five (5) working days prior to the date service is needed.

Yakima County ADA Coordinator  
128 N. 2nd Street, Room B27  
Yakima, WA 98901  
(509) 574-2210  
7-1-1 or 1-800-833-6384 (Washington Relay Services for deaf and hard of hearing)

(945786) May 29, 2020

(19)

Courtesy of Yakima Herald-Republic



# Public Services

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

LISA H. FREUND – Director

DATE: March 11, 2020

TO: Scenic Ranch LLC, Mike Heit-HLA Engineering and Land Surveying, Inc.,  
APO's, and Interested Agencies

FROM: Yakima County Public Services Department: Planning Division *b7j* *mwh*

SUBJ: **ZON2020-00001/SUB2020-00004/SEP2020-00005** Scenic Ranch Type-4 Master  
Planned Development Overlay (MPDO) and 16-lot Long Plat Subdivision  
Notice of Application, Notice of Completeness, Notice of Environmental Review  
and Notice of Future Hearing

**\*\*\*Corrected Notice to include comment period\*\*\***

## **DESCRIPTION OF PROPOSAL**

The Scenic Ranch Master Planned Development is proposed to be a premier residential 16-lot subdivision located on one parcel along the north side of Scenic Drive. The parcel is within the Single-Family Zoning District and the Urban Growth Area of the City of Yakima. The project will subdivide 19.97 acres into 16 single-family lots, varying in size from 0.89 acre to 1.55 acres. Access to the plat will be off Scenic Drive, with a 30-foot wide private road with rolled curb and gutter, and a meandering asphalt pathway for sidewalks. The property will feature approximately 3,200 lineal feet of asphalt walking path, 1,700 lineal feet of gravel walking path. The subdivision will also have 2.52 acres of recreational area that can be used for various recreational and sporting activities. The development will be served by Nob Hill Water and have a Large On-Site Septic System.

**Property Owner:** Scenic Ranch LLC  
3748 State Hwy 97A  
Wenatchee, WA 98801

**Applicant/Agent:** Mike Heit  
HLA Engineering and Land Surveying, Inc.  
2803 River Road  
Yakima, WA 98902

**Location:** Located on the north side of Scenic Drive, approximately 600 feet west of  
the City of Yakima.

**Tax Parcel No.:** 181317-13423

20  
FILED  
HEARING EXAMINER  
EXH # 0 DATE 3/11/20  
FILE NO. ZON2020-001

Application Submittal Date: February 7, 2020      Completeness Date: February 18, 2020

A land use application has been submitted near your property. To view the application materials online go to: [www.yakimap.com/permits/](http://www.yakimap.com/permits/) or you can view a copy of application materials at the Planning Division on the 4th floor of the Courthouse. This proposal is subject to environmental review. The Planning Division is lead agency for this proposal under the State Environmental Policy Act (SEPA). **The Comments on the proposal will be used to prepare an environmental threshold determination, which will then be issued for additional comments.** Your views on the proposal are welcome, and any person may provide written comments on issues related to the proposal. Mail your comments on this project to Yakima County Planning Division, 128 N. 2<sup>nd</sup> St., 4<sup>th</sup> Floor Courthouse, Yakima, WA 98901. Be sure to reference the above case number in your correspondence. **All written comments must be received by 4:00 p.m., March 25, 2020.** To be considered prior to making the final decision, all submitted comments must identify the name and physical or post office address of the sender. **An open record public hearing will be scheduled before the Hearing Examiner.** The date of the Hearing is not yet known. A notice of hearing will be issued in the future. Written comments may be provided at the hearing. Interested parties may request copies of the hearing notice or participate in the hearing. A staff report on the project will be available about a week before the hearing. Notice of the final decision will be sent to those who comment or may be obtained upon request. The final decision will contain specific appeal information. If you have any questions on this proposal, please call **Noelle Madera or Byron Gumz** at (509) 574-2300 or 1-800-572-7354 ext. 2300.

If you are a person with a disability who needs any accommodation in order to participate in this program, hearing or service, you may be entitled to receive certain assistance at no cost to you. Please contact the ADA Coordinator at Yakima County no later than five (5) working days prior to the date service is needed.

Yakima County ADA Coordinator

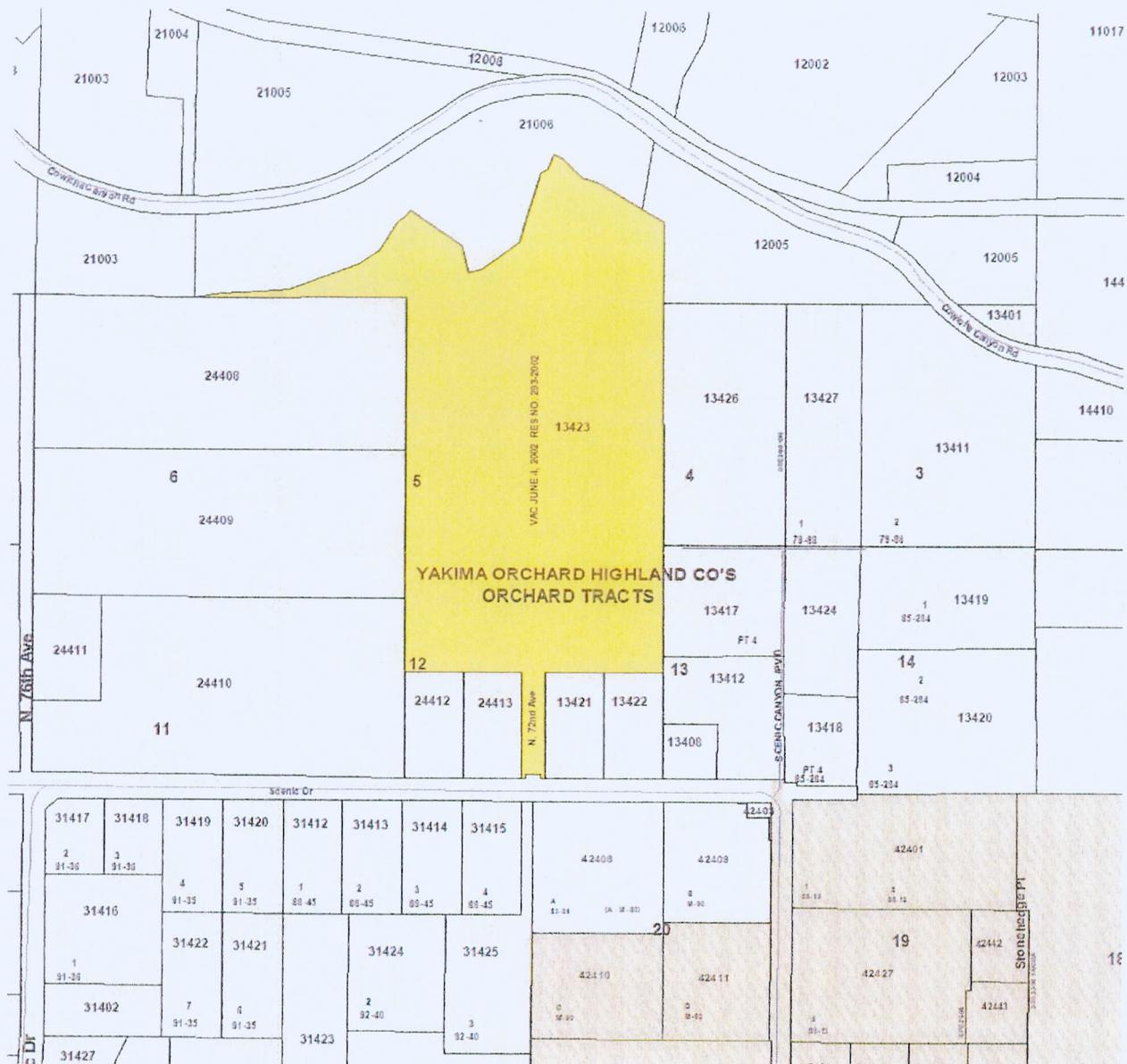
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7-1-1 or 1-800-833-6384 (Washington Relay Services for deaf and hard of hearing)

(21)



22

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BRANDY ESCOBEDO SCHWARTZ  
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KEVIN HIATT  
7405 COWICHE CANYON RD  
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ROBERT D JENNERJOHN  
PO BOX 4141  
YAKIMA WA 98907

SCENIC RANCH LLC  
3748 STATE HWY 97A  
WENATCHEE WA 98801

SCENIC RANCH LLC  
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YAKIMA WA 98908

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1010 SCENIC CANYON LN  
YAKIMA WA 98908

USA DEPT OF INTERIOR  
PO BOX 043  
BOISE ID 83724

WAYNE K & VICKIE M KISNER  
7105 COWICHE CANYON RD  
YAKIMA WA 98908

WHITMAN L HOLT & ADINA MORI-  
HOLT  
402 EAST YAKIMA AVE STE 200  
YAKIMA WA 98901

WILSON REAL ESTATE XI LLC  
1104 E MEAD AVE  
YAKIMA WA 98903

(23)

Harold MacLean Jason Earles  
Joe Stump John Walkenhauer  
Mark Cleaver Jase Testerman  
Michele Pescador Terry Keenhan  
Dianna Woods David Haws  
Chris Pederson Troy Havens

Elizabeth Sanchez  
Environmental Program  
Program Manager  
esanchez@yakama.com

Jill Nogi  
U.S. EPA, Region 10  
1200 Sixth Ave, Suite 155  
Seattle, WA 98101

WA Dept. of Fish & Wildlife  
Eric Bartrand and Scott  
Downes  
Eric.bartrand@dfw.wa.gov  
Scott.downes@dfw.wa.gov

Naches School District # 3  
Attn: Robert Bowman  
P.O. Box 99  
Naches, WA 98937

City of Yakima  
Engineer

Charter Communications  
1005 N. 16th Avenue  
Yakima, WA 9890

Pacific Power & Light  
ATTN: Clarke Satre  
500 N. Keys Road  
Yakima, WA 98901

Mike Heit  
HLA Engineering & Land  
Surveying, Inc.  
2803 River Road  
Yakima, WA 98902

[sepa@dahp.wa.gov](mailto:sepa@dahp.wa.gov)

WA. State Dept. of Ecology  
Attn: Gwen Clear  
crosepacoordinator@ecy.wa.gov

Superintendent  
Bureau of Indian Affairs  
P.O. Box 632  
Toppenish, WA 98948

Yakima Health District  
Help Desk  
yhd@co.yakima.wa.us

Yakima-Tieton Irrigation Dist.  
Attn: Richard Dieker  
470 Camp 4 Rd.  
Yakima, WA 98908

West Valley School District #208  
Attn: Dr. Michael Brophy  
8902 Zier Road  
Yakima, WA 98908

City of Yakima  
Utility Services

CenturyLink Communication  
Attn: Mike Brown  
409 S. 5<sup>th</sup> Street  
Sunnyside, WA 98944

Nob Hill Water Company  
Attn: Preston Shepherd  
6111 Tieton Drive  
Yakima, WA 98908

[SEPADesk@dfw.wa.gov](mailto:SEPADesk@dfw.wa.gov)

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186 Iron Horse Court, Suite 101  
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Robert Bright  
Air Traffic & Airspace Officer  
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robert.d.bright10.civ@mail.mil

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Department of Ecology  
SEPA Register  
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ZON20-001/SUB20-004/SEP20-005  
3/11/2020  
18 Labels

(24)

FILE NO.: ZON2020-00001/SUB2020-00004/SEP2020-00005  
Notice of Completeness, Application, Environmental Review, and Future Hearing

**AFFIDAVIT OF MAILING**

STATE OF WASHINGTON )  
: ss.  
COUNTY OF YAKIMA )

I, Eva Rivera, being first duly sworn, and as an employee of the Yakima County Public Services, Planning Division, dispatched through the United States Mails, or otherwise by electronic mail, a Notice of Completeness, Application, Environmental Review, and Future Hearing, a true and correct copy of which is enclosed here-with; that Notice of Completeness, Application, Environmental Review, and Future Hearing was addressed to the applicant/agent, property owner, adjoining property owners, and interested agencies, that said parties are individually listed on the Mailing List retained by the Planning Division and that said notice was mailed by me on the 11th day of March 2020.

That I mailed said notice in the manner herein set forth and that all of the statements are made herein are just and true. Dated this 11th day of March 2020.

  
Eva A. Rivera  
Planning Office Specialist

(25)

FILED  
HEARING EXAMINER  
EXH # 9 DATE 3/11/20  
FILE NO. ZON2020-001



# Public Services

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

LISA H. FREUND - Director

DATE: February 26, 2020

TO: Scenic Ranch LLC, Mike Heit-HLA Engineering and Land Surveying, Inc.,  
APO's, and Interested Agencies

FROM: Yakima County Public Services Department: Planning Division *b7g nm*

SUBJ: **ZON2020-00001/SUB2020-00004/SEP2020-00005** Scenic Ranch Type-4 Master  
Planned Development Overlay (MPDO) and 16-lot Long Plat Subdivision  
Notice of Application, Notice of Completeness, Notice of Environmental Review  
and Notice of Future Hearing

## DESCRIPTION OF PROPOSAL

The Scenic Ranch Master Planned Development is proposed to be a premier residential 16-lot subdivision located on one parcel along the north side of Scenic Drive. The parcel is within the Single-Family Zoning District and the Urban Growth Area of the City of Yakima. The project will subdivide 19.97 acres into 16 single-family lots, varying in size from 0.89 acre to 1.55 acres. Access to the plat will be off Scenic Drive, with a 30-foot wide private road with rolled curb and gutter, and a meandering asphalt pathway for sidewalks. The property will feature approximately 3,200 lineal feet of asphalt walking path, 1,700 lineal feet of gravel walking path. The subdivision will also have 2.52 acres of recreational area that can be used for various recreational and sporting activities. The development will be served by Nob Hill Water and have a Large On-Site Septic System.

**Property Owner:** Scenic Ranch LLC  
3748 State Hwy 97A  
Wenatchee, WA 98801

**Applicant/Agent:** Mike Heit  
HLA Engineering and Land Surveying, Inc.  
2803 River Road  
Yakima, WA 98902

**Location:** Located on the north side of Scenic Drive, approximately 600 feet west of the City of Yakima.

**Tax Parcel No.:** 181317-23423

**Application Submittal Date:** February 7, 2020    **Completeness Date:** February 18, 2020

26  
FILED  
HEARING EXAMINER  
EXH # 10 DATE 2/26/20  
FILE NO. 20012020-001

ALISSA KATHRYN & LANNY GILL  
7027 SCENIC DR  
YAKIMA WA 98908

BRANDY ESCOBEDO SCHWARTZ  
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Harold MacLean Jason Earles  
Joe Stump John Walkenhauer  
Mark Cleaver Jase Testerman  
Michele Pescador Terry Keenhan  
Dianna Woods David Haws  
Chris Pederson Troy Havens

Elizabeth Sanchez  
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esanchez@yakama.com

Jill Nogi  
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WA Dept. of Fish & Wildlife  
Eric Bartrand and Scott  
Downes  
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Attn: Gwen Clear  
[crosepacordinator@ecy.wa.gov](mailto:crosepacordinator@ecy.wa.gov)

Superintendent  
Bureau of Indian Affairs  
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Yakima, WA 98908

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Attn: Dr. Michael Brophy  
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City of Yakima  
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Cultural Resources  
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[ccamuso@Yakama.com](mailto:ccamuso@Yakama.com)

Clean Air Agency  
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Yakima, WA 98901

Robert Bright  
Air Traffic & Airspace Officer  
Joint Base Lewis-McChord  
[robert.d.bright10.civ@mail.mil](mailto:robert.d.bright10.civ@mail.mil)

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City of Yakima  
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WA State Dept of Health  
Wastewater/Shellfish  
16201 E. Indiana Ave – Ste 1500  
Spokane Valley, WA 99216

(28)

**AGENCY MAILING LIST**  
**HIGHLIGHTED = EMAILED**

**SUB2020-004**  
**2/26/2020**  
**# OF LABELS 24**

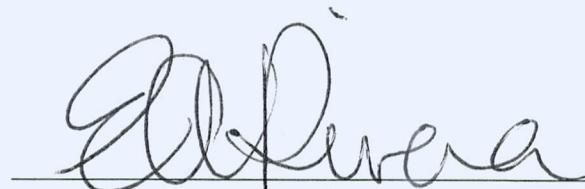
FILE NO.: SUB2020-00004, ZON2020-00001, SEP2020-00005  
Notice of Completeness and Notice of Application, Environmental Review, and Future Hearing

### **AFFIDAVIT OF MAILING**

STATE OF WASHINGTON )  
: ss.  
COUNTY OF YAKIMA )

I, Eva Rivera, being first duly sworn, and as an employee of the Yakima County Public Services, Planning Division, dispatched through the United States Mails, or otherwise by electronic mail, a Notice of Completeness and Notice of Application, Environmental Review, and Future hearing a true and correct copy of which is enclosed here-with; that Notice of Completeness and Notice of Application, Environmental Review, and Future hearing was addressed to the applicant/agent, property owner, adjoining property owners, and interested agencies, that said parties are individually listed on the Mailing List retained by the Planning Division and that said notice was mailed by me on the 26th day of February 2020.

That I mailed said notice in the manner herein set forth and that all of the statements are made herein are just and true. Dated this 26th day of February 2020.



Eva A. Rivera  
Office Support Tech

(29)  
FILED  
HEARING EXAMINER  
EXH # 11 DATE 2/26/20  
FILE NO. ZON2020-001



# GENERAL APPLICATION FORM

Yakima County Public Services

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

FINAL  
Revised 5/28/2019

(Staff Use Only – Fill In / Circle As Applicable)

Zoning District: R-1

Reviewed By: TJA

Proposed Land Use: 16 LOT LONG PLAT

Case #(s):

Overlay: Airport / Greenway / Floodplain NO

Date Submitted:

UGA: YAKIMA CAO/Shoreline: NO Shorelines

SEP 20-005

2/7/20

Sewer: Septic Clearance / As Built

OVERSTRENGTHENED SLOPES

SUB 20-004

Potable Water: N/A or Exempt

Purveyor: Nob Hill Water YCWRS Well:

FAAR: WUI-FD: M / H / E

Occupancy: A B E F H I M R R1 R2 R3 S U

Type of Construction: IA IIA IIIA IB IIB IIIB IVA IVB VA VB

Name of Short Plat, Subdivision or Manufactured Home Park: \_\_\_\_\_ Lot or Space # \_\_\_\_\_

Planning Forms for Project: \_\_\_\_\_

**Please Tell Us About Your Proposal:** (If you need assistance call us at (509) 574-2300 or come into the office)

Parcel Numbers(s): A. 181317-13423 B. \_\_\_\_\_ C. \_\_\_\_\_

Property Owner's Name: Scenic Ranch, LLC

Day Phone: 509-961-5060 Company (if any): \_\_\_\_\_

Mailing Address: 3748 State Hwy 97A City: Wenatchee State: WA Zip: 98801

Subject Property Address: (if Different) Scenic Drive/N. 66th Ave., Yakima, WA 98908

Scope of Work: Construct a 16 lot subdivision and associated private road.

Are you requesting the Optional Consolidated Permit Review Process as provided under YCC 16B.03.060? Yes  No

**Applying For A Building Permit? Please Fill Out The Following:**

Number of Bedrooms: Existing: \_\_\_\_\_ Total: \_\_\_\_\_ Size/Dimensions: \_\_\_\_\_ Square Footage: \_\_\_\_\_

Number of Bathrooms: \_\_\_\_\_ Size/Dimensions: \_\_\_\_\_ Square Footage: \_\_\_\_\_

## Construction Valuation (Contractor Estimate) \$

How will you provide legal domestic water for your project? Please check one below:

- Water right permit from Department of Ecology (Please attach a copy to this application), or
- Letter from an approved water purveyor stating the ability to provide water, or
- A Yakima County Water Resource System (YCWRS) domestic well within the Agriculture zoning district, or
- A Yakima County Water Resource System (YCWRS) domestic well outside of the Agriculture zoning district, or
- Other adequate evidence of interest in a suitable water right held for mitigation proposed by an existing water bank, or
- Yakama Nation Water Code permit for properties located within the exterior boundaries of the Yakama Nation, or
- Documentation that the well site is located outside the Yakima River watershed.

FILED  
HEARING EXAMINER

EXH # 10 DATE 2/7/20  
FILE NO. 2014 2020-001

Please note that evidence of an adequate water supply must be submitted to Yakima County prior to the issuance of the permit. 30

By signing this form, I agree to the following:

- I hereby state as true that all ownership interests of the property have reviewed the proposal as presented in the application materials and support the proposed change(s).
- I hereby give Yakima County permission to enter my property during this review to inspect my property as needed.
- I hereby agree to pay all additional fees associated with the processing of this application including but not limited to the Hearing Examiner fees, Transportation fees or any other fees that may be associated with the proposed project.
- I hereby acknowledge that the application with the Yakima County Permit Services Department has been filled out completely.

CONTINUE ON BACK 

- I hereby acknowledge that verification of an approved potable water supply is a requirement and part of the procedure to obtain a permit from Yakima County.
- I shall provide Yakima County with proof of an adequate water source as indicated in Ordinance 13-2017 or obtain a YCWRS domestic well permit.
- I understand that Yakima County shall be held harmless for misinterpretation or misrepresentation of documents to obtain my permits.
- I am aware my Permit WILL NOT be issued until I provide proof of an approved source of potable water and associated documentation.

*(If the property is owned by a corporation or LLC please attach documentation showing that the person signing has the authority to sign on behalf of the corporation or LLC.)*

**Please Fill Out This Section In Blue or Black Ink. (Please check the box to indicate the primary contact person)**

**Property Owner Signature:** Mike Heit (required) Date: 2/6/2020

**Check If You Are Acting As Your Own Contractor** – (Signature required at declaration at bottom of page)

**Applicant/Agent:** Mike Heit

Day Phone: (509) 966-7000 Company (if any) HLA Engineering and Land Surveying, Inc  
 Mailing Address: 2803 River Road City: Yakima State: WA ZIP: 98902  
 E-mail Address: mheit@hlacivil.com

**Signature:** Mike Heit Date: 2/6/2020

**Contractor Name:** \_\_\_\_\_

Day Phone: ( ) \_\_\_\_\_ Company (if any) \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_

**Signature:** \_\_\_\_\_ Date: \_\_\_\_\_

*If there are additional owners, provide an attachment in the same format and with the same declarations*

**This Section To Be Completed For Construction Permits Only**

**Pursuant to RCW 19.27.095 (2)(i-ii) The requirement for a fully completed construction application shall include:**

- i. The name, address, and phone number of the office of the lender administering the interim construction financing, if any; OR
- ii. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50% of the total amount of the construction permit.

If for any reason the information requested below is not available at the time of application, the applicant shall provide the information as soon as it can be reasonably obtained.

**Lending Agency Name:** \_\_\_\_\_ Phone: ( ) \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 I acknowledge by checking this box that this project has no lending agency for construction financing

**Bonding Agency Name:** \_\_\_\_\_ Phone: ( ) \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 I acknowledge by checking this box that this project has no bonding agency.

**If you are the Property Owner and Acting as Your Own Contractor, Please Complete the Following Declaration:**

- I acknowledge that I am applying for a permit thru the Yakima County Public Services Department.
- I also acknowledge that I am not a licensed contractor, specialty or general, or that I am not acting as a contractor and wish to be exempt from the requirements of the Washington State Contractor's Act, per RCW 18.27.090, and will abide by all provisions and conditions of the exemption as stated.
- I agree that if I use the assistance of any person(s) to provide labor and/or assistance, I will retain only contractors registered and currently licensed as required under the laws of the State of Washington.

I (print name) \_\_\_\_\_ certify under penalty of perjury under the laws of the State of Washington  
 that the foregoing is true and correct.

**Owner Signature:** \_\_\_\_\_ Date: \_\_\_\_\_



# MASTER PLANNED DEVELOPMENT OVERLAY FORM

Yakima County Public Services

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(509) 574-2300 · 1-800 572-7354 · FAX (509) 574-2301 · [www.co.yakima.wa.us](http://www.co.yakima.wa.us)

Form FINAL  
Revised 10/26/17

*All of the below questions must be answered in detail either in the space provided or as an attachment. If the answer to the questions are attached then indicate in the space provided the page number of attachment number in which the information can be found.*

1. What type of Development is being proposing:  Residential  Commercial  Industrial  Mixed Use

2. What is the total project area? 19.97 acres

3. What type(s) of residential development is being proposed?

Single Family  Two Family  Multi Family  N/A

4. What commercial uses are proposed as part of this proposal? See Attached.

*Corresponds with application question*

5. What industrial uses are proposed as part of this proposal? See Attached.

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6. Are there any public service oriented uses (schools, police stations, fire station, etc....) being proposed as part of this proposal? See Attached.

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7. What recreational amenities are proposed as part of this proposal? See Attached.

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8. Are the proposed amenities to be used by:  Residents of the development  The public  Both  
Please explain: See Attached.

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9. Have there been previous land use decisions issued with the project area?  Yes  No  
If Yes, please attach a list of all file numbers and all outstanding conditions of approval. See Attached.

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# MASTER PLANNED DEVELOPMENT OVERLAY FORM

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10. What technical studies (Geo-Technical Reports, Traffic Study, Cultural Resource Survey, etc.) have been conducted within the project area? (attach all technical studies) See Attached.

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11. Describe how the proposal will be an economic and efficient use of the land and how it will provide for an integrated and consistent development plan for the site. See Attached.

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12. Describe how the proposed development will be compatible with the surrounding area. See Attached.

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13. Will the proposal comply with the development standards of the underlying zoning district?  Yes  No  
If No, what is the proposed standard? See Attached.

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14. Describe what "low impact design" (as defined under YCC 19.01.070(12) concepts are being proposed. See Attached.

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15. Will the project be developed in phases?  Yes  No

If yes, please attach a detailed description addressing how many phases are proposed, what type of development is proposed for each phase, the proposed timing for each phase, proposed development standards for each phase and how the infrastructure will be adequate to serve each phase of the development.

16. What is the proposed method of mitigation in order to reduce potential conflicts between conflicting uses within and adjacent to the proposed development? See Attached.

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17. Describe the proposed method of landscaping and site screening? (Indicate on the submitted site plan the landscaping and site screening location and type.) See Attached.

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# MASTER PLANNED DEVELOPMENT OVERLAY FORM

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18. Provide a detailed description of the type, location and number of the existing/proposed parking and traffic management facilities for the development. (Indicate on the submitted site plan the location of all parking spaces and traffic management.) See Attached.

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19. Describe in detail all identified potential off-site impacts including noise, shading, glare and traffic and the proposed method of mitigation. See Attached.

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20. What is the proposed method of domestic water? (Attach all documentation verifying that the proposed development can legally utilize/connect to the proposed source of domestic water.) See Attached.

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21. What is the proposed method of sewage disposal? (Attach all documentation verifying that the proposed development can legally utilize/connect to the proposed sewage disposal system.) See Attached.

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22. Describe in detail all Critical Areas/Shoreline Environments within or adjacent to the proposed development area. See Attached.

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23. In accordance with YCC 19.30.060(12)(d) please attach all of the following:

- (i) Vicinity map that identifies surrounding uses within 500 feet of the site boundary;
- (ii) Legal description for the proposed Master Planned Development with a title report disclosing all lien holders and owners of record;
- (iii) Zoning map that identifies base and overlay zoning designations for the site and surrounding property uses within 500 feet of the site boundary; and
- (iv) Site description including the following information provided in narrative, tabular and/or graphic formats:
  - (A) Topography and natural resources including 100-year floodplain; wetlands, rivers, streams or other critical areas; and natural hazards such as steep slopes greater than 15%, and unstable, impermeable or weak soils;
  - (B) Inventory of cultural, historic and/or archaeological resources on the site, if any;



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- (C) Existing buildings, if any, including use, location, size and date of construction;
- (D) Existing on-site transportation systems including streets, sidewalks and bike paths, if any;
  
- (E) Location and size of existing public and private utilities on the site including water, sanitary sewer, storm water retention/treatment facilities and electrical, telephone and data transmission lines;
- (F) Location of public and private easements; and
- (G) A description of the type, design and characteristics of the surrounding properties to assess the proposed Master Planned Development effects.

24. In accordance with YCC 19.20.060(12)(g) please attach the proposed Development Agreement which includes the following elements:

- i) Narrative Description of Project and Objectives;
- (ii) Summary of Development Standards;
- (iii) Site Plan Elements;
- (iv) Development Phasing, including times of performance to preserve vesting;
- (v) Public Meeting Summaries;
- (vi) Performance Standards and Conditions addressing items "a" through "e" above;
- (vii) Criteria for Determining Major vs. Minor Modifications and amendments; and
- (viii) Signatures by each owner of the property within the Master Development Plan area acknowledging that all owners will be bound by conditions of approval, including use, design and layout, and development standards contained with an approved Plan and Development Agreement.

***NOTE: In accordance with YCC 19.17.040(5)(h) "The development agreement shall provide for vesting of such development conditions and standards as deemed reasonable and necessary to accomplish the goals of the Master Planned Development for the duration specified in the agreement, not to exceed ten years."***  
**(Emphasis added)**

Yakima County will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Yakima County, should contact the Yakima County ADA Coordinator at 509-574-2210 as soon as possible but no later than 48 hours before the scheduled event.

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# NARRATIVE FORM

Yakima County Public Services  
128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901  
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FINAL  
Revised 10/01/15

The Narrative Form is designed to help you, the application review, interested agencies, and adjacent property owners to the proposal understand the scope of your project and how your project meets the legal requirements in the Yakima County Codes. You should refer to the appropriate sections of the ordinance when describing your proposal if applicable. You can obtain a copy of the ordinance in our office or access it on the internet at:

<http://codepublishing.com/wa/yakimacounty/>

**Narrative Content:** Please tell us the “who”, “what”, “where”, and “why” of your proposal. A list of typical content is provided below. **Please do not limit your project’s description to just these items.** In order for us to conduct a timely review of your project please **be as detailed as possible.** Any missing/confusing information could result in the delay of our review.

Note: Not all content listed below will be pertinent to your proposal. These items are suggestions in order to help you draft your narrative.

## **Suggested Content:**

- Describe the current use of the site including all existing structures with their dimensions, square footage and usage.
- Describe the proposed use in detail (including but not limited to the type of business and/or use, hours and days of operation, number of employees, number of people living on-site, maximum number of customers and/or guests, changes or additions to the driveways or other access points, the type of mitigation or adjustment requested).
- Describe which standards are proposed to be adjusted and justify why the standard needs to be adjusted.
- Describe any new or existing structures to be used as part of this proposal.
- Describe how the proposed use will be pertinent to the proposed/existing structures.
- Describe any parking facilities (number of spaces and surface type), landscaping, signage, and lighting that will be associated with your proposal.
- Describe your access to the property and the route of travel to the site.
- For commercial operations describe the travel ways that will be located onsite.
- Describe the timelines for completion of your proposal.

**Please remember that your narrative must explain in detail the specifics of your proposal and any missing information may result in the need for future reviews.** Your narrative can be typed and printed on a separate sheet of paper with “See Attached” written below, or you may print out legibly your narrative on the lines provided.

See Attached.

(36)

## SCENIC RANCH MASTER PLAN DEVELOPMENT OVERLAY

4. The proposed Scenic Ranch MPDO does not have a commercial element proposed as part of the development.
5. The proposed Scenic Ranch MPDO does not have an industrial element proposed as part of the development.
6. The proposed Scenic Ranch MPDO does not have a public services oriented element proposed as part of the development.
7. The property will feature approximately 3,200 lineal feet of asphalt walking path through the community. There are two open space recreational areas, totaling 2.52 acres that can be used for various recreational and sporting activities. The recreational areas will feature a combination of greenspace and natural landscape with an additional 1,700 lineal feet of gravel walking path.
8. The Scenic Ranch MPDO is proposed to be a private development and the recreational amenities will be reserved for use by residents and their guests.
9. There has been no known previous land use decisions on the property.
10. The proposed Scenic Ranch MPDO has not conducted any technical studies at this time. A geotechnical study will be completed as part of the design phase to assist in the design of stormwater disposal system and waste water disposal system. It is also assumed that a MDNS condition would be to analyze the soil to determine if the soils exceeds the MTCA cleanup levels.
11. The Scenic Ranch MPDO is proposed to be a premier upscale residential housing development with a private road, and recreational facilities to promote good health. The development will be fully built out in one phase with the private road extending off Scenic Drive. Nob Hill Water will be extended through the development, and large on-site septic systems, or community septic systems will service the homes. Premier residential real estate in communities are all combined for high end living and recreational experience. The natural beauty and elegance of the hillside will result in a prime housing location.
12. The proposed development will be a premier upscale residential housing development with a private road with a similar layout and feel as existing adjacent housing developments.
13. The Scenic Ranch MPDO generally will comply with all the development standards of the YCC 19.12.010 Suburban Residential and Single-Family Residential Districts. The development is proposed to have a 30-foot-wide private road with rolled curb and a meandering asphalt pathway for sidewalks. The road alignment winds down the hillside to meet the Yakima County's 10 percent grade requirements.

The subdivision will be served by Nob Hill Water public water system, will serve the lots with domestic water. The property requires a large on-site septic system, or community septic systems because the City of Yakima Regional Sewer System is approximately 3,800 feet to the southwest and at a higher elevation than the proposed subdivision. A regional lift station and force main would be required to pump water up-hill to the existing City of Yakima sewer main.

YCC requires subdivisions with Public Water and a community septic system to meet YCC Section 19.34.035 Cluster Developments, which limits lot size to 0.25 acres. The property is

relatively steep in grade, and 10,890 square foot lot size is insufficient to create building pads and driveways necessary for the proposed development. The development is anticipating being a Premier residential neighborhood with 5,000 square foot plus sized homes similar to the adjacent developments. In order to maintain the natural beauty and elegance of the hillside, the proposed lot size requires a departure from the clustering lots, and the 0.25 acre lot size, and allow the proposed larger 0.89 acre to 1.55 acre lot size. This will allow the building pads to be leveled and sloped back to existing ground without the use of massive retaining walls, destroying the natural beauty and elegance of the hillside, and limiting the ability for eye appealing landscaping.

14. The Scenic Ranch MPDO storm water will all be contained on-site in a combination of retention swales, and underground infiltration. The subdivisions private roads primary method for storm water management will be sheet flow of water across the pavement and into catch basins, and placing it underground infiltration trenches. The storm water will then infiltrate into the soil. All drainage facilities and mitigation measures will be in accordance with the current edition of the Washington State Department of Ecology (WSDOE) Stormwater Management Manual for Eastern Washington and the Yakima County Regional Stormwater Manual.

The proposed larger 0.89 acre to 1.55 acre lot size allows the building pads to be sloped back to existing ground with eye appealing landscaping, and private driveway's will be sloped into the hillside with a roadside ditch to contain runoff and allowing storm water to infiltrate into the soil. The larger lots, with natural landscaped cut and fill slopes, and infiltration swales, promotes low impact developments in accordance with YCC. The subdivision will also have large greenspace areas and pathways, further promoting a low impact development concept.

15. The Scenic Ranch MPDO is proposed to be fully developed in one phase, therefore the developer's agreement is not necessary to maintain project entitlements, but a developer agreement has been provided for review.
16. The Scenic Ranch MPDO is consistent with adjacent residential developments, and there are no foreseeable conflicts with adjacent uses.
17. The Scenic Ranch MPDO individual residential building lots are proposed to be landscaped with normal residential type landscaping. The exterior property boundary of the residential lots, greenspace, picnic area and private road will have a 6-foot sitescreening fence in accordance with YCC Standard C. It is requested that no sitescreening fence be installed along the residential parcels located along the east line that already have established sitescreening fences. In addition, it is requested that no sitescreening fence be required along the northern recreational areas, so the residents can enjoy unobstructed views. Since the property sits atop a rock bluff, they do not require sitescreening, as the rock bluff prevents adjacent landowners from seeing the proposed development.
18. The Scenic Ranch MPDO is proposed to have a 30-foot-wide private road with rolled curb and a meandering asphalt pathway for sidewalks. The road alignment winds down the hillside to meet the Yakima County's 10 percent grade requirements and is not proposed to have on-street parking. All houses will have a driveway and garages with a minimum of 2 parking spaces per residence. It is anticipated that the residence will provide for four off street parking spaces per residential lot.
19. The Scenic Ranch MPDO off-site impacts would be the additional residential traffic related to the new housing development. The traffic, noise and impacts from the existing farming operation will be eliminated, resulting in negligible net impacts. Therefore, no mitigation is proposed.

20. The Scenic Ranch MPDO will be serviced by Nob Hill Water Public Water System.
21. The Scenic Ranch MPDO will be serviced by a community Large On-Site Septic System (LOSS) on a community owned tract, meeting WAC 246-272B, and Washington State Department of Health requirements. A community septic system is proposed because of the inability to service the land with public sewer. The property will have an 8" sewer main collecting all the sewerage for the subdivision, and transporting the sewage to the community LOSS. In the future if public sewer became available to service the property, the 8" sewer line could be converted to a public sewer line and connected to the public main.
22. There are no known critical areas located on the site, although it is located at the top of a rock bluff. The subdivisions private roads primary method for storm water management will be sheet flow of water across the pavement and into catch basins, and placing it underground infiltration trenches. The storm water will then infiltrate into the soil, preventing runoff from going over the rock bluff. All drainage facilities and mitigation measures will be in accordance with the current edition of the Washington State Department of Ecology (WSDOE) Stormwater Management Manual for Eastern Washington and the Yakima County Regional Stormwater Manual.
23. See project description and site plan
24. The Scenic Ranch MPDO is proposed to be fully developed in one phase. Since the development will be constructed in one phase, and the conditions of approval will be vested for the current five-year time period as allowed under RCW 58.17 for long plat subdivisions. The property will be fully developed and there will be no ability to modify or amend the development, therefore a developer's agreement is not required, but one has been provided.

## **SCENIC RANCH MASTER PLAN DEVELOPMENT**

### **Project Description**

The Scenic Ranch Master Planned Development will be a premier residential 16-lot subdivision located on parcel 181317-13423 along the north side of Scenic Drive, Yakima, Washington. The project will subdivide the 19.97 acres into 16 single family lots, varying in size from approximately 0.89 acres to 1.55 acres. Access to the plat will be off Scenic Drive. The development is proposed to have a 30-foot-wide private road with rolled curb and gutter, and a meandering asphalt pathway for sidewalks. The road alignment winds down the hillside to meet the Yakima County's 10 percent grade requirements. The property will feature approximately 3,200 lineal feet of asphalt walking path through the community. There are two open space recreational areas, totaling 2.52 acres that can be used for various recreational and sporting activities. The recreational areas will feature a combination of greenspace and natural landscape with an additional 1,700 lineal feet of gravel walking path.

The site slopes from the south to the north with slopes varying from approximately 10-percent to 25-percent slopes. National Resources Conservation Service Soil Mapping was consulted regarding the on-site soils at the project site. The USDA Soil Conservation Service (SCS) indicated the soil is a primarily a Cowiche Loam in the area of concentration, which is a ML, or A-4 soil type. The soil mapping indicates: 0-10 inches Loam, 10-35 inches Loam, 34-45 Loam, and 45-60 inches Loamy Fine Sand, Very Fine Sandy Loam. Permeability of the Cowiche Loam soil type is moderate, the runoff is low and the water erosion hazard is slight. The most effective use of land would be to create larger parcels to allow potential homeowners to create custom homes to match the natural terrain that best suits their needs. In order to maintain the natural beauty and elegance of the hillside, the proposed lot sizes will be 0.90 acre to 1.55 acres allowing the building pads to be leveled and sloped back to existing ground with minimal retaining walls. Therefore, maintaining the natural beauty and elegance of the hillside, and providing the ability for eye appealing landscaping. Each lot will have a custom home and require an individual lot grading plan. The master planned plat will not create a comprehensive master grading plan. The grading plan will be limited to the private access road, and the shared driveways to meet fire access and stormwater runoff treatment requirements. The undeveloped balance of the property is proposed to remain in native vegetation.

The site currently has frontage improvements to the south along Scenic Drive, and the existing site is currently a vacant lot covered with naturally occurring pasture grasses and weeds. In the past the land has been farmed as alfalfa, but it is too steep for apple or cherry trees. The surrounding zoning is R-1 along the north side of Scenic Drive, and S-R along the south side of Scenic Drive. The surrounding property uses are either single family residences, agricultural land, or undeveloped land as shown on the attached land use map. There are no known critical areas located on the site, although it is located at the top of a rock bluff.

The Scenic Ranch MPDO storm water will all be contained on-site in a combination of retention swales, and underground infiltration. The subdivisions private roads primary method for storm water management will be sheet flow of water across the pavement and into catch basins, and placing it underground infiltration trenches. The storm water will then infiltrate into the soil. All drainage facilities and mitigation measures will be in accordance with the current edition of the Washington State Department of Ecology (WSDOE) Stormwater Management Manual for Eastern Washington and the Yakima County Regional Stormwater Manual.

The proposed larger 0.89 acre to 1.55-acre lot size allows the building pads to be sloped back to existing ground with eye appealing landscaping, and private driveway's will be sloped into the hillside with a roadside ditch to contain runoff and allowing storm water to infiltrate into the soil.

The larger lots, with natural landscaped cut and fill slopes, and infiltration swales, promotes low impact developments in accordance with YCC. The subdivision will also have large greenspace areas and pathways, further promoting a low impact development concept.

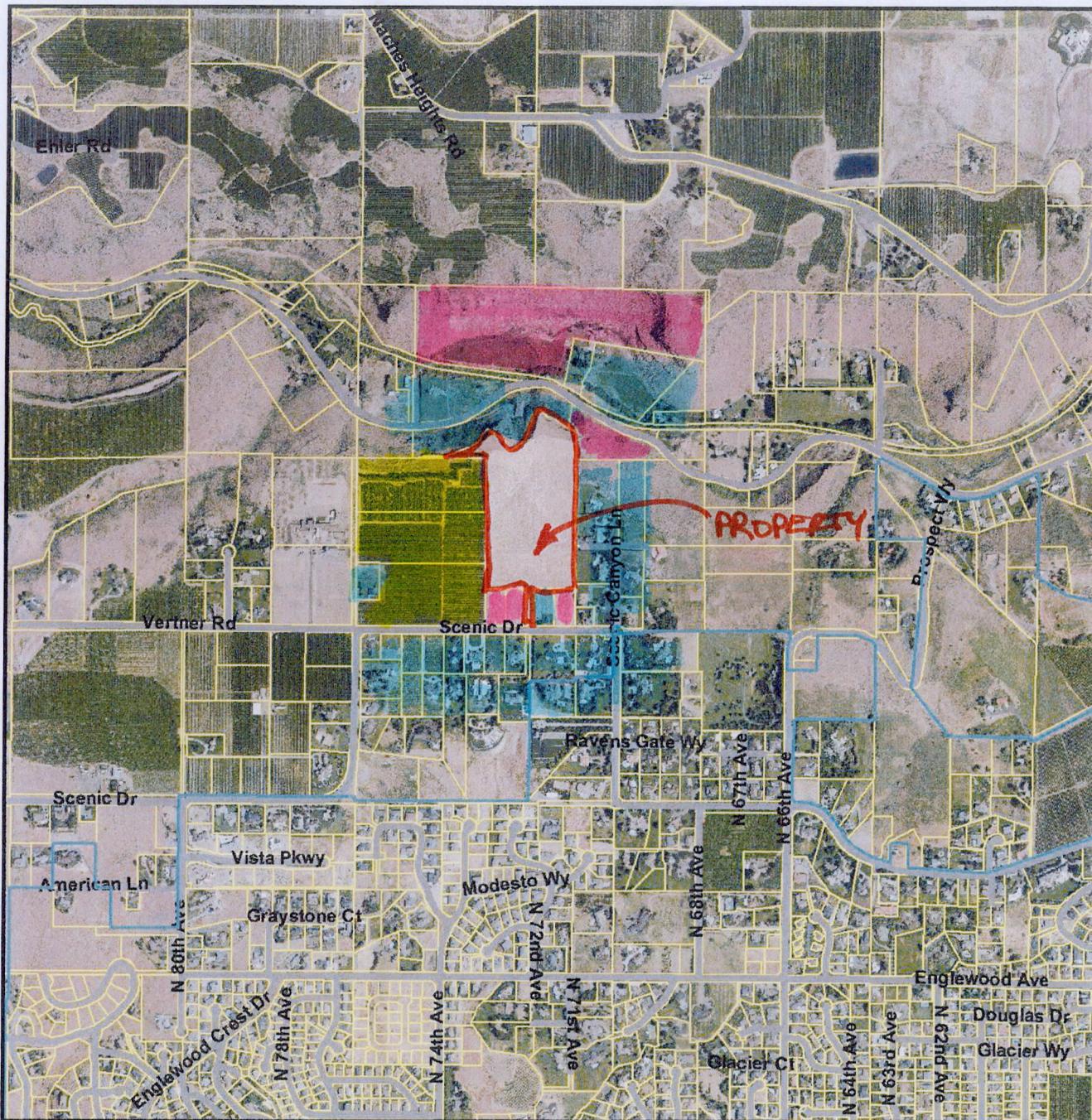
Nob Hill Water will serve the lots with domestic water and there is an existing 12-inch water main in Scenic Drive. Power, telephone and natural gas are all available along Scenic Drive. The current facilities will be extended through the property. There is no regional sewer system available but rather a community septic systems are proposed on a community owned tracts, meeting WAC 246-272A-0320, and Yakima Health District requirements. The property will have an 8" sewer main collecting all the sewerage for the subdivision, and transporting the sewage to the community septic systems.

(41)

# Yakima County GIS - Washington Land Information Portal

[\[Print Map\]](#)  
[\[Close Map\]](#)

**Yakimap.com**



Map Center: Range:18 Township:13 Section:17

2017 Ortho Photography

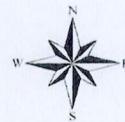
City Limits  
Sections

UNDEVELOPED LAND

SINGLE FAMILY

AG

**WWW.YAKIMAP.COM**  
 Yakima County GIS  
 128 N 2nd Street  
 Yakima, WA 98901  
 (509)574-2992



One Inch = 1200 Feet

Feet 500 1000 1500 2000

MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED; THIS IS NOT A LEGAL DOCUMENT  
 AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION

Copyright (C) Yakima County GIS  
 Printed On: 2/6/2018 12:06:17 PM

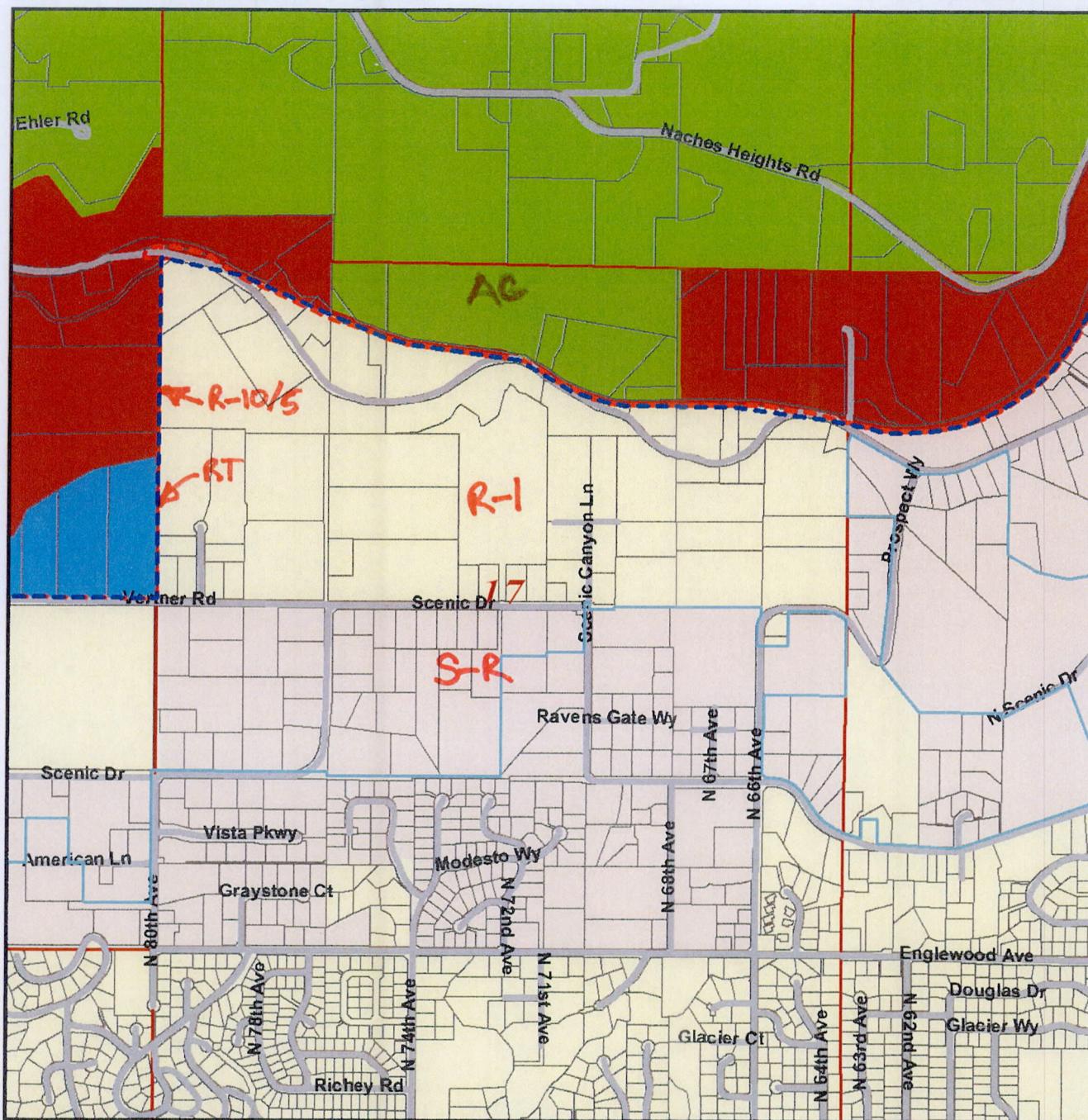
**LAND USE MAP**

42

# Yakima County GIS - Washington Land Information Portal

[\[Print Map\]](#)  
[\[Close Map\]](#)

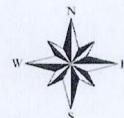
**Yakimap.com**



Map Center: Range:18 Township:13 Section:17

City Limits  
 Sections

**WWW.YAKIMAP.COM**  
 Yakima County GIS  
 128 N 2nd Street  
 Yakima, WA 98901  
 (509)574-2992



One Inch = 1200 Feet

Feet 500 1000 1500 2000

MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED; THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION

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**ZONING MAP**

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Development Agreement By and Between

Yakima County

and

Scenic Ranch, LLC for  
Scenic Ranch

This Development Agreement ("Agreement") is made and entered into between the Yakima County, a Washington municipal corporation ("County") and Scenic Ranch, LLC ("Developer").

**I. RECITALS**

Whereas, the County has the authority to enact laws and enter into agreements to promote the health, safety, and welfare of its citizens and thereby to control the use and development of property within its corporate limits; and

Whereas, the County has the authority to enter into this Development Agreement pursuant to RCW 36.708.170-210, which authorizes such agreements to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development.

Whereas, this Development Agreement confers significant benefits on both the County and the developer. Both Parties enter into the Agreement knowingly by and voluntarily with full advice of their respective legal counsel, accepting all obligations created herein, in order to secure the benefits to be derived respectively by each Party

Whereas, Developer is the owner of two parcels of approximately 19.97 acres along the north side of Scenic Drive, Yakima, Washington (the "Property"). The Property is legally described as follows:

See Attached Exhibit A.,

incorporated herein by this reference; and

Whereas, Developer has proposed a 16-lot subdivision together with one (1) individual plat, authorizing a common private interior roadway, and rolled curb and gutter; and

Whereas, pursuant to the Growth Management Act, RCW 36.70A, the County adopted its Yakima Urban Area Comprehensive Plan. Subsequently, the City has revised and updated this plan and has adopted and continues to adopt development regulations to implement the plan, including adoption of Yakima Urban Area Zoning Ordinances, which zoned the property Suburban Residential; and

Whereas, an open record public hearing was held before the Hearings Examiner on \_\_\_\_\_, 2020 (following required public notice) and the Hearings Examiner issued a Recommendation to the Yakima County Commissioners on \_\_\_, 2020; and

Whereas, Yakima County Commissioners held a closed record public hearing and considered the application, record and Planning Commission's Recommendation on \_\_\_, 2020, and approved the subdivision.

Whereas, the parties intend this agreement to guide the current and future uses of the property, now, therefore,

NOW, THEREFORE, in consideration of the promises, covenants, and provisions set forth herein, the receipt and adequacy of which consideration is hereby acknowledged, the Parties agree as follows:

(44)

## II. AGREEMENT

In consideration of mutual benefits, the parties agree as follows:

1. **Subject Property.** Developer proposed subdivision and development of the Property as more particularly set forth in the approved preliminary plat of Scenic Ranch ("Subdivision" or "Plat") - Exhibit B. Scenic Ranch includes a private residential subdivision, consisting of sixteen (16) lots. Scenic Ranch was reviewed and recommended for approval by the Yakima County Hearings Examiner as set forth in the Recommendation to the Yakima County Commissioners on \_\_\_, 2020, and the Subdivision was approved by Yakima County Commissioners on \_\_\_, 2020.

2. **Development Terms.**

a) **Final Plat - Completion and Recording.** Developer agrees to abide by the terms and conditions established by County for the preliminary plat of Scenic Ranch, including construction (or bonding) of all infrastructure and improvements described on the preliminary plat plan decisions.

b) **Mitigated Determination of Non - Significance.** Developer agrees that the Property shall be used and developed in a manner consistent with the project description in the State Environmental Policy Act (SEPA) Mitigated Determination of Non -Significance issued by the Yakima County on \_\_\_\_\_, 2020 (File No. SEPA 2020-\_\_\_\_\_), and incorporated herein by this reference as if set forth in full (the "MDNS").

c) **Interior Roads.** Scenic Ranch will be developed as a private residential community. Interior roadways shall be private and maintained by Scenic Ranch homeowners' association established for or by residents of Scenic Ranch. The private roadways shall not become public roadways unless later accepted by the County Engineer.

d) **Phased Development.** Scenic Ranch is designed as a single-phase residential development. Any residential construction shall be subject to applicable building codes in place at the time a complete building permit application for said construction has been received by the County.

3. **Term.** This Agreement shall continue in force for a period of ten (10) years unless extended or terminated as provided herein or when the property has been fully developed in accord with the preliminary plat, whichever first occurs. Notwithstanding the generality of the foregoing, the parties expressly agree and covenant that the streets within the proposed development shall remain private and the development may maintain private and limited access through use of access controls and gate.

4. **Vesting.** The subdivision shall be vested to development regulations, standards, conditions, and laws applicable at the time the Development Agreement is recorded, inclusive of specific conditions and standards set forth in said Development Agreement. The vesting period shall be for the "Term" of the Agreement. During the stated vesting period the applicant shall be entitled to implement the Subdivision in accordance with the terms and conditions of approval set forth herein. Vesting of rights also include reservation of traffic capacity on public streets and roadways and capacity in public facilities such as sewer and water.

5. **County's Reservation of Rights.** The parties intend this Agreement to be interpreted to the full extent authorized by law as an exercise of the County's authority to enter into development agreements pursuant to RCW 36.70B.170. Provided, however, that this Agreement shall be construed to exclude from the scope of this Agreement and to reserve to the County the authority which is prohibited by law from being subject to the mutual agreement with consideration of parties acting under Ch. 36.70B RCW. Without limitation, this shall include the right of the County to impose new or different conditions on the property to the extent required by a serious threat to public health and safety.

6. **Default/Notices.** No party shall be in default under this Agreement unless it has failed to perform as required for a period of thirty (30) days after written notice of default to the other party. Each notice of default shall specify the nature of the alleged default and the manner in which the default may be cured satisfactorily. The party not in default under this Agreement shall have all rights and remedies provided by law or equity, including without limitation, damages, specific performance or writs to compel performance or require action consistent with this Agreement.

7. **Assignment of Interests, Rights and Obligations.** This Agreement shall be binding and inure to the benefit of the parties. No party may assign its rights under this Agreement without the written consent of the other party, which consent shall not be unreasonably withheld. This Agreement shall be binding upon and shall inure to the benefit of the heirs, successors, and assigns of Developer and the County.

8. **Appeals.** In the event that any of the permits or approvals associated with the proposed development, including but not limited to SEPA determinations, preliminary plat, or planned development approval, are or may be appealed, then in that event, the County's obligations under this Agreement, and under the above-referenced development entitlements, shall be suspended, and may be terminated upon either order of court of competent jurisdiction or mutual agreement of the parties. Developer agrees not to appeal any of the previously required permits or approvals associated with the proposed development, including but not limited to SEPA determinations, preliminary plat, or planned development approval.

9. **Third-Party Legal Challenge.** In the event any legal action or special proceeding is commenced against the County by any person or entity other than a party to this Agreement to challenge this Agreement or any provision herein, including any of the permits, approvals, or entitlements associated with this Agreement, the County may elect to tender the defense of such lawsuit or individual claims in the lawsuit to Developer, and Developer shall have the sole responsibility for defense of the third-party legal challenge. The tender and acceptance thereof shall relate solely to defense of the claims but shall not include assumption of any municipal liability, obligation or legal responsibility arising from or related to challenged municipal acts or omissions. The Developer shall not settle any such tendered lawsuit without the consent of the County, which consent shall not be unreasonably withheld.

10. **Developer's Warranties and Representations.** Developer represents and warrants to County that Developer has a property interest in the property, and that the covenants and obligations of Developer in this Agreement and in the permits, approvals, and entitlements associated with this Agreement and the proposed development do not violate or constitute a default under or breach of any agreement between Developer and any third party by which Developer is bound. Developer represents and warrants to County that Developer is fully authorized to enter into and perform its obligations under this Agreement. Developer represents and warrants to County that there is neither pending nor, to the knowledge of Developer, any threatened legal action, arbitration or administrative hearing before any governmental authority to which Developer is a party and which could enjoin or restrict Developer's right or ability to perform its obligations under this Agreement.

11. **Modification of an Approved Master Planned Development Overlay.**

a) Future amendments to the PD may be proposed and approved following the process and criteria set forth in YCC 19.35.050 provided that the clarification provided in the Scenic Ranch Master Plan for what constitutes a major or minor amendment shall be followed. Such future amendments shall be subject to the Vested Codes unless a Major Amendment is proposed, in which case, the County may apply the codes in effect at the time of the application for the Major Amendment.

b) Amendments to any Preliminary Plat or any phase of any Preliminary Plat of the Scenic Ranch may be proposed and approved following the process and criteria set forth in YCC 19.34.050(9). Such future amendments shall be subject to the Vested Codes unless a Major Amendment is proposed, in which case, the County may apply the codes in effect at the time of the application for the Major Amendment.

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c) Amendments to this Development Agreement shall be processed using the same procedure as a new Development Agreement under YCC 168.03.080.

12. **Severability.** If any provision of this Agreement are determined to be unenforceable or invalid pursuant to a final decree or judgment by a court of law or tribunal with jurisdiction, then the remainder of this Agreement not decreed or adjudged unenforceable or invalid shall remain unaffected and in full force and effect.

13. **Agreement to be Recorded.** This Agreement may be modified only by written agreement of the parties hereto. This Agreement or a memorandum thereof shall be recorded against the Property as a covenant with the land which touches and concerns the Property and shall be binding upon the County and Developer, their heirs, successors and assigns, and all future owners of the Property. Developer shall be responsible for the costs of recording. Any approved modifications to this Agreement shall also be recorded against the Property.

14. **Specific Performance.** The parties specifically agree that damages are not an adequate remedy for breach of this Agreement, and that the parties are entitled to compel specific performance of all material terms of this Agreement by any party in default hereof.

15. **Governing Law and Venue.** This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. Venue for any action shall lie in Yakima County Superior Court.

16. **Attorneys' Fees.** In the event of any litigation or dispute resolution process between the parties regarding an alleged breach of this Agreement, neither party shall be entitled to any award of attorneys' fees.

17. **No Third-Party Beneficiaries.** This Agreement is for the benefit of the parties hereto only and is not intended to benefit any other person or entity. No person or entity not a party to this Agreement (other than a subsequent owner of a lot in the Plat of Scenic Ranch) may enforce the terms and provisions of this Agreement.

18. **Integration.** This Agreement represents the entire agreement of the parties with respect to the subject matter hereof. There are no other agreements between the parties, oral or written, except as expressly set forth herein.

19. **Covenants Running with the Land.** The conditions and covenants set forth in this Agreement shall run with the land. Developer and every purchaser, assignee, or transferee of any interest in the Property or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Property, or such portion thereof, sold, assigned, or transferred to it. Any such purchaser, assignee, or transferee shall observe and fully perform all of the duties and obligations of the Developer contained in this Agreement, as such duties and obligations pertain to that portion of the Property sold, assigned, or transferred to it.

20. **Notices.** Notices, demands or correspondence to the County and Developer shall be sufficiently given if dispatched by pre-paid, first-class mail to the following addresses:

**If to the County:**

Yakima County Board of County Commissioners  
128 North Second Street, Room 232  
Yakima, WA 98901

With copy to:  
Yakima County Public Services Planning Division  
128 North Second Street, Fourth Floor

Yakima, WA 98901

**If to Scenic Ranch:**

Scenic Ranch, LLC  
3748 State Hwy 97A  
Wenatchee, WA 98801

Notices to subsequent owners of lots in the Scenic Ranch shall be required to be given by the County only for those owners who have given the County written notice of their address for such notice. A party hereto shall, from time to time, advise the other of new addresses for such notices, demands, or correspondence.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date set forth below.

STATE OF WASHINGTON        )  
                                  ) ss.  
Yakima County                )

I certify that I know or have satisfactory evidence that **Michael Taylor** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Managing Member of Scenic Ranch, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Type/Print Name \_\_\_\_\_

Notary Public in and for the State of Washington residing  
at \_\_\_\_\_

My Commission expires \_\_\_\_\_

(48)

STATE OF WASHINGTON )  
Yakima County ) ss.

I certify that I know or have satisfactory evidence that Ron Anderson, Vicki Baker, and Norm Childress and are the persons who personally appeared before me and that said persons acknowledged that they signed this Instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Type/Print Name \_\_\_\_\_

\_\_\_\_\_  
Type/Print Name \_\_\_\_\_

\_\_\_\_\_  
Type/Print Name \_\_\_\_\_

Notary Public in and for the State of Washington residing  
at \_\_\_\_\_

My Commission expires \_\_\_\_\_

(49)



# GENERAL APPLICATION FORM

## For Land Use Actions

FINAL  
Revised 03/28/18

Yakima County Public Services

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

Zoning District: R-1

(Staff Use Only)

Date: 2/17/26

Receipt #: \_\_\_\_\_

Reviewed By: TVA

Proposed Land Use: 16 LOT LONG PLAT

Case #(s): SUB 20-004

SHP 20-005/ZON 20-001

| <b>CHECK ALL THAT APPLY AND ATTACH THE APPROPRIATE SUPPLEMENTAL FORM(S)</b>  |  |   |
|--|--|---|
| <u>Zoning</u>  | <u>Subdivision</u>   | <u>Shoreline</u>                                    |
| <input type="checkbox"/> Type 1  | <input type="checkbox"/> Admin. Adjustment                 | <input type="checkbox"/> Shoreline Substantial Dev. |
| <input type="checkbox"/> Type 2  | <input type="checkbox"/> Variance                          | <input type="checkbox"/> Shoreline Conditional Use  |
| <input type="checkbox"/> Type 3  | <input type="checkbox"/> Modification                      | <input type="checkbox"/> Shoreline Variance         |
| <input type="checkbox"/> Type 4  | <input type="checkbox"/> Non-Conforming Use                | <input type="checkbox"/> Shoreline Exemption        |
| <input type="checkbox"/> Reduce Resource Setback   | <input type="checkbox"/> Interpretation                    | <input type="checkbox"/> Shoreline Non-Conforming   |
| <input type="checkbox"/> Accessory Dwelling Unit   | <input type="checkbox"/> Dairy                             | <input type="checkbox"/> Shoreline Minor Revision   |
| <input type="checkbox"/> Minor Rezone  | <input type="checkbox"/> Mining                            |   |
| <input type="checkbox"/> Major Rezone  | <input type="checkbox"/> Sub Variance                      |   |
| <u>Other</u>   |  |   |
| <input checked="" type="checkbox"/> Environmental Checklist  | <input checked="" type="checkbox"/> Plan/Dev. Reg. Map Ad. | <u>Critical Areas</u>                               |
| <input type="checkbox"/> Appeal - HE   | <input type="checkbox"/> BOCC                              | <input type="checkbox"/> CA Standard Development    |
| <input type="checkbox"/> Development Agreement   | <input type="checkbox"/> Plan/Dev. Reg. Text Ad.           | <input type="checkbox"/> CA Adjustment              |
| Parcel Number(s): A. <u>181317-13423</u>   |  | B. _____  |
| C. _____   |  | <input type="checkbox"/> CA Reasonable Use Except.  |
|  |  | <input type="checkbox"/> CA Minor Revision          |
|  |  | <input type="checkbox"/> CA Non-Conforming Use      |
| Subject Property Address: <u>Scenic Drive/N. 66th Ave., Yakima, WA 98908</u>   |  |   |
| Are you requesting the Optional Consolidated Permit Review Process as provided under YCC 16B.03.060? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |  |   |

\* In accordance with YCC16B.04.020(2)(a) please submit verification with your Short Subdivision Amendment or Subdivision Amendment that the majority of those persons having an ownership interest in the lots, tracts, parcels, or portion thereof to be revised or altered has signed the proposed application.

### EVIDENCE OF LEGAL AVAILABILITY OF WATER (YCC12.08.050)

All applicants for a development permit requiring potable water must provide evidence of an adequate water supply to Yakima County prior to the issuance of the permit. Check below the legal source of water.

- Water right permit** from Department of Ecology (Please attach a copy to this application), or
- Letter from an approved water purveyor** stating the ability to provide water, or
- \*\*A Yakima County Water Resource System (YCWRS) domestic well** within the Agriculture zoning district, or
- \*\*A Yakima County Water Resource System (YCWRS) domestic well** outside of the Agriculture zoning district, or
- Other adequate evidence** of interest in a suitable water right held for mitigation proposed by an existing water bank, or
- Yakama Nation Water Code permit** for properties located within the exterior boundaries of the Yakama Nation, or
- Documentation that the well site is located outside the Yakima River watershed.**

### Additional Information

Prior to final approval, the applicant will be required to provide evidence of the water quality and quantity in the following forms:

1. A Letter from an approved water purveyor stating the ability to provide water, or
2. Notification from the Yakima Health District that the water supply is potable. (wells)



# GENERAL APPLICATION FORM

## For Land Use Actions

Yakima County Public Services

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

FINAL  
Revised 03/28/18

Zoning District: R-1

(Staff Use Only)

Receipt #:

Proposed Land Use: 16 LOT LONG PLAT

Date: 2/1/20

Reviewed By: TVA

Case #(s): SUB 20-004

SRP 20-005/ZON 20-001

### CHECK ALL THAT APPLY AND ATTACH THE APPROPRIATE SUPPLEMENTAL FORM(S)

#### Zoning

- Type 1
- Type 2
- Type 3
- Type 4
- Reduce Resource Setback
- Accessory Dwelling Unit
- Minor Rezone
- Major Rezone
- Admin. Adjustment
- Variance
- Modification
- Non-Conforming Use
- Interpretation
- Dairy
- Mining

#### Subdivision

- Exemption (SSE)
- Short Subdivision
- Subdivision (Long)
- Binding Site Plan
- Alteration/Vacation
- \*Amendment
- Sub Variance

#### Shoreline

- Shoreline Substantial Dev.
- Shoreline Conditional Use
- Shoreline Variance
- Shoreline Exemption
- Shoreline Non-Conforming
- Shoreline Minor Revision

#### Other

- Environmental Checklist
- Plan/Dev. Reg. Map Ad.
- Appeal - HE
- BOCC
- Plan/Dev. Reg. Text Ad.
- Development Agreement

#### Critical Areas

- CA Standard Development
- CA Adjustment
- CA Reasonable Use Except.
- CA Minor Revision
- CA Non-Conforming Use

Parcel Number(s): A. 181317-13423 B. \_\_\_\_\_ C. \_\_\_\_\_

Subject Property Address: Scenic Drive/N. 66th Ave., Yakima, WA 98908

Are you requesting the Optional Consolidated Permit Review Process as provided under YCC 16B.03.060? Yes  No

\* In accordance with YCC16B.04.020(2)(a) please submit verification with your Short Subdivision Amendment or Subdivision Amendment that the majority of those persons having an ownership interest in the lots, tracts, parcels, or portion thereof to be revised or altered has signed the proposed application.

### **EVIDENCE OF LEGAL AVAILABILITY OF WATER (YCC12.08.050)**

All applicants for a development permit requiring potable water must provide evidence of an adequate water supply to Yakima County prior to the issuance of the permit. Check below the legal source of water.

- Water right permit** from Department of Ecology (Please attach a copy to this application), or
- Letter from an approved water purveyor** stating the ability to provide water, or
- \*\*A Yakima County Water Resource System (YCWRSS) domestic well** within the Agriculture zoning district, or
- \*\*A Yakima County Water Resource System (YCWRSS) domestic well** outside of the Agriculture zoning district, or
- Other adequate evidence** of interest in a suitable water right held for mitigation proposed by an existing water bank, or
- Yakama Nation Water Code permit** for properties located within the exterior boundaries of the Yakama Nation, or
- Documentation that the well site is located outside the Yakima River watershed.**

#### Additional Information

Prior to final approval, the applicant will be required to provide evidence of the water quality and quantity in the following forms:

1. A Letter from an approved water purveyor stating the ability to provide water, or
2. Notification from the Yakima Health District that the water supply is potable. (wells)

(51)

\*\*Yakima County Water Resource System (YCWRS) is a water system organized pursuant to RCW 36.94.140 which provides service to the public in the form of "mitigated" or "water budget neutral" water supplies for domestic use through the withdrawal of domestic supply from a groundwater permit exempt well. The service areas of the water system is all of the privately held property in Yakima County within the Yakima River watershed except those areas within the corporate limits of the city, within the exterior boundaries of the Yakama Reservation, or within the service areas of a Type A and Type B water system in existence prior to January 1, 2018. The YCWRS holds senior water rights and allows the use of such rights by the public when wells are constructed and metered accordingly to YCWRS procedures.

**Applicant Information:** (Please check the box to indicate the primary contact person)

By signing this form, the property owner/applicant agrees to the following:

- I hereby state as true that all ownership interests of the property have reviewed the proposal as presented in the application materials and support the proposed change(s) in land use.
- I hereby give Yakima County permission to enter my property during this review to inspect my property as needed.
- I hereby agree to pay all additional fees associated with the processing of this application including Hearing Examiner fees, Transportation fees or any other fees that may be associated with the proposed project.
- I hereby acknowledge that the application for Subdivision and/or Land Use Permit with the Yakima County Permit Services Department: Planning Division has be filled out completely.
- I hereby acknowledge that verification of an approved potable water supply is a requirement and part of the procedure to obtain a Subdivision and/or Land Use Permit.
- I shall provide Yakima County with proof of an adequate water source as indicated in Ordinance 13-2017 or obtain a YCWRS domestic well permit.
- I understand that Yakima County shall be held harmless for misinterpretation or misrepresentation of documents to obtain my permits.
- I am aware my subdivision and/or Land Use Permit WILL NOT be issued until I provide proof of an approved source of potable water and associated documentation.

(If the property is owned by a corporation or LLC please attach documentation showing that the person signing has the authority to sign on behalf of the corporation or LLC.)

Please Fill Out This Section In Blue or Black Ink and Original Signatures only.

**Property Owner:** Scenic Ranch, LLC

Day Phone: (509) 961-5060 Company (if any) \_\_\_\_\_  
Mailing Address: 3748 State Hwy 97A City: Wenatchee State: WA ZIP: 98801  
E-mail Address: rhondafnp@charter.net  
Signature: Mike Heit (required) Date: 2/6/2020

**Applicant/Agent (if different):** Mike Heit

Day Phone: (509) 966-7000 Company (if any) HLA Engineering and Land Surveying, Inc  
Mailing Address: 2803 River Road City: Yakima State: WA ZIP: 98902  
E-mail Address: mheit@hlacivil.com  
Signature: Mike Heit Date: 2/7/2020

If there are additional owners, provide an attachment in the same format and with the same declarations



# YCWRS - CHECKLIST

## Yakima County Water Resource System

Ordinance 13-2017

Planning Division – Yakima County Public Services

Revised:  
1/3/2018 8:51 AM

|   |
|---|
| <b>Tax Parcel Number:</b> (11 digits)<br>(Reference <a href="http://WWW.YAKIMAP.COM">WWW.YAKIMAP.COM</a> for assistance)<br>Range - Township - Section - xxxx |
| Example: 18 13 23 - 1 2 3 4 5   |
| <b>PARCEL(s)</b> 181317-13423   |
|   |
|   |
| <b>Subdivision/ Short Plat Number:</b><br>Lot #   |

|  |              |
|--|--------------|
| <b>Office Use Only:</b>  | <b>DATE:</b> |
| <b>Planning Case No(s):</b> _____  |              |
| <b>Health Case No(s):</b> _____  |              |
| <b>Water Purveyor:</b>   |              |
| <input type="checkbox"/> YCWRS Permit Required (12.08.050.A.3) (well permit) |              |
| <input type="checkbox"/> Other (12.08.050.A. 1, 2, 4, 5, 6) (water purveyor) |              |
| <input type="checkbox"/> Exempt (12.08.050)                                  |              |
|  | Intake Staff |

**Site Address:** Scenic Drive/N. 66th Ave.

**City:** Yakima

All applicants for a building permit or other development permit requiring potable water must provide evidence of an adequate water supply to the county prior to the issuance of a building permit or placement permit for manufactured home.

|                          |   |                         |
|--------------------------|---|-------------------------|
| Property Owner:          | Scenic Ranch, LLC                       | Day Phone: 509-961-5060 |
| Mailing Address:         | 3748 State Hwy 97A                      |                         |
| City, State, ZIP:        | Wenatchee, WA 98801                     |                         |
| E-mail:                  | rhondafnp@charter.net                   |                         |
| <b>Owners Signature:</b> | <i>Mitsy</i>                            | Date: 2/6/2020          |
| Applicant/Agent:         | HLA Engineering and Land Surveying, Inc | Day Phone: 509-966-7000 |
| Mailing Address:         | 2803 River Road                         |                         |
| City, State, ZIP:        | Yakima, WA 98902                        |                         |
| E-mail:                  | mheit@hlacivil.com                      |                         |
| Signature:               | <i>Michele Heit</i>                     | Date: 2/7/2020          |

### PLEASE CHECK BELOW THE TYPE OF LAND USE APPLICATION YOU ARE APPLYING FOR:

|   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> NEW       | <input type="checkbox"/> AMENDMENT               |  |
| <input checked="" type="checkbox"/> LONG PLAT | <input type="checkbox"/> URBAN SHORT SUBDIVISION | <input type="checkbox"/> RURAL SHORT SUBDIVISION |
| <input type="checkbox"/> OTHER                | <input type="checkbox"/> CONDITIONAL USE PERMIT  | <input type="checkbox"/> NON CONFORMING USE      |

Please Describe:

### EVIDENCE OF LEGAL AVAILABILITY OF WATER (Ordinance 13-2017)

Customer shall check below as applicable and provide a copy with your application/checklist.

- 1. Water right permit from Department of Ecology, or
- 2. Letter from an approved water purveyor stating the ability to provide water, or
- 3. A YCWRS domestic well permit, or
- 4. Other adequate evidence of interest in a suitable water right held for mitigation purposes by an existing water bank, or
- 5. Yakama Nation Water Code permit for properties located within the exterior boundaries of the Yakama Nation, or
- 6. Documentation that the well site is located outside the Yakima River watershed.

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### EVIDENCE OF QUALITY OF WATER

|  |
|--|
| <input checked="" type="checkbox"/> 1. A letter from an approved water purveyor stating the ability to provide water, or |
| <input type="checkbox"/> 2. Notification from the Yakima Health District that the water supply is potable. (wells)       |

**EVIDENCE OF QUANTITY OF WATER**

|  |
|--|
| <input checked="" type="checkbox"/> 1. A letter from an approved water purveyor stating the ability to provide water, or |
| <input type="checkbox"/> 2. Notification from the Yakima Health District that the water supply is potable. (wells)       |

"Yakima County Water Resource System(YCWRS)" is a water system organized pursuant to RCW 36.94.140 which provides service to the public in the form of "mitigated" or "water budget neutral" water supplies for domestic use through the withdrawal of domestic supply from a groundwater permit exempt well. The service area of the water system is all of the privately held property in Yakima County within the Yakima River watershed except those areas within the corporate limits of a City, within the exterior boundaries of the Yakama Reservation, or within the service areas of a Type A and Type B water systems in existence prior to January 1, 2018. The YCWRS holds senior water rights and allows the use of such rights by the public when wells are constructed and metered accordingly to YCWRS procedures.

- I acknowledge that I am applying for a Subdivision and/or Land Use Permit with the Yakima County Permit Services Department as specified within this application.
- As such, verification of an approved potable water supply is a requirement and part of the procedure to obtain my Subdivision and/or Land Use Permit.
- I shall provide Yakima County with proof of adequate water source as indicated in Ordinance 13-2017 or obtain a YCWRS domestic well permit.
- I understand that Yakima County shall be held harmless for misinterpretation or misrepresentation of documents to obtain my permits.
- I am aware my land use permit WILL NOT be issued until I provide proof of an approved source of potable water and associated documentation.

I (print name) Michael S. Taylor certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

(required) Owner Signature *Michael S. Taylor*

Date: 2/6/2020

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# SUBDIVISION PRELIMINARY/AMENDMENT FORM

FINAL  
Revised 10/01/15

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

## INDICATE THE TYPE OF APPLICATION:

PRELIMINARY SUBDIVISION

SUBDIVISION AMENDMENT

**Please complete the following questions, and check the boxes that describe the proposal.  
(if not applicable, explain why)**

1. Name of Proposed Plat (Cannot duplicate any plat previously recorded in Yakima County)  
Scenic Ranch
2. Have you had a Pre-Application meeting?  Yes  No If yes, what is the file number? EAC2020-00008  
**If no, please stop filling out this application and apply for a Pre-Application Meeting.**
3. Will this plat use the clustering provisions under Title 19.34.35?  Yes  No
4. Are you proposing to phase the development?  Yes  No  
If yes, a) How many phases are you proposing? 1 Phases  
b) How many years until you reach full build out? 5  
*In your narrative please describe in detail the proposed phasing and what aspects of the development will be included in each phase.*
5. Number of proposed lots: 16 Number of proposed dwelling units: 16
6. Types of buildings to be constructed (single-family, duplex, commercial, etc.) Single-Family
7. Are you proposing to have any designated open spaces, parks and recreational areas?  Yes  No  
If yes: a) What is the proposed acreage? See Project Description  
b) Are you proposing to utilize the open space as:  Private Park  Public Park  
 Pocket Parks  Mini-Parks  Playgrounds  Trails and Pathways.
8. How do you propose to handle stormwater drainage? Underground Infiltration
9. Are there any of the following man made/natural features located on your property?  
(Check all that apply and depict on site plan)
  - Ponds
  - Lakes
  - Streams/Rivers
  - Wetlands
  - Floodplain
  - Floodway
  - Steep Slopes (exceeds 10% grade)
  - Irrigation ditches/Canals

10. Do you propose the on-site road way(s) to be public or private?  Private  
If there is an existing private road, is there a homeowner's or maintenance association that takes care of the road?  Yes  No

11. Are you proposing any reductions to the road standards?  Yes  No  
*If yes, please describe in detail what your proposed road standard, the justification for the reduction and any information you have to support your request. Also, please note these reductions are processed through the Yakima County Engineer. Please discuss any proposed reductions with the County Engineer prior to submittal of the Subdivision application.*

12. Are you proposing sidewalks?  Yes  No Meandering Asphalt Pathway for Sidewalks  
If no please explain: \_\_\_\_\_  
*(Please note if you are not proposing sidewalks then you will need to apply for an Administrative Adjustment application.)*

13. How close is the proposed development to mass transit? 1 mile

14. Do any of the lots have irrigation rights?  Yes  No Which district? Yakima Tieton

15. What is your proposed method of fire prevention/suppression? Public water system fire hydrants

16. What will be the source of domestic water for these lots?

Public water (city water, Nob Hill, Terrace Heights, etc.) Which one? Nob Hill Water  
 Community well, (3+ connections) certify an existing well or construct a new well.  
The well is  existing  proposed on lot numbers \_\_\_\_\_

17. Which of the following methods of sewage disposal do you propose?

Public sewer for lot numbers \_\_\_\_\_  
 Community/shared on-site septic systems for lot numbers All lots  
 Individual, on-site septic systems for lot numbers \_\_\_\_\_

18. Are you proposing to adjust any development standards as identified under Title 19?  Yes  No  
If yes, you will need to apply for a reduction in standard, or administrative adjustment, or variance.  
Please list the proposed changes: See Master Planned Development Application

19. Are there any existing or proposed Codes, Covenants and Restrictions?  Yes  No  
*If yes, please attach.* There will be a Homeowner's Association with restrictions on the common area use.

20. Are there any latecomers agreements?  Yes  No  
*If yes, please attach.*

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# stewart title®

## SUBDIVISION GUARANTEE

ISSUED BY  
STEWART TITLE GUARANTY COMPANY

Guarantee No.: G-0000-254399658

Fee: \$300.00

Order No.: 246226

Dated: February 05, 2020

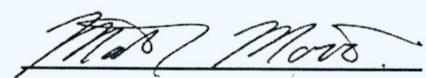
Stewart Title Guaranty Company (the "Company"), guarantees the County of Yakima and any City within which said subdivision is located in a sum not exceeding \$1,000.00 that, according to those public records which, under the recording laws, impart constructive notice of matters affecting the title to the land included within the exterior boundary shown on the map of the subdivision, the only parties having any record title interest in said land whose signatures are necessary, on the certificates consenting to the recordation of said map and offering for dedication any streets, roads, avenues and other easements offered for dedication by said map as referred to in the guarantee.

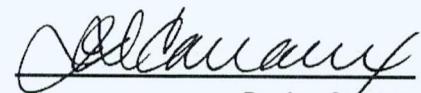
Signed under seal for the Company, but this Guarantee is to be valid only when it bears an authorized countersignature.

Countersigned by:

  
\_\_\_\_\_  
Authorized Countersignature



  
Matt Morris  
President and CEO

  
Denise Carraux  
Secretary

Valley Title Guarantee  
502 N 2nd Street  
PO Box 1625  
Yakima, WA 98907  
Agent ID: 470006

For purposes of this form the "Stewart Title" logo featured above is the represented logo for the underwriter, Stewart Title Guaranty Company.

In writing this company please address it at P.O. Box 2029, Houston, Texas 77252, and refer to the printed Serial Number.

## SUBDIVISION GUARANTEE

Prepared by:  
Valley Title Guarantee  
502 N 2nd Street  
PO Box 1625  
Yakima, WA 98907

Order Number: 246226

Guarantee No.: G-0000-254399658

Effective Date: February 05, 2020 at 8:00 A.M.

Premium: \$300.00  
Sales Tax: \$24.60  
Total: \$324.60

OWNERS: Scenic Ranch, LLC, a Washington Limited Liability Company

### LEGAL DESCRIPTION:

SEE EXHIBIT A ATTACHED HERETO

### SUBJECT TO:

1. General taxes for the year 2020 in the amount of \$6,604.67.  
Parcel No: 181317-13423 Levy Code: 318
2. Soil Conservation District No. 220 assessment for the year 2020 in the amount of \$5.20.
3. Weed District No. 2 assessment for the year 2020 in the amount of \$7.30.
4. Yakima Stormwater assessment for the year 2020 in the amount of \$44.25.
5. Horticulture Pest & Disease Control assessment for the year 2020 in the amount of \$1.00.
6. Unpaid local improvement assessments, and/or irrigation assessments, if any, levied by the City of Yakima, Washington. Inquiry should be made at the office of said City Treasurer relative to said charges.
7. Charges, if any, due the Yakima-Tieton Irrigation District for water supplied. Inquiry should be made at the office of said company relative to the rights and obligations of its stock.
8. Charges, if any, due the Canyon Bluff Water Users Association for water supplied. Inquiry should be made at the offices of said company relative to said charges.

9. Mortgage, Assignment of Rents, Security Agreement and Fixture Filing to secure an indebtedness of \$1,730,000.00, and any other interest, advances, or other obligations secured thereby;  
Dated: November 7, 2016  
Recorded: November 16, 2016  
Auditor's File Nos: 7928330, 7928331 and 7928332  
Mortgagor: Scenic Ranch, LLC, a Washington limited liability company  
Mortgagee: Metropolitan Life Insurance Company, a New York corporation  
Affects: Includes other property



10. Terms, conditions, obligations and charges due, if any, as setforth in Agreement,  
Between: Donald C. Bartol and Lola K. Bartol and Canyon  
Bluffs Water Users Association  
Recorded: August 7, 2002  
Auditor's File No: 7286556, as attached.

Amendment thereof recorded March 12, 2003, under Auditor's File No. 7322016, as attached.

11. Terms, conditions, obligations and easements, as setforth in Declaration of Reconfiguration of Legal Descriptions and Declaration of Dedicated Easements, recorded October 2, 2001, under Auditor's File Nos. 7237603 and 7237604, as attached.
12. Easement or right-of-way for necessary canals, tunnels or other water conduits and for telephone and transmission lines required in connection with the Tieton Irrigation Project, contained in instruments of record.
13. Covenants, conditions, restrictions, easements and other matters, if any, as reserved and delineated on the face of said Plat, as attached.
14. An easement for runoff and drainage of natural waters deposited on and flowing from and over portion of real estate under search and includes other property, as disclosed by instrument recorded December 3, 1984, under Auditor's File No. 2721085, records of Yakima County, Washington.
15. A 40 foot wide access and utility easement across the Southerly 282 feet of vacated right of way, as disclosed by instrument recorded July 23, 2002, under Auditor's File No. 7284195, as attached.

16. Matters as delineated on the face of Survey recorded in Book 27 of Surveys, Page 44, under Auditor's File No. 2592926, as attached.

Among other matters, said Survey discloses encroachments of trees.

17. Unrecorded leasehold estate, if any.

- A. NOTE: We find no pertinent matters, disclosed by a judgment and lien search filed or recorded in Yakima County against Scenic Ranch, LLC, except those shown as exceptions in Schedule B, if any.
- B. NOTE: 24 MONTH CHAIN OF TITLE  
During the previous 24 months, the following Deeds have been recorded affecting the ownership to the property described herein:

There are no conveyances of title during said period.

WA Subdivision Guarantee

## SUBDIVISION GUARANTEE

Order Number: 246226

Guarantee No.: G-0000-254399658

This Guarantee and the legal description given herein are based upon information supplied by the applicant as to the location and identification of the premises in question, and no liability is assumed for any discrepancies resulting therefrom. This report does not represent either a commitment to insure title, an examination of or opinion as to the sufficiency or effect of the matters shown, or opinion as to the marketability of title to the land.

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Beginning at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 17, Township 13 North, Range 18, E.W.M.;  
thence East along the South line of said subdivision 213.67 feet;  
thence North 13° 07' East 245.75 feet;  
thence North 58° 03' West 130.86 feet;  
thence North 75° 24' 20" West 48.57 feet;  
thence North 44° 42' 20" West 70.56 feet;  
thence North 59° 18' 50" West 28.35 feet;  
thence South 22° 15' 40" West 44.2 feet;  
thence South 58° 05' 40" West 20.2 feet;  
thence South 16° 22' 20" West 169.92 feet;  
thence South 14° 45' 10" West 22.0 feet;  
thence South 54° 37' 10" West 128.9 feet;  
thence South 77° 03' 40" West 30.4 feet;  
thence North 16° 40' 50" West 73.8 feet  
thence North 55° 05' 20" West 163.13 feet;  
thence South 46° 29' 10" West 47.9 feet;  
thence South 32° 11' 10" West 84.4 feet;  
thence South 55° 56' 10" West 68.8 feet;  
thence South 70° 04' 10" West 196.3 feet;  
thence South 85° 32' 40" West 71.7 feet;  
thence North 87° 57' 30" West 106.3 feet;  
thence Southwesterly to a point on the South line of the Northeast 1/4 of the Northwest 1/4 of Section 17, Township 13 North, Range 18, E.W.M., which is 900.41 feet Westerly thereof;  
thence Easterly along the South line of said Northeast 1/4 of the Northwest 1/4, 900.41 feet to the point of beginning.

AND

That part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Township 13 North, Range 18, E.W.M., described as follows:

Commencing at the Southwest corner of said subdivision;  
thence East along the South line of said subdivision 340.35 feet, to the Northeast corner of the West 1/2 of Tract 4 of the plat of Yakima Orchard Highland Company's Orchard Tracts, as recorded in Book "B" of Plats, Page 31, records of Yakima County, Washington, and the point of beginning;  
thence West 126.94 feet, to a point which is 1108 feet West of the Southeast corner of said subdivision;  
thence North 12° 51' East 246.29 feet;  
thence South 58° 03' East 83.38 feet, to the Northerly extended East line of said West 1/2 of Tract 4;  
thence South 00° 24' 47" East 196.00 feet, to the point of beginning.

AND

The East 1/2 of Tracts 5 and 12 of the plat of Yakima Orchard Highland Company's Orchard Tracts, as recorded in Book "B" of Plats, Page 31, records of Yakima County, Washington,

EXCEPT the South 291.40 feet of the East 1/2 of said Tract 12.

AND

The East 10 feet of the South 291.40 feet of the East 1/2 of Tract 12 of the plat of Yakima Orchard Highland Company's Orchard Tracts, as recorded in Book "B" of Plats, Page 31, records of Yakima County, Washington,

EXCEPT the South 30 feet thereof for road.

AND

The West 1/2 of Tracts 4 and 13 of the plat of Yakima Orchard Highland Company's Orchard Tracts, as recorded in Book "B" of Plats, Page 31, records of Yakima County, Washington,  
EXCEPT the South 291.51 feet of the West 1/2 of said Tract 13.

AND

The West 10 feet of the South 291.51 feet of the West 1/2 of Tract 13 of the plat of Yakima Orchard Highland Company's Orchard Tracts, as recorded in Book "B" of Plats, Page 31, records of Yakima County, Washington,

EXCEPT the South 40 feet thereof for road.

TOGETHER WITH that portion of vacated 72nd Avenue by instrument recorded July 23, 2002, under Auditor's File No. 7284195.

CONSENT IN WRITING OF THE MEMBER  
OF SCENIC RANCH, LLC

The undersigned, pursuant to RCW 25.15.120, constituting the sole Member of SCENIC RANCH, LLC, a Washington limited liability company (the "Company"), hereby adopts the following resolutions of the Member of the Company by written consent without a meeting:

BE IT RESOLVED, that Michael A. Taylor resigned as Manager of the Company effective as of the close of business on December 31, 2014.

BE IT FURTHER RESOLVED, that the Member hereby appoints TAYLOR ORCHARDS MANAGEMENT, INC., a Washington corporation ("TOM"), as Manager of the Company.

BE IT FURTHER RESOLVED, that pursuant to that certain Assignment and Transfer of Interest effective as of December 31, 2014, a copy of which is attached as *Exhibit A*, Member Michael A. Taylor transferred to TOM a one percent (1.0%) membership interest in the Company and such transfer is hereby approved and ratified by the Member.

BE IT FURTHER RESOLVED, that TOM hereby accepts such designation as Manager of the Company and agrees to be bound by the terms and conditions of any Company operating agreement both as a Member and as the Manager of the Company.

BE IT FURTHER RESOLVED, that the Manager of the Company shall update the Company records to reflect the change in Manager and the change in Members effective as of the date of this Agreement.

EFFECTIVE as of the 31<sup>st</sup> day of December, 2014.

"MEMBER"

  
MICHAEL A. TAYLOR

Read and Accepted By:

TAYLOR ORCHARDS MANAGEMENT, INC.,  
a Washington corporation

By:

Michael S. Taylor, President

BYLAWS  
OF  
TAYLOR ORCHARDS MANAGEMENT, INC.

ARTICLE I

OFFICES

SECTION 1.1 Principal Office. The principal office of the Corporation shall be established and maintained at 3748 State Hwy 97A, Wenatchee, Washington.

SECTION 1.2 Other Offices. The Corporation may have other offices, either within or without the state of Washington, at such place or places as the Board of Directors may determine from time to time or the business of the Corporation may require.

ARTICLE II

MEETINGS OF SHAREHOLDERS

SECTION 2.1 Place of Meeting. All meetings of the shareholders shall be held at such place within or without the state of Washington as shall be designated from time to time by the Board of Directors and stated in the notice of such meeting or in a duly executed waiver of notice thereof.

SECTION 2.2 Annual Meetings. The annual meeting of the shareholders of the Corporation shall be held the first Tuesday of February each year. If the day fixed for the annual meeting shall be a legal holiday in the state of Washington or the state or jurisdiction where the meeting is to be held, such meeting shall be held on the next succeeding business day. The purpose of the annual meeting of shareholders shall be to elect directors and to transact such other business as may come before the meeting. If the election of directors shall not be held on the day designated herein for the annual meeting of the shareholders, or at any adjournment thereof, the Board of Directors shall cause such election to be held at a special meeting of the shareholders as soon thereafter as conveniently may be.

SECTION 2.3 Special Meetings. Special meetings of the shareholders, for any purpose or purposes, may be called by the Board of Directors, the President or the holders of not less than one-tenth of all the shares entitled to vote at the meeting.

SECTION 2.4 Notice of Meetings. Whenever shareholders are required or authorized to take any action at a meeting, a notice of such meeting, stating the place, day and hour of the meeting and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered, not less than ten (10) nor more than sixty (60) days before the date set for such meeting,

either personally or by first class mail, by or at the direction of the President or the Secretary, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder, at his address as it appears on the stock transfer books of the Corporation, with first class postage prepaid thereon. Written waiver by a shareholder of notice of a shareholders' meeting, signed by him, whether before or after the time stated thereon, shall be equivalent to the giving of such notice.

**SECTION 2.5 Action by Consent in Writing.** Any action required or permitted to be taken at any annual or special meeting of the shareholders of this Corporation may be taken without a meeting, without prior notice and without a vote, if a consent in writing, setting forth the action so taken, shall be signed by all of the shareholders entitled to vote with respect to the subject matter thereof.

**SECTION 2.6 Quorum.** The majority of the shares entitled to vote thereat, present or represented by proxy at any meeting, shall constitute a quorum of the shareholders for the transaction of business except as otherwise provided by statute or by the Articles of Incorporation. If, however, such quorum shall not be present or represented at any meeting of the shareholders, the shareholders entitled to vote thereat, present in person or represented by proxy, shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present or represented. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally notified. If the adjournment is for more than thirty (30) days, or if after the adjournment a new record date is fixed for the adjourned meeting, a notice of the adjourned meeting shall be given to each shareholder of record entitled to vote at the meeting, subject to the provisions of Section 2.4 hereof.

**SECTION 2.7 Required Vote.** If a quorum is present at any meeting, the affirmative vote of the majority of the shares represented at the meeting and entitled to vote on the subject matter shall be the act of the shareholders, unless the question is one for which, by express provision of the law or of the Articles of Incorporation or these Bylaws, a different vote is required, in which case such express provision shall govern and control the decision of such question.

**SECTION 2.8 Voting and Proxies.** Except as otherwise provided in the Articles of Incorporation or by the terms of any outstanding series of Preferred Stock of the Corporation, each shareholder shall be entitled at each meeting and upon each proposal presented at such meeting to one vote in person or by proxy for each share of voting stock recorded in his name on the books of the Corporation on the record date fixed as below provided, or if no such record date was fixed, on the day of the meeting. Every proxy must be signed by the shareholder or his attorney in fact. No proxy shall be valid after the expiration of eleven (11) months from the date thereof unless otherwise provided in the proxy. Every proxy shall be revocable at the pleasure of the shareholder executing it, except as otherwise provided by law. If a proxy expressly provides, any proxy-holder may appoint in writing a substitute to act in his place.

**SECTION 2.9 Voting Lists.** The Secretary shall have charge of the stock ledger and shall prepare and make, or cause to be prepared and made, at least ten (10) days before every meeting of shareholders, a complete list of the shareholders entitled to vote at the meeting, arranged in alphabetical order, and showing the address of each shareholder and the number of shares registered in the name of



each shareholder. Such list shall be open to the examination of any shareholder, for any purpose germane to the meeting, during ordinary business hours, for a period of at least ten (10) days prior to the meeting, either at a place within the city where the meeting is to be held, which place shall be specified in the notice of the meeting, or, if not so specified, at the place where the meeting is to be held. The list also shall be produced and kept at the time and place of the meeting during the whole time thereof, and may be inspected by any shareholder or proxy who is present. Upon the willful neglect or refusal of the directors to require the Secretary to produce such a list at any meeting for the election of directors, such directors shall be ineligible for election to any office at such meeting. The stock ledger shall be the only evidence as to who are the shareholders entitled to examine the stock ledger, the list required by this section or the books of the Corporation, or to vote in person or by proxy at any meeting of shareholders.

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SECTION 2.10 Record Date. In order that the Corporation may determine the shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof or entitled to receive payment of any dividend or other distribution or allotment of any rights, or entitled to exercise any rights in respect of any change, conversion or exchange of stock or for the purpose of any other lawful action, the Board of Directors may fix in advance, but shall not be required to, a record date which shall not be more than sixty (60) nor less than ten (10) days before the date of such meeting, nor more than sixty (60) days prior to any other action. A determination of shareholders of record entitled to notice of or to vote at a meeting of the shareholders shall apply to any adjournment of the meeting; provided, however, that the Board of Directors may fix a new record date for the adjourned meeting.

### ARTICLE III

#### BOARD OF DIRECTORS

SECTION 3.1 Powers. The business of the Corporation shall be managed and its corporate powers shall be exercised by its Board of Directors, except as otherwise provided by statute or by the Articles of Incorporation.

SECTION 3.2 Number. Until the number is changed by resolution of the shareholders at any time and from time to time, the Board shall consist of two (2) directors.

SECTION 3.3 Election and Term of Office. Directors shall be elected at the annual meeting of shareholders, except as provided in Sections 3.4 and 3.5 of this Article. At each meeting of shareholders for the election of directors at which a quorum is present, the persons receiving the greatest number of votes, up to the number of directors to be elected, shall be the directors. Each director shall hold office until the next succeeding annual meeting, or until his successor is elected and qualified, or until his earlier resignation by written notice to the Secretary of the Corporation, or until his removal from office.

SECTION 3.4 Vacancies. Any vacancy occurring in the Board of Directors, including any vacancy created by reason of an increase in the number of directors, may be filled by the affirmative vote of a majority of the directors then in office, though less than a quorum of the Board of Directors. A director elected to fill a vacancy shall be elected until the next annual meeting of the

shareholders. If there are no directors in office, then any officer or any shareholder or an executor, administrator, trustee or guardian of a shareholder or other fiduciary entrusted with like responsibility for the person or estate of a shareholder, may call a special meeting of shareholders for the purpose of electing a new Board of Directors.

**SECTION 3.5 Removal.** At a special meeting of the shareholders, duly called expressly for that purpose as provided in these Bylaws, any director or directors, by the affirmative vote of the holders of a majority of all the shares of stock outstanding and entitled to vote for the election of directors, may be removed from office, either with or without cause, and the remaining directors, in the manner provided in these Bylaws, shall fill any vacancy or vacancies created by such a removal.

**SECTION 3.6 Place of Meetings.** Meetings of the Board of Directors of the Corporation, regular or special, may be held either within or without the state of Washington.

**SECTION 3.7 Regular Meetings.** The Board of Directors shall hold a regular meeting each year immediately after the annual meeting of the shareholders at the place where such meeting of the shareholders was held for the purpose of election of officers and for the consideration of any other business that may be properly brought before the meeting. No notice of any kind to either old or new members of the Board of Directors for such regular meeting shall be necessary.

**SECTION 3.8 Special Meetings.** Special meetings of the Board of Directors may be called by any two directors, the Chairman of the Board or the President or Secretary on two (2) days' written notice to each director, either personally or by mail or by telegram. Notice of any special meeting of the Board of Directors need not be given to any director who signs a waiver of notice either before or after the meeting. Attendance by a director at a special meeting shall constitute a waiver of notice of such special meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because such special meeting is not lawfully convened.

**SECTION 3.9 Quorum.** A majority of all the directors shall constitute a quorum for the transaction of business. The affirmative vote of the majority of directors present at a meeting where a quorum is present shall be the act of the Board of Directors. If a quorum shall not be present at any meeting of the Board of Directors, a majority of the directors present thereat may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present.

**SECTION 3.10 Compensation.** The Board of Directors shall have the authority to fix the compensation of directors, and the directors may be paid their expenses, if any, for attendance at each meeting of the Board of Directors.

**SECTION 3.11 Executive Committee.** The Board, by resolution passed by a majority of the whole Board, may designate from among its members an executive committee and one or more other committees, which committees, to the extent provided in such resolution, shall have and exercise any or all of the authority of the Board of Directors, except that no such committee shall have the authority to approve or recommend to the shareholders actions or proposals required by law to be approved by the shareholders, designate candidates for the office of director, fill vacancies on the Board of Directors or any committee thereof, amend the Bylaws, authorize or approve the reacquisition of shares unless pursuant to a general formula or method specified by the Board of Directors, or authorize

or approve the issuance or sale of, or any contract to issue or sell, shares or designate the terms of a series of a class of shares, unless pursuant to a general formula or method specified by the Board of Directors, within specifications authorized by law.

**SECTION 3.12 Presence at Meetings.** Members of the Board of Directors or an executive committee shall be deemed present in person at a meeting of such Board or committee if a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other is used.

**SECTION 3.13 Written Consent.** Any action of the Board of Directors or of any committee thereof, which is required or permitted to be taken at a regular or special meeting, may be taken without a meeting if consent in writing, setting forth the action so to be taken, signed by all of the members of the Board of Directors or of the committee, as the case may be, is filed in the minutes of the proceedings of the Board of Directors or committee.

## ARTICLE IV

### OFFICERS

**SECTION 4.1 Designation.** The Corporation shall have a President, a Secretary and a Treasurer. The Corporation also may have, at the discretion of the Board of Directors, a Chairman of the Board and one or more Vice Presidents (however titled), Assistant Secretaries and Assistant Treasurers, and such other officers as may be appointed in accordance with the provisions of Section 4.3 of this Article. One person may hold two or more offices.

**SECTION 4.2 Election.** The officers of the Corporation, except such officers as may be elected in accordance with the provisions of Section 4.3 or Section 4.5 of this Article, shall be elected annually by the Board of Directors, and each shall hold his office until he shall resign or shall be removed or otherwise disqualified to serve, or his successor shall be elected and qualified. Officers shall be elected by the affirmative vote of the majority of directors present at a meeting where a quorum is present.

**SECTION 4.3 Subordinate Officers.** The Board of Directors may elect such other officers as the business of the Corporation may require, each of whom shall hold office for such period, have such authority and perform such duties as are provided in these Bylaws or as the Board of Directors may determine from time to time.

**SECTION 4.4 Removal and Resignation.** Any officer may be removed, either with or without cause, by the affirmative vote of the majority of directors present at any meeting where a quorum is present, or, except in the case of an officer chosen by the Board of Directors, by any officer upon whom such power of removal may be conferred by the Board of Directors.

Any officer may resign at any time by giving written notice to the Board of Directors, or to the Chairman of the Board, if one shall have been elected, or the President or the Secretary of the Corporation. Any such resignation shall take effect at the date of the receipt of such notice or at any

later time specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

SECTION 4.5 Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled by the Board of Directors.

SECTION 4.6 Chairman of the Board. The Chairman of the Board, if there shall be such an officer, if present, shall preside at all meetings of the Board of Directors and exercise and perform such other powers and duties as may from time to time be assigned to him by the Board of Directors or prescribed by these Bylaws.

SECTION 4.7 President. The President shall be the chief executive officer of the Corporation and, subject to the control of the Board of Directors, shall have general supervision, direction and control of the business and affairs of the Corporation. He shall preside at all meetings of the shareholders, and in the absence of the Chairman of the Board, shall preside at all meetings of the Board of Directors. He shall execute deeds, bonds, mortgages and other instruments on behalf of the Corporation, except where required or permitted by law to be signed and executed otherwise and except where the signing and execution thereof shall be expressly delegated by the Board of Directors to some other officer or agent of the Corporation. He shall be ex-officio a member of all the standing committees, if any, shall have the general powers and duties of management usually vested in the office of the chief executive officer of a corporation, and shall have such other powers and duties as may be prescribed by the Board of Directors or these Bylaws.

SECTION 4.8 Vice Presidents. The Vice Presidents, if any, shall have such powers and perform such duties as may be prescribed from time to time for them respectively by the Chairman of the Board, the President, the Board of Directors or these Bylaws.

SECTION 4.9 Secretary. The Secretary shall keep, or cause to be kept, a book of minutes at the registered or principal office, or such other place as the Board of Directors may order, of all meetings of directors and shareholders, with the time and place of holding, whether regular or special, and if special, how authorized, the notice thereof given, the names of those present at directors' meetings, the number of shares present or represented at shareholders' meetings and the proceedings thereof.

The Secretary shall give, or cause to be given, notice of all the meetings of the shareholders and of the Board of Directors required by these Bylaws or by law to be given, and he shall keep the seal of the Corporation in safe custody, and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or these Bylaws.

SECTION 4.10 Treasurer. The Treasurer, shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the Corporation, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, and shares. The books of account shall be open at all reasonable times to inspection by any director.

The Treasurer shall deposit all moneys and other valuables in the name and to the credit of the Corporation with such depositories as may be designated by the Board of Directors. He shall

disburse the funds of the Corporation, shall render to the President and any director, whenever requested, an account of all his transactions as Treasurer and of the financial condition of the Corporation, and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or these Bylaws. As required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Directors shall determine.

SECTION 4.11 Compensation. The compensation of the officers and agents of the Corporation shall be fixed from time to time by the Board of Directors, or by such officer or officers as said Board shall direct, and no officer shall be prevented from receiving such compensation by reason of the fact that he is or was a director of the Corporation.

## ARTICLE V

### CERTIFICATES OF STOCK

SECTION 5.1 Description. Every shareholder shall be entitled to have for each kind, class or series of stock held a certificate certifying the number of shares thereof held of record by him. Certificates shall be signed by the President or a Vice President and the Secretary or an Assistant Secretary, and may be sealed with the seal of the Corporation. The seal may be facsimile, engraved or printed. Where such certificate is signed by a transfer agent or a registrar other than the Corporation itself, the signature of any of those officers named herein may be facsimile. In case any officer who signed, or whose facsimile signature has been used on, any certificate shall cease to be such officer for any reason before the certificate has been delivered by the Corporation, such certificate may nevertheless be adopted by the Corporation and issued and delivered as though the person who signed it or whose facsimile signature has been used thereon had not ceased to be such officer.

SECTION 5.2 Lost Certificates. The Corporation may issue a new certificate of stock in the place of any certificate theretofore issued by it, alleged to have been lost, stolen or destroyed. The Corporation may require the owner of the lost, stolen or destroyed certificate, or his legal representative, to give the Corporation a bond sufficient to indemnify the Corporation against any claim that may be made against it on account of the alleged loss, theft or destruction of any such certificate or the issuance of such new certificate.

SECTION 5.3 Preferences. If the Corporation shall be authorized to issue more than one class of stock or more than one series of any class, the distinguishing characteristics of each class or series, including designations, the relative rights and preferences or limitations as regards dividend rates, redemption rights, conversion privileges, voting powers or restrictions or qualifications of voting powers, or such other distinguishing characteristics as shall be stated either in the Articles of Incorporation or in the resolution or resolutions providing for the issue of such stock adopted by the Board of Directors or a duly constituted executive committee shall be set forth in full on the face or back of the certificate which the Corporation shall issue to represent such kind, class or series of stock, provided that, in lieu of the foregoing requirements, said provisions may be either (a) summarized on the face or back of the certificate or (b) incorporated by reference made on the face or back of the certificate where such reference states that a copy of said provisions, certified by an officer of the

Corporation, will be furnished by the Corporation or its transfer agent, without cost, to and upon request of the certificate holder.

SECTION 5.4 Transfers of Stock. Upon surrender to the Corporation or the transfer agent of the Corporation of a certificate for shares duly endorsed or accompanied by proper evidence of succession, assignment or authority to transfer, it shall be the duty of the Corporation to issue a new certificate to the person entitled thereto, cancel the old certificate and record the transaction upon its books.

SECTION 5.5 Registered Shareholders. The Corporation shall be entitled to recognize the exclusive right of a person registered on its books as the owner of shares to receive dividends, and to vote as such owner, and to hold liable for calls, to the extent permitted by law, a person registered on its books as the owner of shares, and shall not be bound to recognize any equitable or other claim to interest in such shares on the part of any other person, regardless of whether it shall have express or other notice thereof, except as otherwise provided by law.

## ARTICLE VI

### GENERAL PROVISIONS

SECTION 6.1 Dividends. The Board of Directors, at any regular or special meeting thereof, subject to any restrictions contained in the Articles of Incorporation, may declare and pay dividends upon the shares of its capital stock in cash, property or its own shares, except when the Corporation is insolvent or when the payment thereof would render the Corporation insolvent.

SECTION 6.2 Checks. All checks or demands for money and notes of the Corporation shall be signed by such officer or officers or such other person or persons as the Board of Directors may designate from time to time.

SECTION 6.3 Fiscal Year. The fiscal year of the Corporation shall end on December 31st.

SECTION 6.4 Execution of Deeds, Contracts and Other Documents. Except as otherwise provided by the Articles of Incorporation and the Board of Directors, all deeds and mortgages made by the Corporation and all other written contracts and agreements to which the Corporation shall be a party may be executed on behalf of the Corporation by the Chairman of the Board, if one shall have been elected, the President or one or more Vice Presidents, if any shall have been elected, and may be attested to and the corporate seal affixed thereto by the Secretary or Assistant Secretary. The Board of Directors may authorize the execution of deeds, mortgages and all other written contracts and agreements to which the Corporation may be a party by such other officers, assistant officers or agents, as may be selected by the said Chairman of the Board or President from time to time and with such limitations and restrictions as authorization may prescribe.

## ARTICLE VII

### AMENDMENT TO BYLAWS

These Bylaws may be altered, amended, repealed or added to by the vote of a majority of the Board of Directors present at any regular meeting of the said Board, or at a special meeting of the directors called for that purpose, provided a quorum of the directors are present at such meeting, unless reserved to the shareholders by the Articles of Incorporation. These Bylaws, and any amendments thereto, and new Bylaws added by the directors, may be amended, altered or repealed by the shareholders and the shareholders may prescribe in any Bylaw made by them that such Bylaw shall not be altered, amended or repealed by the Board of Directors.

## ARTICLE VIII

### INDEMNIFICATION

SECTION 8.1 General. Each person who was or is made a party or is threatened to be made a party to or is involved (including, without limitation, as a witness) in any actual or threatened action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of that fact that he or she is or was a director or officer of the corporation or, being or having been such a director or officer, he or she is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation or of a partnership, joint venture, trust or other enterprise, including service with respect to employee benefit plans, whether the basis of such proceeding is alleged action in an official capacity as a director, officer, employee or agent or in any other capacity while serving as a director, officer, employee or agent, shall be indemnified and held harmless by the corporation to the full extent permitted by applicable law as then in effect, against all expense, liability and loss (including, without limitation, attorneys' fees, judgments, fines, ERISA excise taxes or penalties and amounts to be paid in settlement) actually or reasonably incurred or suffered by such person in connection therewith. Such indemnification shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of his or her heirs, executors and administrators. No indemnification shall be provided under this Article to any such person if the corporation is prohibited by the nonexclusive provisions of the Washington Business Corporation Act or any other applicable law as then in effect from paying such indemnification. The right to indemnification conferred in this Section shall be a contract right and shall include the right to be paid by the corporation the expenses incurred in defending any such proceeding in advance of its final disposition; provided, however, that the payment of such expenses in advance of the final disposition of a proceeding shall be made to or on behalf of a director or officer only upon delivery to the corporation of an undertaking, by or on behalf of such director or officer, to repay all amounts so advanced if it shall ultimately be determined that such director or officer is not entitled to be indemnified under this Article or otherwise, which undertaking may be unsecured and may be accepted without reference to financial ability to make repayment.

SECTION 8.2 Non-exclusive. The right to indemnification and the payment of expenses incurred in defending a proceeding in advance of its final disposition conferred in this Article shall not be exclusive of any other right which any person may have or hereafter acquire under any

statute, provision of the Articles of Incorporation, Bylaws, agreement, vote of shareholders or disinterested directors or otherwise.

**SECTION 8.3 Insurance.** The corporation may maintain insurance, at its expense, to protect itself and any director, officer, employee or agent of the corporation or another corporation, partnership, joint venture, trust or other enterprise against any expense, liability or loss, whether or not the corporation would have the power to indemnify such person against such expense, liability or loss under the Washington Business Corporation Act. The corporation may enter into contracts with any director or officer of the corporation in furtherance of the provisions of this Article and may create a trust fund, grant a security interest or use other means (including, without limitation, a letter of credit) to ensure the payment of such amounts as may be necessary to effect indemnification as provided in this Article.

**SECTION 8.4 Employees and Agents.** The corporation may, by action of its Board of Directors from time to time, provide indemnification and pay expenses in advance of the final disposition of a proceeding to employees and agents of the corporation with the same scope and effect as the provisions of this Article with respect to the indemnification and advancement of expenses of directors and officers of the corporation or pursuant to rights granted pursuant to, or provided by, the Washington Business Corporation Act or otherwise.

## ARTICLE IX

### SEVERABILITY

The provisions of these Bylaws shall be separable each from any and all other provisions of these Bylaws, and if any such provision shall be adjudged to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision hereof, or the powers granted to this Corporation by the Articles of Incorporation or Bylaws.

EFFECTIVE the 31<sup>st</sup> day of December, 2014.

By: Michael S. Taylor X  
Michael S. Taylor, President



## \* TRANSMITTAL \*

Phone: 509-966-7000 / FAX: 509-965-3800  
2803 River Road, Yakima, WA 98902

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**Date:** February 7, 2020

**Project No.:** 18118

**To:** Yakima County

**Attention:** Noelle Madera

**From:** Eric Herzog, PLS

**Re:** Master Plan and Preliminary Plat for Scenic Ranch

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**We are sending you the attached following items:**

2 Copies of Applications and Preliminary Plat Maps

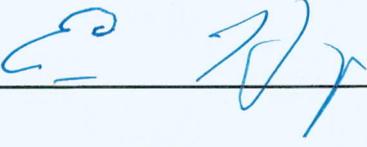
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**Comment:**

Noelle,

We understand the MPDO code is changing as of February 19, 2020. We are committed to do everything we need to do to get this application deemed complete before the code changes. Anything you can do to help will be greatly appreciated.

Please let me know if you need anything.

Copy to: \_\_\_\_\_ Signed: 

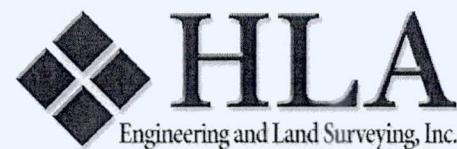
Scenic Ranch, LLC  
Yakima County, Washington

## **PRELIMINARY PLAT OF SCENIC RANCH**

### **STATE ENVIRONMENTAL POLICY ACT**

#### **ENVIRONMENTAL CHECKLIST**

Prepared by



HLA Project No. 18118  
February 2020

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STATE ENVIRONMENTAL POLICY ACT  
**ENVIRONMENTAL CHECKLIST**

**A. BACKGROUND**

1. *Name of Proposal, if Applicable:* Preliminary Plat of Scenic Ranch
  
2. *Name of Proponent:* Scenic Ranch, LLC  
*Phone Number:* (509) 961-5060  
*Address of Proponent:* 3748 State Hwy 97A  
Wenatchee, WA 98801
  
3. *Person Completing Form:* Michael R. Heit, PE  
*Phone Number:* (509) 966-7000  
*Address:* HLA Engineering and Land Surveying, Inc. (HLA)  
2803 River Road  
Yakima, WA 98902
  
4. *Date Checklist Prepared:* February 5, 2020
  
5. *Agency Requesting Checklist:* Yakima County
  
6. *Proposed timing or schedule (including phasing, if applicable):*  
The Plat of Scenic Ranch will be developed in one phase, and anticipate construction starting in Fall, 2020.
  
7. *Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain.*  
This SEPA is in conjunction with a Preliminary Long Plat Application and Master Planned Development Application for Scenic Ranch and construction of the proposed residential buildings. The property will be fully developed upon completion of this project.
  
8. *List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.*  
There is no known previous environmental information associated with this property. Any environmental information prepared would be available at the Yakima County Planning Department.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

There are no applications pending that directly affect the property.

10. List any governmental approvals or permits that will be needed for your proposal, if known.

Yakima County – Master Planned Development Approval

Yakima County – Preliminary Plat Approval

Yakima County - SEPA Determination.

Yakima County - Stormwater Approval.

Yakima County - Building Permit Approval.

Yakima County - Plan review and approval, and construction approval for municipal facilities constructed by private parties

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The Scenic Ranch Master Planned Development will be a premier residential 16-lot subdivision located on parcel 181317-13423 along the north side of Scenic Drive, Yakima, Washington. The project will subdivide the 19.97 acres into 16 single family lots, varying in size from approximately 0.89 acres to 1.55 acres. Access to the plat will be off Scenic Drive. The development is proposed to have a 30-foot-wide private road with rolled curb and gutter, and a meandering asphalt pathway for sidewalks. The road alignment winds down the hillside to meet the Yakima County's 10 percent grade requirements. The property will feature approximately 3,200 lineal feet of asphalt walking path through the community. There are two open space recreational areas, totaling 2.52 acres that can be used for various recreational and sporting activities. The recreational areas will feature a combination of greenspace and natural landscape with an additional 1,700 lineal feet of gravel walking path.

Nob Hill Water will serve the lots with domestic water and there is an existing 12-inch water main in Scenic Drive. Power, telephone and natural gas are all available along Scenic Drive. The current facilities will be extended through the property. There is no regional sewer system available but rather a community septic systems are proposed on a community owned tracts, meeting WAC 246-272A-0320, and Yakima Health District requirements. The property will have an 8" sewer main collecting all the sewerage for the subdivision, and transporting the sewage to the community septic systems.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist.

The proposed Preliminary Plat of Scenic Ranch is located at Scenic Drive and N. 66th Ave., Yakima, Washington, 98908. Parcel number 181317-13423; Section 17, Township 13 North, Range 18 East, W.M. Please refer to the attached map for additional information.

## B. ENVIRONMENTAL ELEMENTS

### 1. EARTH

a. *General description of the site (underline one): Flat, rolling, hilly, steep slopes, mountainous, other (Gently Sloping).*

b. *What is the steepest slope on the site (approximate percent slope)?*

The majority of the site slopes approximately 10 percent, while the steepest slope on the site is approximately 25 percent.

c. *What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.*

National Resources Conservation Service Soil Mapping was consulted regarding the on-site soils at the project site. The USDA Soil Conservation Service (SCS) indicated the soil is a primarily a Cowiche Loam in the area of concentration, which is a ML, or A-4 soil type. The soil mapping indicates: 0-10 inches Loam, 10-35 inches Loam, 34-45 Loam, and 45-60 inches Loamy Fine Sand, Very Fine Sandy Loam. Permeability of the Cowiche Loam soil type is moderate, the runoff is low and the water erosion hazard is slight. The Cowchee Loam is considered prime farmland if irrigated.

The proposal does not require removing any soils. The site will be regraded to create an earthwork balance.

d. *Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.*

There are no known indications of unstable soils on site or in the immediate vicinity.

e. *Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.*

The project consists of usual and normal embankment construction for new streets and building lots. As it applies to the entire development, there is significant grading proposed for the private road and building lot development expected. No net increase or decrease in quantity of material is anticipated. Earthwork quantities are approximately 10,000 cubic yards of cut/fill over one phase, and exact quantities will be determined during the design phase of the development. Source of fill will be from on-site excavations or from approved/permitted borrow site.

Backfilling for utilities will consist of crushed aggregate for pipe zone bedding and native material for trench backfill. All excess soil will be re-distributed on site for landscaping beds.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion is not expected to occur as a result of clearing or construction. Construction of the improvements will not affect wind-borne or water-borne soil erosion following project completion. After construction is completed, the development will be primarily covered with hard surfacing, and landscaping, preventing the likelihood of erosion.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or building)?

In Scenic Ranch, approximately 40-percent of the site will be covered with impervious surfacing. The lot coverage maximum in the R-1 zone is 60 percent when open space recreational area is provided, and 45 percent without recreational area.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

During the site development and construction activities, the contractor will be required to utilize appropriate erosion control Best Management Practices, and regulatory erosion control stormwater management plans will be implemented. Silt fencing and dust control measures will be implemented. Storm drainage improvements will be constructed to comply with Yakima County standards. The site will be permanently stabilized post-construction by sodding and landscaping.

## 2. AIR

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Typical emissions of dust and automobile odors will be generated during construction. Dust control procedures will be in place during construction to limit the dust to the maximum extent practicable. Construction activity will be limited to area immediately adjacent to the construction area. Dust is not expected after construction as the site will be fully landscaped and irrigated, or will be covered with asphalt concrete pavement. After project completion, there will be no adverse effects on the air, the emissions will be from automobiles belonging to local residents and staff. Minimal emissions from commercial heating devices may occur after project completion. Approximate quantities are not known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None are known to exist.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

The contractor shall comply with Yakima Regional Clean Air Agency regulatory requirements. The contractor may be required to use dust control measures such as watering of the construction area to eliminate wind-borne erosion if a problem arises. The contractor will also be required to clean mud and dust from public roadways as necessary.

In addition, construction equipment will be well maintained to prevent excessive exhaust emissions.

### 3. WATER

#### a. *Surface Water:*

- Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.*

There are no existing surface bodies of water or streams within the development. Yakima County lists Cowiche Creek, a Type 1 stream, approximate 300 feet north of the property, running along the north right-of-way line for Cowiche Canyon Road. The creek is likely to have wetlands along its banks.

The Scenic Ridge development would contain any stormwater on-site, likely reducing the current potential from runoff reaching the stream or wetlands. In addition, 300 feet of intervening property and Cowiche Canyon Road are located between the Scenic Ranch and Cowiche Creek.

The creek appears to contribute to Naches River approximately 2 miles from the development.

- Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.*

There will be no work over or in any bodies of water. The adjacent creek is 300 feet away over a rock bluff.

- Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.*

No fill or dredge material will be placed or removed from any surface water or wetlands.

- Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.*

The new development will not require any surface water withdrawals or diversions.

- Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.*

According to FIRM mapping, the site does not lie within the 100-year floodplain. There is floodplain adjacent to the site 300 feet north, along Cowiche Canyon Road, Yakima County road right-of-way.



6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No, the proposal does not discharge any waste material to surface waters.

b. *Ground Water:*

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

The proposal will not withdraw or discharge to ground water. Domestic water supply is proposed from the Nob Hill Water System, which has deep source water wells. Ground water not anticipated to be withdrawn for construction dewatering.

2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage, industrial, containing the following chemicals...; agricultural, etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Domestic Waste materials will be discharged into the ground from a community Large On-Site Sewage System.

c. *Water Runoff (including storm water):*

1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will the water flow? Will this water flow into other waters? If so, describe.

The sources of water runoff will be primarily from rainfall and snowmelt. The runoff is proposed to be collected and managed on-site via underground infiltration facilities. Stormwater treatment and disposal facilities will be designed and sized in accordance with the Yakima County Regional Storm Water Manual and Yakima County standards. This project will not result in the discharge of storm water into a surface water body.

2. Could waste materials enter ground or surface waters? If so, generally describe.

No waste materials are anticipated to enter ground or surface waters.

3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No drainage patterns are anticipated to be altered.

4. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Stormwater runoff from the road will be retained, treated, and disposed of on-site via underground infiltration facilities. Stormwater from homes will be directed onto landscaped areas on each residential lot. Accepted BMP engineering practices for stormwater drainage systems will be implemented to collect and manage the surface and runoff water impacts.

4. PLANTS

a. *Check or underline type of vegetation found on the site:*

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops
- wet soil plants; cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. *What kind and amount of vegetation will be removed or altered?*

The development will be cleared of existing trees, shrubs, weeds, and pasture grasses for the construction of the street, utility improvements, and home construction.

c. *List threatened or endangered species known to be on or near the site.*

There are no listed endangered or threatened plants on the project site or within the general project vicinity.

d. *Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:*

The completed residential home sites will be landscaped with typical residential lawns, trees, flowers, and shrubs.

e. *List all noxious weeds and invasive species known to be on or near the site.*

There are none known to exist.

## 5. ANIMALS

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. (Underline all that apply) Examples include:

Bird: hawk, heron, eagle, songbird, other  
Mammals: deer, bear, elk, beaver, other  
Fish: bass, salmon, trout, herring, shellfish, other

b. List any threatened or endangered species known to be on or near the site.

There are no known endangered or threatened animals that occur within the general project vicinity.

c. Is this site part of a migration route? If so, explain.

Most of Washington State is part of the Pacific Flyway migratory route for birds.

d. Proposed measures to preserve or enhance wildlife, if any:

None.

e. List any invasive animal species known to be on or near the site.

None.

## 6. ENERGY AND NATURAL RESOURCES

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

It is anticipated that electricity and/or natural gas will be the primary sources of cooling and heating the residences. Electricity will also be used for normal residential demands of lighting, etc. During construction: equipment fuel.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

The project would not affect the potential use of solar energy by adjacent properties.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

New construction will be built to Washington State Energy Codes and as required by the International Building Code.

## 7. ENVIRONMENTAL HEALTH

a. *Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.*

There are no known environmental health hazards that could occur as a result of this proposal. A fuel spill may occur as a result of construction activities.

1.. *Describe special emergency services that might be required.*

There are no known emergency services that would be needed as a result of this new building. Emergency medical aid may be required should an injury occur during or after construction. Emergency fire services may be required should an injury or fire occur during or after construction.

2. *Proposed measures to reduce or control environmental health hazards, if any:*

There are no known environmental health hazards associated with this proposal, therefore there are no proposed measures.

b. *Noise*

1. *What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?*

Traffic noise from adjacent public streets.

2. *What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.*

Short-term noise consists of construction activities associated with commercial construction. Construction noise can be expected from approximately 7:00 a.m. to 7:00 p.m.

Long-term noise is expected from the typical residential maintenance equipment, i.e. lawn mowers, leaf blowers, power trimmers, snow blowers, etc. during daylight hours.

3. *Proposed measures to reduce or control noise impacts, if any:*

No adverse noise impacts are anticipated; however, we propose to restrict construction to 7:00 a.m. to 7:00 p.m.. In addition, we will comply with the Yakima County Noise Ordinance, as it applies to this project.

## 8. LAND AND SHORELINE USE

a. *What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.*

The project area primarily consists of open land of pasture grasses, and weeds. There is residential land located to all sides of the subject parcel, and orchard to the west.

b. *Has the site been used for agriculture? If so, describe.*

The site has historically been used as alfalfa.

c. *Describe any structures on the site.*

There are currently no structures on the site.

d. *Will any structures be demolished? If so, what?*

No structures will be demolished.

e. *What is the current zoning classification of the site?*

The current zoning of the site is R-1.

f. *What is the current comprehensive plan designation of the site?*

The project lies within the Yakima County and the current comprehensive plan designation of the site is R-1.

g. *If applicable, what is the current shoreline master program designation of the site?*

Not applicable.

h. *Has any part of the site been classified as an "environmentally sensitive" area? If so specify.*

No part of the site has been classified as an "environmentally sensitive" area.

i. *Approximately how many people would reside or work in the completed project?*

Approximately 43 people (2.7 people per residence) would reside in the completed project.

j. *Approximately how many people would the completed project displace?*

The project will not displace any people.

k. *Proposed measures to avoid or reduce displacement impacts, if any:*

Not applicable.

l. *Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:*

Project meets the current and future land use plans of Yakima County.

m. *Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:*

The current zoning for this property is (R-1) determined that the property is suitable for uses permitted in the single family zoning district. Project meets the current and future land use plans of Yakima County.

## 9. HOUSING

a. *Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.*

Approximately 16, upper income, single family housing units will be created.

b. *Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.*

No residential units will be removed.

c. *Proposed measures to reduce or control housing impacts, if any:*

Not applicable.

## 10. AESTHETICS

a. *What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?*

Most likely less than 30 feet in max height. Principal building materials will consist of stone, brick, stucco, wood.

b. *What views in the immediate vicinity would be altered or obstructed?*

No known views would be altered or obstructed.

c. *Proposed measures to reduce or control aesthetic impacts, if any:*

The proposed buildings will be similar in size and appearance as neighboring buildings to further control aesthetic impacts. Compliance with zoning and building code regulations regarding building height, lot coverage and setbacks will also be in effect.

## 11. LIGHT AND GLARE

a. *What type of light or glare will the proposal produce? What time of day would it mainly occur?*

Typical and normal residential night lighting form dusk until dawn. Interior street lights will be full cut-off style directing the light down onto pavement.

b. *Could light or glare from the finished project be a safety hazard or interfere with views?*

The light or glare is not expected to pose any safety hazards or interfere with any views.

c. *What existing off-site sources of light or glare may affect your proposal?*

There are no existing off-site sources that are expected to affect our proposal.

d. *Proposed measures to reduce or control light and glare impacts, if any:*

Proposed street lighting, security lighting, and possible accent lighting will be directed toward the interior of the development. Encourage the use of lowest necessary wattages and to direct lights inward and outward.

## 12. RECREATION

a. *What designated and informal recreational opportunities are in the immediate vicinity?*

The subdivision will have designated walking paths, picnic area, and recreational greenspace as part of the development. Apple Valley Elementary School lies approximately 7,500 feet to the southwest of the subject property and recreational activities take place at the school fields and park. Other known recreational activities in the general area consist of fishing, biking, golfing and walking/jogging.

b. *Would the proposed project displace any existing recreational uses? If so, describe.*

The proposal will not displace any existing recreational areas.

c. *Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:*

The property will feature approximately 3,200 lineal feet of asphalt walking path through the community. There are two open space recreational areas, totaling 2.52 acres that can be used for various recreational and sporting activities. The recreational areas will feature a combination of greenspace and natural landscape with an additional 1,700 lineal feet of gravel walking path.

### 13. HISTORIC AND CULTURAL PRESERVATION

a. *Area there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.*

According to the Department of Archaeology & Historic Preservation's (DAHP) Washington Information System for Architectural and Archeological Records Data (WISAARD), there are no registered properties within or adjacent to the project limits.

b. *Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Is there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.*

There are no known landmarks or evidence of historic, archaeological, scientific, or other cultural significance located on or near the site.

c. *Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.*

WISAARD, EZ-1 Form

d. *Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.*

There are no known impacts, therefore no measures are proposed. If, during construction, artifacts are found, then work within the area will cease and the proper authority will be notified.

### 14. TRANSPORTATION

a. *Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.*

The proposed development has frontage along Scenic Drive. See site plan.



b. *Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?*

No. The nearest transit stop is 1 mile to the south.

c. *How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?*

Each home site will have a minimum of 2 off-street parking spaces. There will be no on-street parallel parking along the private roadway within the development. No parking spaces will be eliminated.

d. *Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).*

Yes. New private street will be extended throughout the site to provide access to each of the proposed lots.

See attached preliminary plat drawing.

e. *Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.*

The proposal will not use water, rail, or air transportation.

f. *How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?*

Based upon the Ninth Edition (2012) of the Institute of Transportation Engineers (ITE) Trip Generation Manual, a single family residential project (Land Use 210) is anticipated to generate approximately 9.52 vehicle trips per weekday per residence. That equates to approximately 152 vehicle trips per day for (50% entering and 50% exiting).

The estimated volume during the A.M. peak hour (7:00 a.m. to 9:00 a.m.) of adjacent street traffic is 0.75 trips per residence or 12 trips at full build-out of all home sites (25% entering, 75% exiting). The estimated volume during the P.M. peak hour (4:00 p.m. to 6:00 p.m.) of adjacent street traffic is 1.0 trips per residence or 16 trips at full build-out of all home sites (63% entering, 37% exiting).

g. *Proposed measures to reduce or control transportation impacts, if any:*

No measures are planned. Scenic Drive has frontage improvements and the service level was designed to accommodate traffic loads from within the development.

## 15. PUBLIC SERVICES

a. *Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other?) If so, generally describe.*

The project will have probable incremental increased demand for fire and police protection, public safety services and schools could be anticipated, relative to the potential population increase.

b. *Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed.*

Water from Nob Hill Water is available to serve the property and would be extended to serve new buildings. Domestic Waste will be serviced with a community Large On-Site Sewage System.

## 16. UTILITIES

a. *Underline the utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, irrigation, cable TV, drains, other.*

b. *Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.*

Domestic Water: Nob Hill Water System

Sanitary Sewer: Large On-Site Sewage System

Refuse: private company

Power: Pacific Power

Telephone: Qwest or Charter

Natural Gas: Cascade Natural Gas Company

General construction activities will consist of trenching associated with placement of underground utility services from their present location to the project building site.

## C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.



Michael R. Heit, P.E.  
Project Consulting Engineer  
HLA Engineering and Land Surveying, Inc.



Date

#### D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTION

1. *How would the proposal be likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances; or production of noise?*

This proposal will not increase discharges to water, emissions to air; produce or release of toxic or hazardous substances; or increase noise pollution.

*Proposed measures to avoid or reduce such increases are:*

No measures are proposed.

2. *How would the proposal be likely to affect plants, animals, fish, or marine life?*

The proposal will not create any adverse impacts on plants, animals, fish or marine life.

*Proposed measures to protect or conserve plants, animals, fish or marine life are:*

No measures are proposed.

3. *How would the proposal be likely to deplete energy or natural resources?*

The proposal will not deplete energy or natural resources other than through normal building operations of commercial businesses.

*Proposed measures to protect or conserve energy and natural resources are:*

Energy efficient measures will be installed wherever practicable; for instance, water efficient fixtures and non-incandescent light bulbs will be used.

4. *How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?*

The proposal will not affect any sensitive areas or areas designated for governmental protection. There is no floodplain on the site, all stormwater will be retained on-site, and proposal does not anticipate any modifications to the existing Summitview Avenue road. Therefore, there should be no effect on the floodplain.

*Proposed measures to protect such resources or to avoid or reduce impacts are:*

No measures are proposed.

5. *How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?*

The proposal will not affect land or shoreline use.

*Proposed measures to avoid or reduce shoreline and land use impacts are:*

No measures are proposed.

6. *How would the proposal be likely to increase demands on transportation or public services and utilities?*

This proposal will have a slight increase of daily trips above the existing site, however the increase can be accommodated by the existing surface streets which were constructed to accommodate heavy traffic from surrounding land uses.

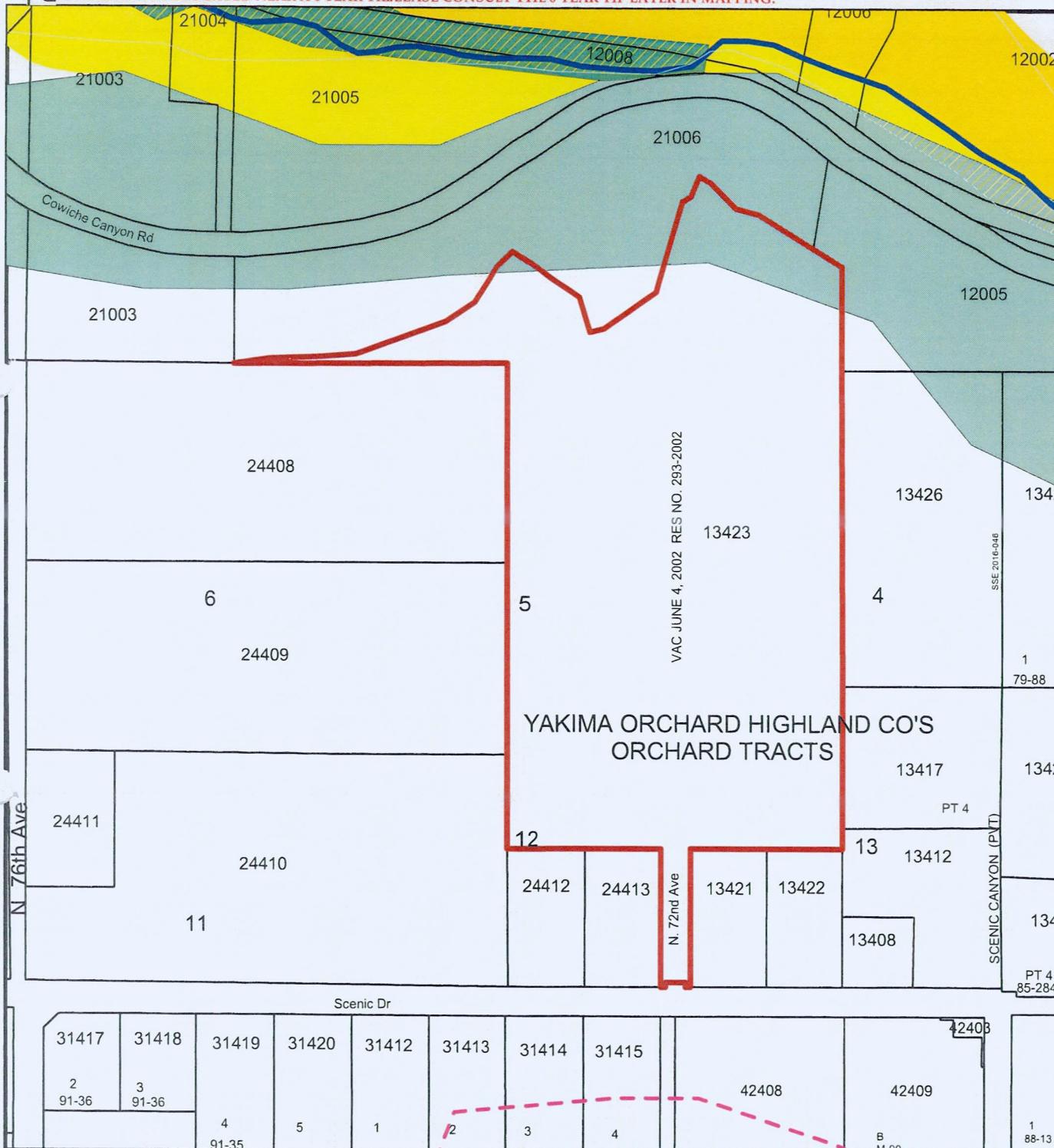
*Proposed measures to reduce or respond to such demand(s) are:*

No measures are proposed.

7. *Identify, if possible whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.*

The proposal is not known to conflict with local, state, or federal laws protecting the environment.

PARCEL MAY BE LOCATED NEAR A 6 YEAR TIP PLEASE CONSULT THE 6 YEAR TIP LAYER IN MAPPING.



## YAKIMA COUNTY

### GEOGRAPHIC INFORMATION SERVICES

181317-13423

Owner Name: Organization: SCENIC RANCH LLC  
Tax Lot Number: 18131713423  
Situs Address: SCENIC DR/66TH AVE

Mailing Address: 3748 STATE HWY 97A  
WENATCHEE, WA 98801

Parcel Size: 19.97 Acre(s)

Use Code: 91 Undeveloped Land

UAZO Zoning: R-1

Comp Plan: Information Not Available

UGA: Yakima

Soil Type: 26, 137

Soil Names: Simcoe silt loam, 15 to 30 percent slopes  
Cowiche loam, 8 to 15 percent slopes

Mineral Resource: Outside

ESLU Location: Parcel WITHIN 500 Feet from an ESLU

National Forest: Outside National Forest Area

Natural Resource: Yes (6055006)

FEMA Designation: Outside,,

Firm Panel #: 53077C1030D,,

YCWRSS: Cowiche Creek #3Cowiche Creek #3

Greenway Overlay: Outside

Airport Overlay: Outside

Yakima Co Water System: No County Water System

Yakima Co Wastewater Sys: No County Wastewater System

Irrigation District: Yakima-Tieton

Sewer District: N/A

Well Heads: N/A Well: N/A

Well Head Protection Area: N/A

School District: Naches ValleyWest Valley

Fire District: Fire District #12

Urban Wildlands Risk: Medium,Medium

Stock Restricted Area: Within

Critical Areas:

Local Wetland Inventory: N/A

National Wetland Inventory: N/A

Stream Type Present: N/A

SMP Lakes Environments: N/A

SMP Streams Environments: N/A

Floodway/CMZ: N/A

WDFW Wildlife Heritage: N/A

Contours:

Minimum: 1350

Maximum: 1570

SEAW Ground Snow Load ISO Lines:

Lowest: 0.021

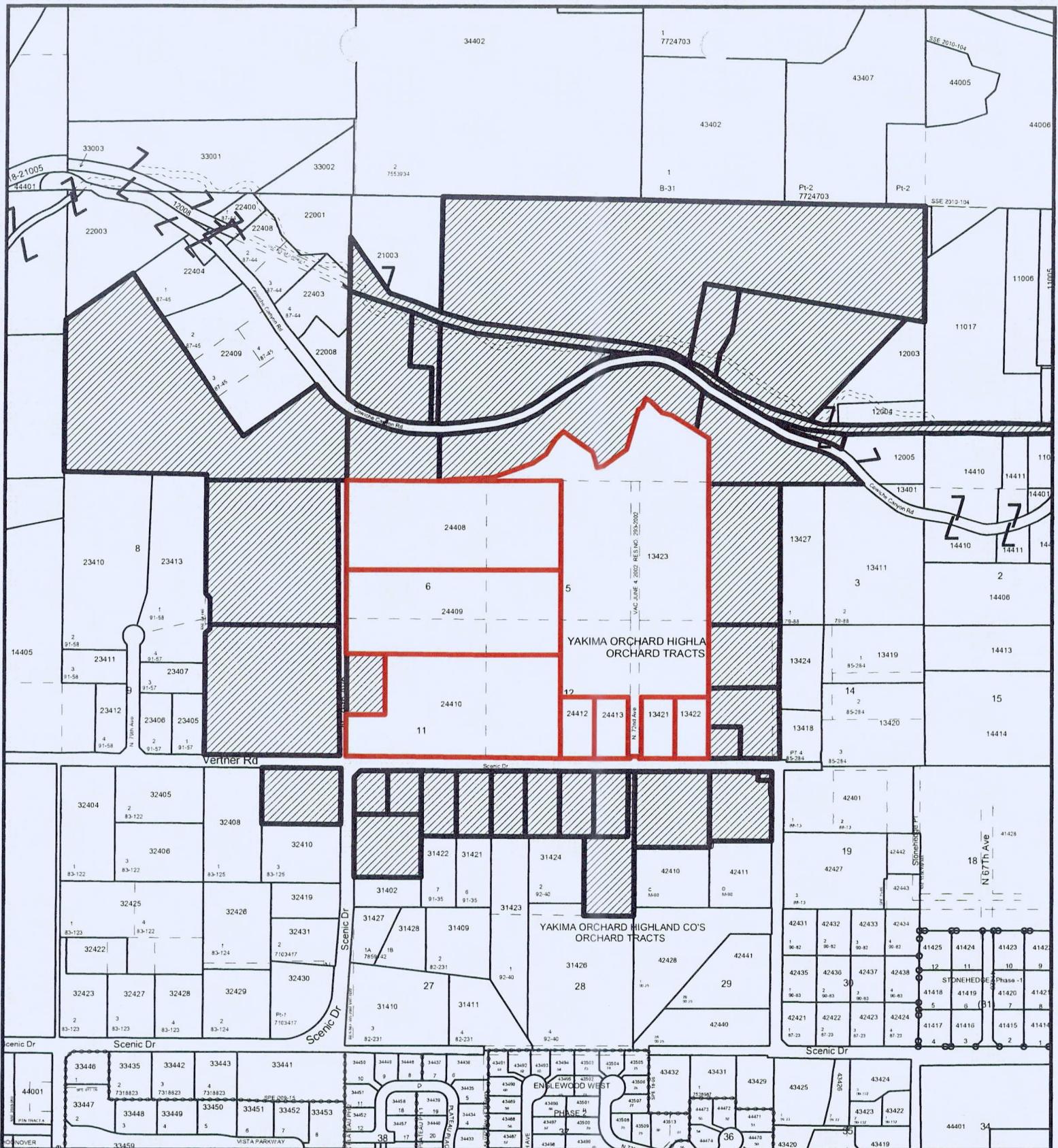
Highest: 0.0211

IRC Seismic Design Cat: C

Functional Class: Urban Access



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This map was derived from several databases. The County  
cannot accept responsibility for any errors. Therefore,  
there are no warranties for this product.



FILE: SUB2020-0004/SEP2020-00005/ZON20-001  
NAME: Scenic Ranch LLC

Please refer to file for Parcel Numbers



## Subject Parcels



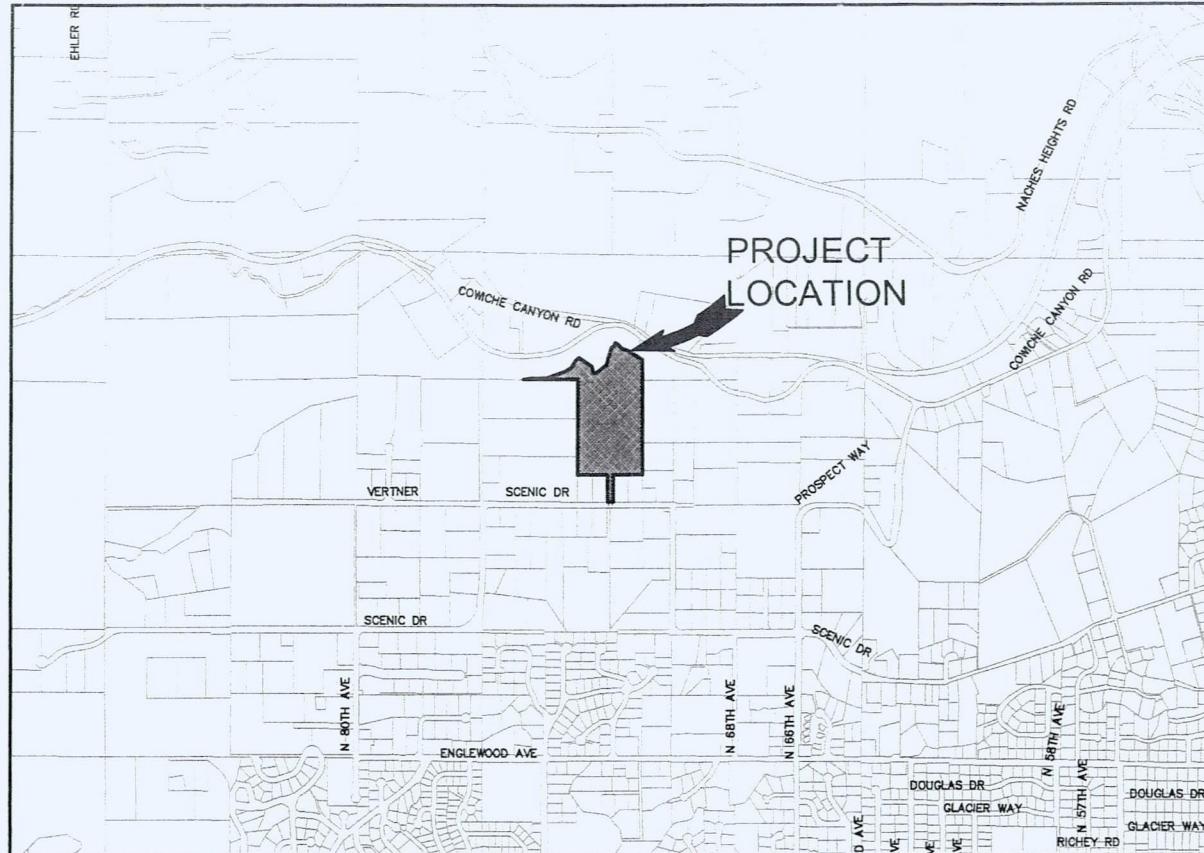
### Notified Property Owners Within 300 Feet

Mapscale: 1" = 600'  
February 11, 2020

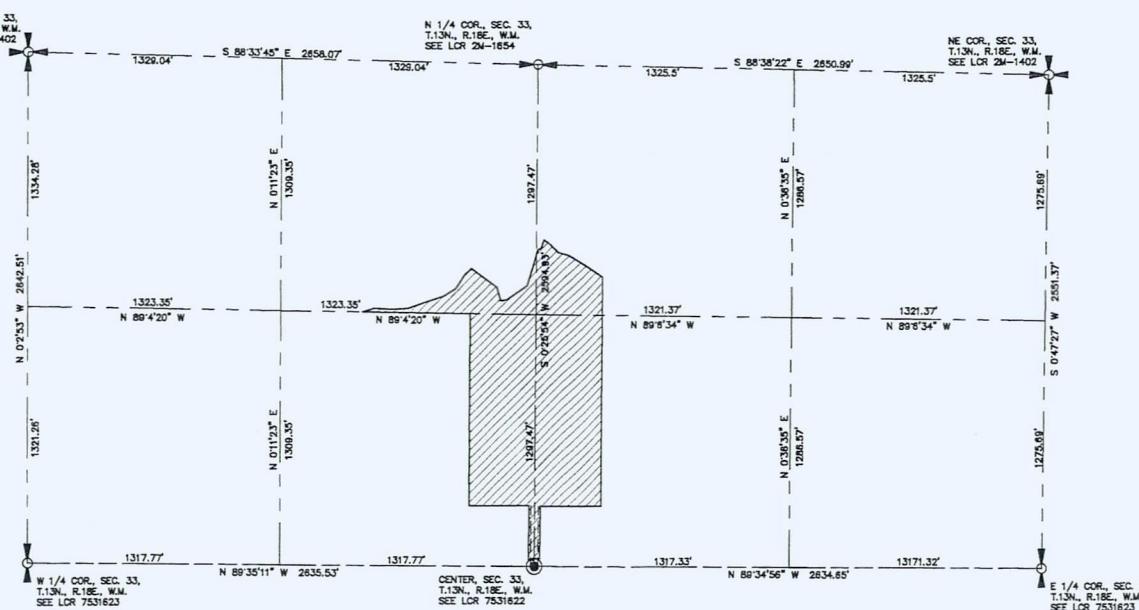


# PRELIMINARY PLAT OF "SCENIC RANCH"

(A PORTION OF THE NORTHWEST 1/4, NORTHEAST 1/4,  
SECTION 17, TOWNSHIP 13 NORTH, RANGE 18 EAST, W.M.)



VICINITY MAP - N.T.S.



#### LEGAL DESCRIPTION (PARCEL NO. 181317-13423)

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 17, TOWNSHIP 13 NORTH, RANGE 18 E.W.N.; THENCE EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION 213.67 FEET; THENCE NORTH 13° 07' EAST 245.75 FEET; THENCE NORTH 58° 03' WEST 130.86 FEET; THENCE NORTH 75° 24' 20" WEST 48.57 FEET; THENCE NORTH 44° 42' 20" WEST 70.56 FEET; THENCE NORTH 59° 18' 50" WEST 28.35 FEET; THENCE SOUTH 22° 15' 40" WEST 44.2 FEET; THENCE SOUTH 58° 05' 40" WEST 20.2 FEET; THENCE SOUTH 16° 22' 20" WEST 169.92 FEET; THENCE SOUTH 14° 45' 10" WEST 22.0 FEET; THENCE SOUTH 54° 37' 10" WEST 128.9 FEET; THENCE SOUTH 77° 03' 40" WEST 30.4 FEET; THENCE NORTH 16° 40' 50" WEST 73.8 FEET; THENCE NORTH 55° 05' 20" WEST 163.13 FEET; THENCE SOUTH 46° 29' 10" WEST 47.9 FEET; THENCE SOUTH 32° 11' 10" WEST 84.4 FEET; THENCE SOUTH 55° 56' 10" WEST 68.8 FEET; THENCE SOUTH 70° 04' 10" WEST 196.3 FEET; THENCE SOUTH 85° 32' 40" WEST 71.7 FEET; THENCE NORTH 67° 57' 30" WEST 106.3 FEET; THENCE SOUTHWESTERLY TO A POINT ON THE SOUTH LINE OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 17, TOWNSHIP 13 NORTH, RANGE 18, E.W.M., WHICH IS 900.41 FEET WESTERLY THEREOF; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  900.41 FEET TO THE POINT OF BEGINNING.

AND

THAT PART OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 17, TOWNSHIP 13 NORTH, RANGE 18, E.W.M.; DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION 340.35 FEET, TO THE NORTHEAST CORNER OF THE WEST  $\frac{1}{2}$  OF TRACT 4 OF THE PLAT OF YAKIMA ORCHARD HIGHLAND COMPANY'S ORCHARD TRACTS, AS RECORDED IN BOOK "B" OF PLATS, PAGE 31 RECORDS OF YAKIMA COUNTY, WASHINGTON, AND POINT BEGINNING; THENCE WEST 126.94 FEET, TO A POINT WHICH IS 1108 FEET WEST OF THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH 12° 51' EAST 246.29 FEET; THENCE SOUTH 58° 03' EAST 63.38 FEET, TO THE NORTHERLY EAST LINE OF SAID WEST  $\frac{1}{2}$  OF TRACT 4; THENCE SOUTH 00° 24' 47" EAST 196.00 FEET, TO THE POINT OF BEGINNING.

AND

THE EAST  $\frac{1}{2}$  OF TRACT 5 AND 12 OF THE PLAT OF YAKIMA ORCHARD HIGHLAND COMPANY'S ORCHARD TRACTS, AS RECORDED IN BOOK "B" OF PLATS, PAGE 31, RECORDS OF YAKIMA COUNTY, WASHINGTON, EXCEPT THE SOUTH 291.40 FEET OF THE EAST  $\frac{1}{2}$  OF SAID TRACT 12.

AND

THE EAST 10 FEET OF THE SOUTH 291.40 FEET OF THE EAST  $\frac{1}{2}$  OF THE PLAT OF YAKIMA ORCHARD HIGHLAND COMPANY'S ORCHARD TRACTS, AS RECORDED IN BOOK "B" OF PLATS, PAGE 31, RECORDS OF YAKIMA COUNTY, WASHINGTON, EXCEPT THE SOUTH 30 FEET THEREOF FOR ROAD.

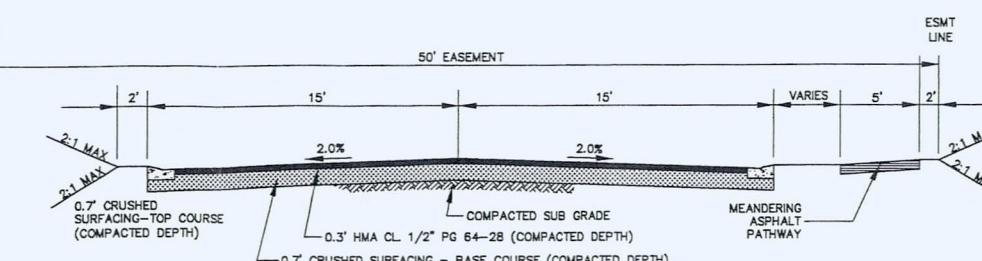
AND

THE WEST  $\frac{1}{2}$  OF TRACTS 4 AND 13 OF THE PLATS OF YAKIMA ORCHARD HIGHLAND COMPANY'S ORCHARD TRACTS, AS RECORDED IN THE BOOK "B" OF PLATS, PAGE 31, RECORDS OF YAKIMA COUNTY, WASHINGTON, EXCEPT THE SOUTH 291.51 FEET OF THE WEST  $\frac{1}{2}$  OF SAID TRACT 13.

AND

THE WEST 10 FEET OF THE SOUTH 291.51 FEET OF THE WEST  $\frac{1}{2}$  OF TRACT 13 OF THE PLAT OF YAKIMA ORCHARD HIGHLAND COMPANY'S ORCHARD TRACTS, AS RECORDED IN BOOK "B" OF PLATS, PAGE 31, RECORDS OF YAKIMA COUNTY WASHINGTON., EXCEPT THE SOUTH 40 FEET THEREOF FOR ROAD.

TOGETHER WITH THAT PORTION OF VACATED 72ND AVENUE BY INSTRUMENT RECORDED JULY 23, 2002, UNDER AUDITOR'S FILE NO. 7284195.



YAKIMA COUNTY - RESIDENTIAL SECTION (PRIVATE ROAD)

NOT TO SCALE

#### NOTES:

1. SUBJECT PROPERTY IS ZONED R-1, SINGLE-FAMILY RESIDENTIAL.
2. STREET IMPROVEMENTS SHALL CONFORM TO YCCM.23.050 PRIVATE ROAD STANDARDS FOR PLAT REVIEW.
3. SEWER IS PROVIDED BY TWO COMMUNITY ON-SITE SEPTIC SYSTEMS.
4. ALL STORM WATER GENERATED BY NEW IMPERVIOUS SURFACES TO BE RETAINED AND DISPOSED OF ON SITE IN ACCORDANCE WITH YAKIMA COUNTY STORM WATER ENGINEERING DIMENSION REQUIREMENTS.
5. WATER IS PROPOSED TO BE PROVIDED BY NOB HILL WATER, WATER SYSTEM, INCLUDING VALVES, FITTINGS, AND FIRE HYDRANT LOCATIONS, TO BE DESIGNED AND CONSTRUCTED BY NOB HILL WATER CO. FIRE HYDRANT LOCATIONS NOT YET DETERMINED AND NOT SHOWN ON THIS PLAN.
6. POWER, TV CABLES, TELEPHONE CABLES AND NATURAL GAS MAINS ARE NOT SHOWN ON THESE PLANS BUT ARE TO BE LOCATED WITHIN THE PUBLIC UTILITY EASEMENT. DEVELOPER TO COORDINATE WITH THE SERVING UTILITY COMPANY FOR DESIGN AND INSTALLATION OF THEIR FACILITIES.
7. TYPICAL BUILDING SETBACKS - 45' FRONT SETBACK FROM CENTERLINE OF RIGHT OF WAY, 40' SIDE SETBACK FROM CENTERLINE OF RIGHT OF WAY, 5' SIDE SETBACK FROM PROPERTY LINE, AND 15' REAR SETBACK FROM PROPERTY LINE.

#### SETBACK NOTES

FRONT AND SIDE SETBACK OF ROAD WITH MORE THAN 60' OF RIGHT OF WAY AND CUL-DE-SACS = 25' FROM EDGE OF RIGHT OF WAY.

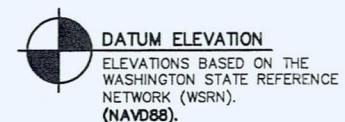
FRONT SETBACK OF ROAD WITH 60' OR LESS OF RIGHT OF WAY = 45' FROM ROAD CENTERLINE.

SIDE SETBACK OF ROAD WITH 60' OR LESS OF RIGHT OF WAY = 40' FROM ROAD CENTERLINE.

INTERIOR SIDE SETBACK = 5' FROM PROPERTY LINE.

REAR SETBACK FROM ADJOINING LOT = 15' FROM PROPERTY LINE.

REAR SETBACK FROM A RIGHT OF WAY = SAME AS FRONT.



#### OWNER

SCENIC RANCH, LLC  
7650 Scenic Drive  
Yakima, WA 98908  
Contact: Mike Taylor  
(509) 961-5060

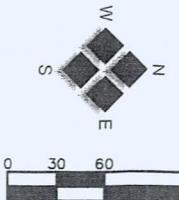
#### ENGINEER

HLA Engineering & Land Surveying, Inc.  
2803 River Road  
Yakima, WA 98902  
Contact: Mike Heit, PE  
(509) 966-7000

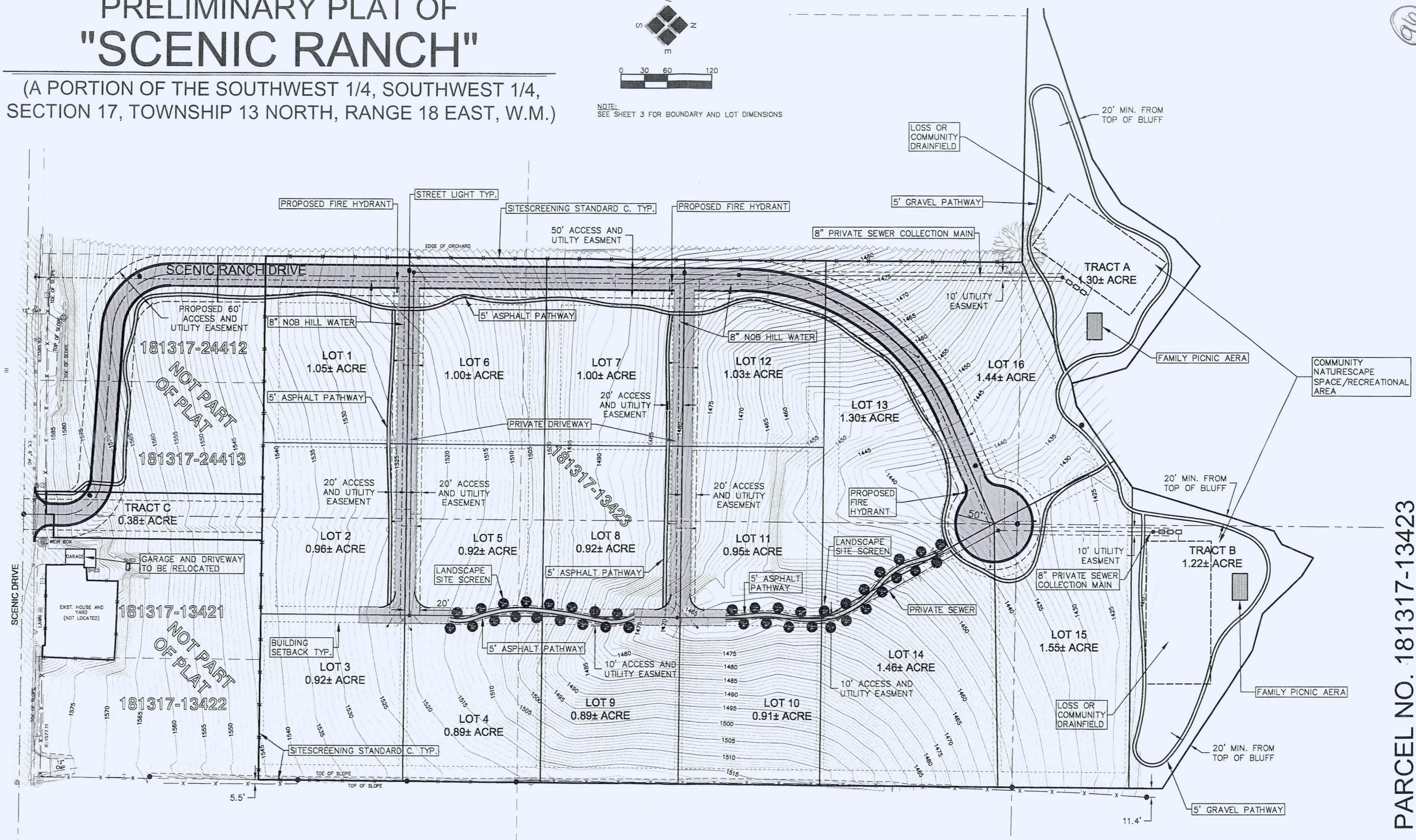
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| REVISION | DATE | JOB NUMBER: 18118 DATE: 2-07-20                            |
|          |      | FILE NAMES:<br>DRAWING: 18118.dwg<br>PLAN: prelim-plot.dwg |
|          |      | DESIGNED BY: MRH<br>ENTERED BY: MDH                        |

# PRELIMINARY PLAT OF "SCENIC RANCH"

(A PORTION OF THE SOUTHWEST 1/4, SOUTHWEST 1/4,  
SECTION 17, TOWNSHIP 13 NORTH, RANGE 18 EAST, W.M.



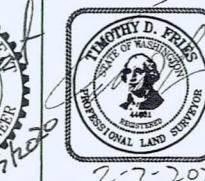
NOTE:  
SEE SHEET 3 FOR BOUNDARY AND LOT DIMENS



PARCEL NO. 181317-13423



2803 River Road  
Yakima, WA 98902  
509.966.7000  
Fax 509.965.3800  
[www.hlacivil.com](http://www.hlacivil.com)



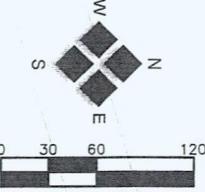
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|  | 18118  | 2-07-21 |
|  | FILE NAMES:<br>DRAWING: 18118.dwg<br>PLAN: prelim-plat.dwg |         |
|  | DESIGNED BY:   | MR      |
|  | ENTERED BY:  | MD      |

**SCENIC RANCH LLC**  
PLAT OF "SCENIC RANCH" YAKIMA  
COUNTY, STATE OF WASHINGTON

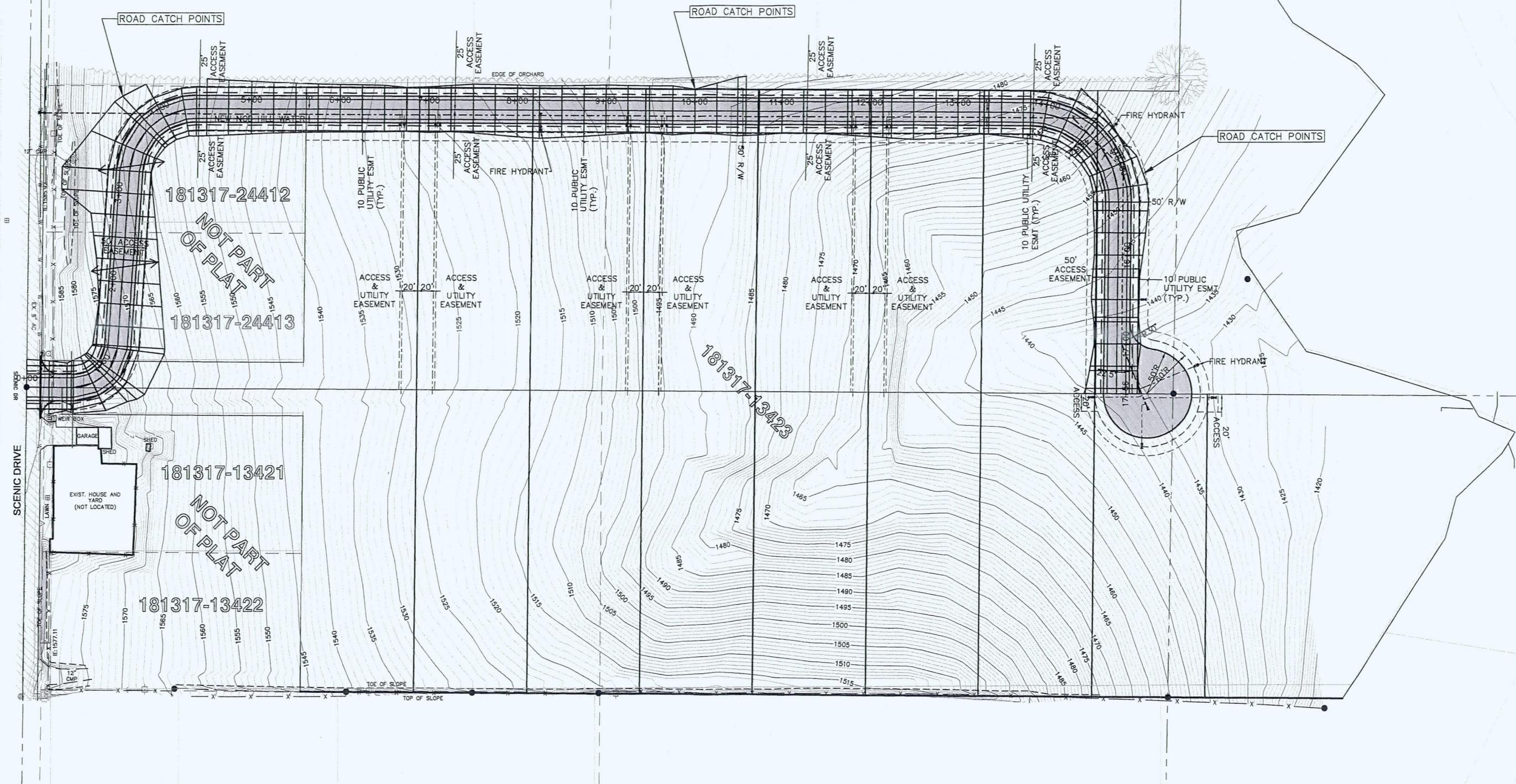
PRELIMINARY PLAT

SHEET  
2  
OF  
3





0 30 60 120



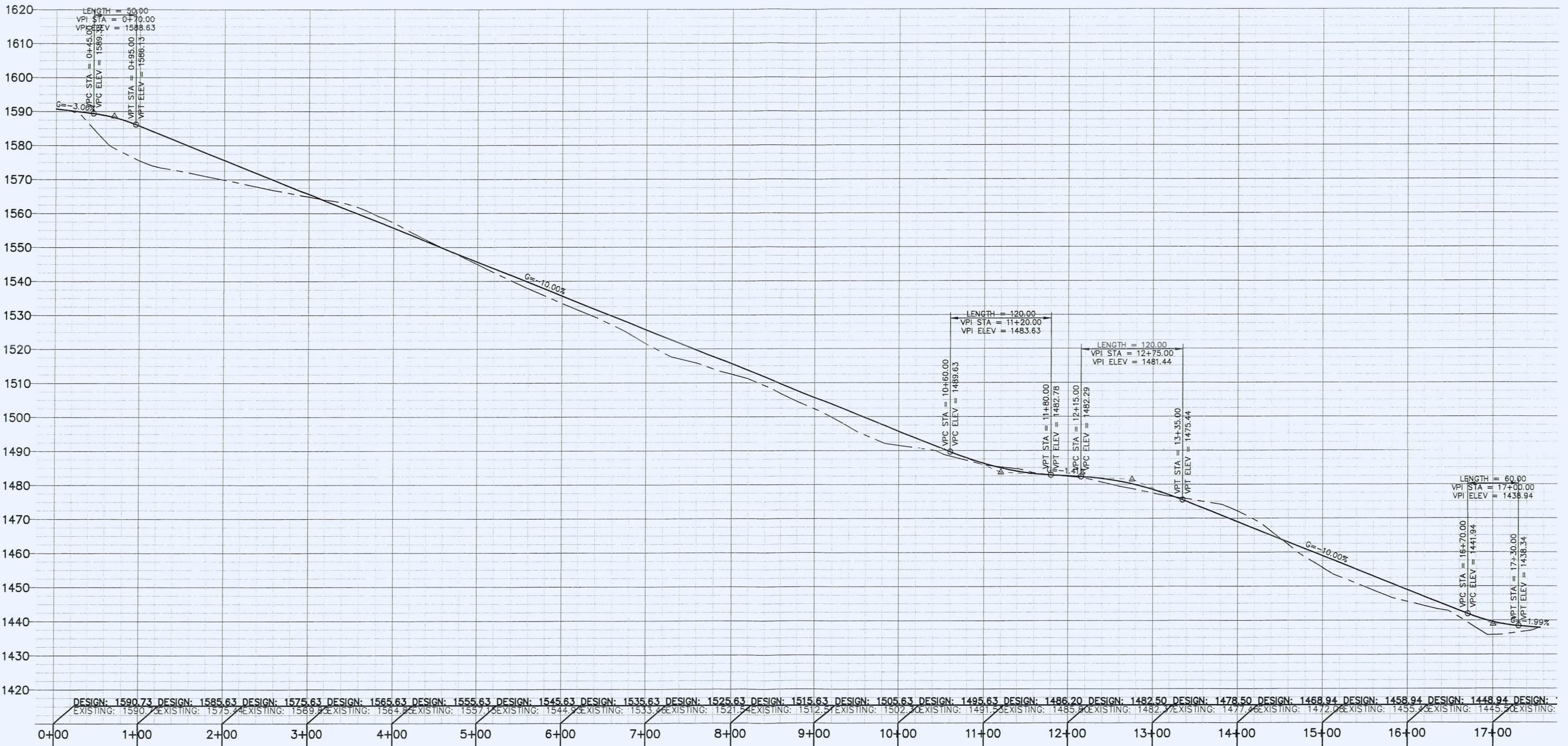
2803 River Road  
Yakima, WA 98902  
509.966.7000  
Fax 509.965.3800  
[www.hlacivil.com](http://www.hlacivil.com)

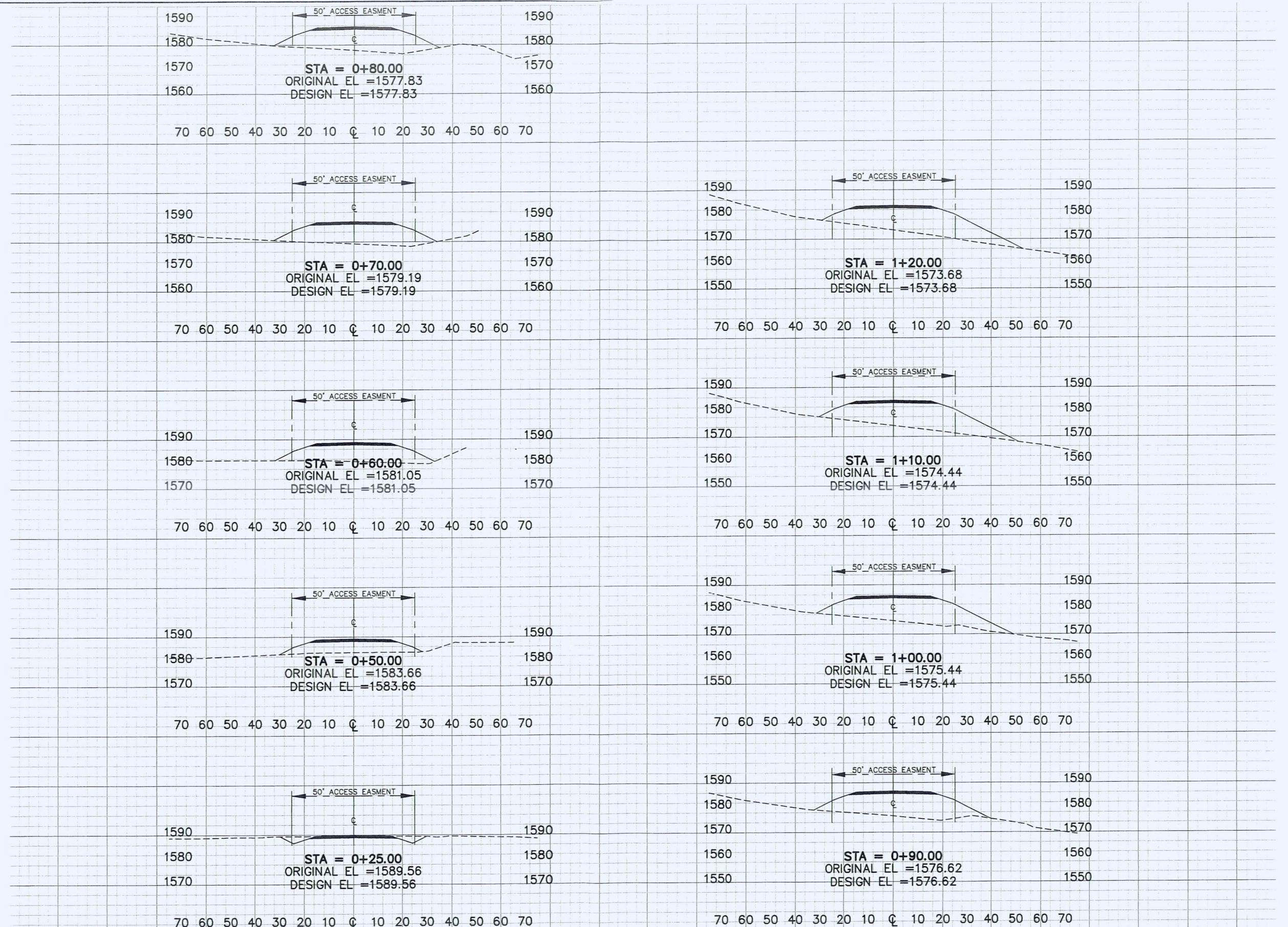


# PRELIMINARY SUBJECT TO REVISION

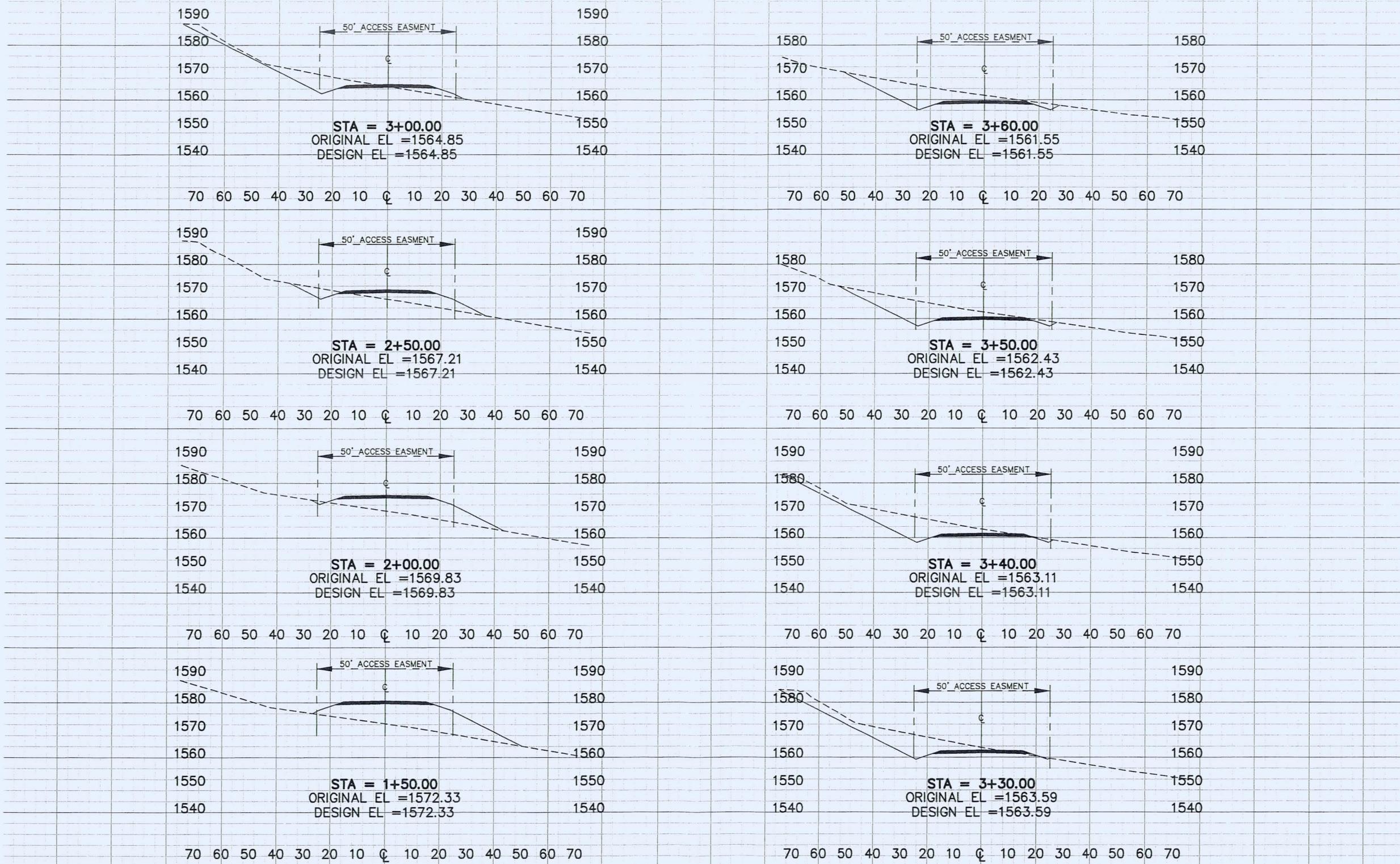
|          |      |                                   |                   |  |                                     |
|----------|------|-----------------------------------|-------------------|--|-------------------------------------|
|          |      | JOB NUMBER:<br>18118              | DATE:<br>11-06-18 | <b>SCENIC RANCH LLC</b><br><b>YAKIMA</b><br><b>LOT LONG PLAT</b> | SHEET<br><b>1</b><br>OF<br><b>2</b> |
|          |      | FILE NAMES:<br>DRAWING: SHEET.dwg |                   |  |                                     |
|          |      | DESIGNED BY:<br>MRH               |                   |  |                                     |
|          |      | ENTERED BY:<br>MDH                |                   |  |                                     |
| REVISION | DATE | OVERALL SITE PLAN                 |                   |  |                                     |

CL ROAD PROFILE





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2803 River Road  
Yakima, WA 98902  
- 509.966.7000  
Fax 509.965.3800  
[www.hlacivil.com](http://www.hlacivil.com)



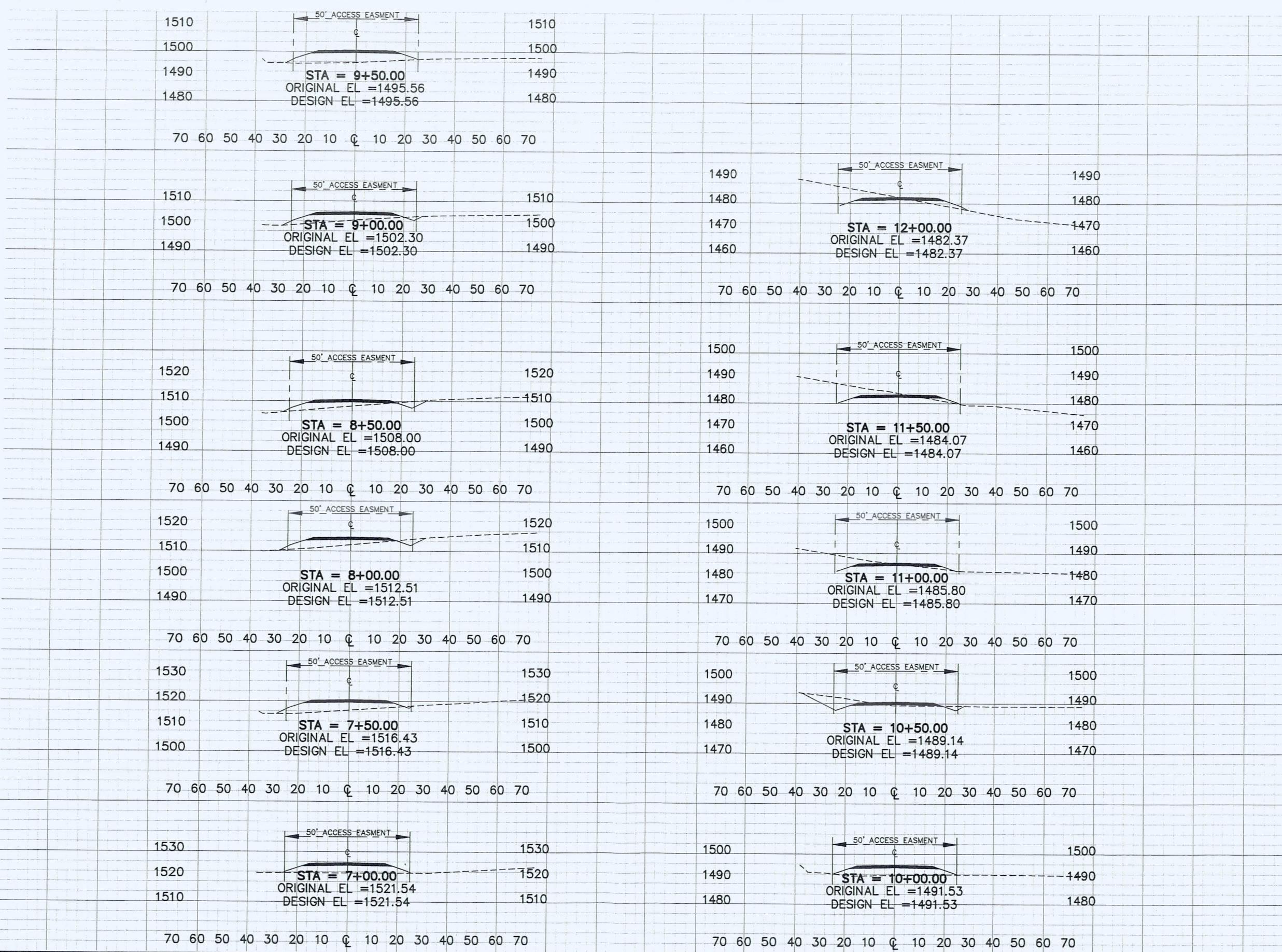
# PRELIMINARY SUBJECT TO REVISION

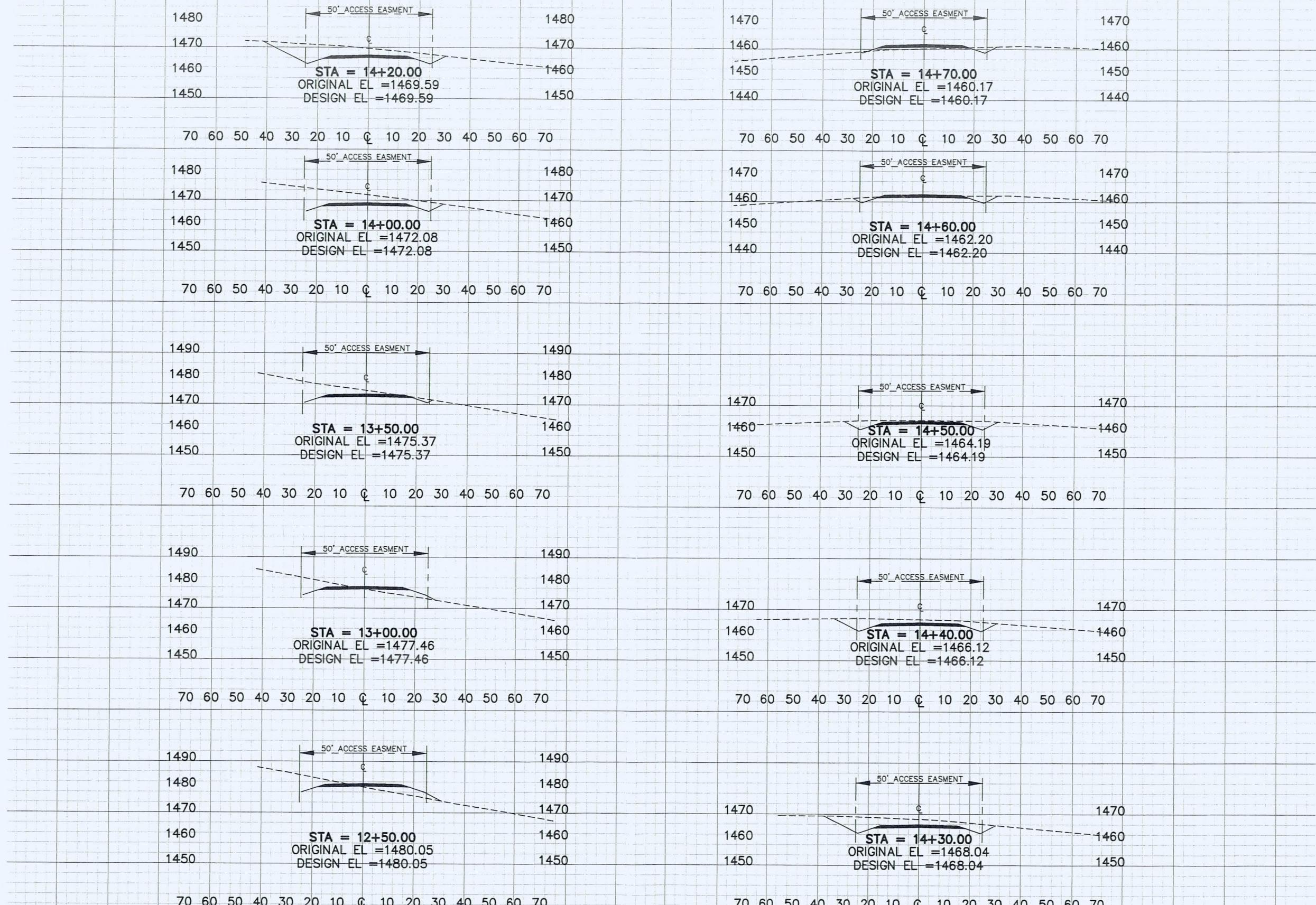
|            |          |      |                                   |                   |  |
|------------|----------|------|-----------------------------------|-------------------|--|
| RY<br>SION |          |      | JOB NUMBER:<br>18118              | DATE:<br>11-06-18 | SCENIC RANCH LI<br>YAKIMA<br>LOT LONG PLAT |
|            |          |      | FILE NAMES:<br>DRAWING: SHEET.dwg |                   |  |
|            |          |      | DESIGNED BY:<br>ENTERED BY:       |                   |  |
|            | REVISION | DATE | MRH                               | MDH               |  |
|            |          |      | ROAD SECTION VIEW                 |                   |  |

**SCENIC RANCH LLC**  
**YAKIMA**  
**LOT LONG PLAT**

SHEET  
2  
OF  
6







10

