

**COUNTY OF YAKIMA, WASHINGTON  
HEARING EXAMINER'S DECISION**

**November 24, 2021**

<b>In the Matter of an Application</b>	)	
<b>For a Type 3 Use Submitted by:</b>	)	
	)	<b>CUP2021-00039</b>
<b>Ron Pelson-Traditional Designs, Inc.;</b>	)	<b>SEP2021-00034</b>
<b>Whitman Hill Vineyards LLC, Owner</b>	)	
	)	
<b>To Establish a Destination Agricultural</b>	)	
<b>Tourist Operation as an Accessory Use</b>	)	
<b>To a Winery and Vineyards Located at</b>	)	
<b>The Northeast Corner of Roza Drive</b>	)	
<b>And Gilbert Road in the AG Zone</b>	)	

**A. Introduction.** The preliminary background findings relative to the public hearing process conducted for this application are as follows:

(1) The Hearing Examiner conducted an open record public hearing regarding this application on November 10, 2021.

(2) The staff report prepared and presented by Senior Project Planner Dinah Reed detailed the pertinent considerations relative to the proposal and recommended approval of the application subject to conditions.

(3) The applicant's representative for this application, Scott Whitman, testified in favor of the application and indicated that there were no objections to the recommended conditions.

(4) No one else testified at the hearing. A letter was submitted by the owners

of the three residences on Gilbert Road west of Roza Drive requesting that a stop sign be placed for southbound traffic on Roza Drive at the Gilbert Road intersection and/or that the large embankment at the northwest corner of that intersection be removed for the safety of the three families who live on Gilbert Road who will experience more traffic coming southbound on Roza Drive at that intersection. The Yakima County Transportation Division did not comment on the letter and the commenters may wish to follow up with the Transportation Division relative to their requests.

(5) This decision has been issued within ten business days of the open record public hearing.

**B. Summary of Decision.** This application is approved for the reasons and subject to the conditions recommended by Senior Project Planner Dinah Reed.

**C. Basis for Decision.** Based on a view of the site with no one else present on November 8, 2021; a consideration of the information contained in the staff report, exhibits, testimony and other evidence presented at an open record public hearing on November 10, 2021; and a review of the Yakima County Comprehensive Plan (*Horizon 2040*) and the Yakima County Zoning Ordinance (YCC Title 19); the Hearing Examiner makes the following:

## **FINDINGS**

**I. Applicant/Property Owner/Representative.** The applicant is Ron Pelson of Traditional Designs, Inc., 106 South 4<sup>th</sup> Avenue, Yakima, Washington and the property owner is Whitman Hill Vineyards LLC, 2130 Dellesta Drive, Bellingham,

Washington. The representative of the property owner who testified at the hearing is Scott Whitman who has recently moved to this area from Bellingham with his wife who was the only other person present at the hearing.

**II. Location.** The property is located from the northeast corner of Roza Drive and Gilbert Road to the end of Roza Drive near the Roza Canal. It is about 2.5 miles north of the City of Zillah. The Assessor's tax parcel numbers for the property are 201112-43401 and -43405.

**III. Hearing Examiner Jurisdiction.** The details regarding the Hearing Examiner's jurisdiction in this matter may be summarized as follows:

(1) The proposal is subject to the Yakima County Unified Land Development Code, YCC Title 19. Table 19.14-1(12) in Chapter 19.14 of the Yakima County Code (YCC) lists a Destination Agricultural Tourist Operation as defined by YCC §19.01.070(1) as a Type 3 use requiring Type 3 review in the Agriculture (AG) zoning district.

(2) YCC §19.30.030(3)(a) provides that Type 3 review procedures are specified by YCC §19.30.100 and YCC §16B.03.030(1)(c). YCC §19.30.100 lists additional or greater conditions that may be imposed, but YCC §19.30.080(7) lists the criteria upon which written findings and conclusions must be based. YCC §19.30.030(3)(b)(vi) provides that Type 3 Conditional Uses are not generally appropriate throughout the zoning district. YCC §19.01.070(21) provides that conditional uses are considered generally incompatible with adjacent and abutting property because of their size, emissions, traffic generation, neighborhood character or for other reasons, but may be permitted by the Hearing Examiner when he determines, after holding a public hearing, that the use complies with the provisions and standards of the zoning ordinance, YCC Title 19, and that difficulties related to

the compatibility, the provisions of public services and the policies of the Comprehensive Plan have been adequately resolved.

(3) YCC §19.30.080(7) provides that the Hearing Examiner shall prepare written findings and conclusions stating the specific reasons upon which the decision or recommendation to approve, approve with conditions or deny an application is based by addressing at a minimum the following criteria:

(a) The present and future needs of the community will be adequately served by the proposed development and that the community as a whole will be benefited rather than injured by the use;

(b) The proposed use is compatible with neighborhood land uses, the goals, objectives and policies of the Comprehensive Plan and the legislative intent of the zoning district;

(c) The site of the proposed use is adequate in size and shape to accommodate the proposed use;

(d) All setbacks, spaces, walls and fences, parking, loading, site-screening, landscaping and other features required by this Title;

(e) The proposed use complies with other development and performance standards of the zoning district and this Title;

(f) The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

(g) The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof;

(h) In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the Comprehensive Plan, and that all other aspects of the development are consistent with the public health, safety and general welfare for the development and for adjacent properties; and

(i) The development complies with all criteria in Chapter 19.18 applicable to the proposed use, unless otherwise administratively adjusted.

(4) YCC §19.30.100 provides that the Hearing Examiner may impose additional or greater requirements as conditions for approval of a Type 3 conditional use to ensure that the proposal meets the standards and criteria for approval.

(5) A Pre-Application Conference as required by YCC §19.17.040(5)(b) took place under EAC2021-00005 on March 16, 2021.

**IV. Application.** The main aspects of the uses proposed by this application may be described as follows:

(1) This application seeks approval to establish a Type 3 Destination Agricultural Tourist Operation (ATO) that will be accessory to a Type 1 permitted Winery use and will have related accessory uses to be established on a 2-acre parcel which is adjacent to vineyards planted on a 24.98-acre parcel to the south. The application includes a new residence and garage (approximately 2,500 square feet), a winery/tasting room with office, catering kitchen, storage and retail space which will sell wine, packaged food items and other similar products (approximately 3,200 square feet), a barrel storage/ crushing area agriculture building (approximately 2,600 square feet), and an outdoor seating area (1,000 square feet) with a landscaped lawn for special events located on the 2-acre parcel no. 201112-43401 adjacent to the 24.98-acre vineyards parcel no. 201112-43405 on the south. Days and hours of operation will be Sunday-Saturday 11:00 a.m. to 8:00 p.m. with hours extended to 10:00 p.m. for events with live music. Hours will be limited in winter due to weather. The business will employ about 5-10 people depending on the season. There will be a 2-foot by 3-foot directional sign located at the existing access onto Roza Drive and a 4-foot by 6-foot freestanding sign located in the southwest corner of parcel 201112-43401 also along Roza Drive which is a County gravel road in this location. The project will be served by a new community well and individual septic system.

(2) YCC §19.01.070(23) defines a “Winery” as a facility where wine is processed and manufactured. A winery is specifically designed to include, at a minimum, two or more of the following: vineyards, crushing, fermentation, and barrel aging of wine. A winery may also include any of the following: barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include,

but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of wine, employee day care, tours, tasting and sales rooms when they are accessory to the on-site production facility, and ancillary retail sales, picnic areas, and food service. Food service is limited by the type of Yakima Health District License, type of Agricultural Tourist Operation or type of commercial zoning district where the winery is located.

(3) YCC §19.01.070(1) states that an Agricultural Tourist Operation (ATO) refers to a working farm, including an approved winery, distillery or brewery (domestic or micro) or any agricultural, horticultural, or agribusiness operation that is open to the public for the purposes of enjoyment, education, or active involvement in the activities of the farm or operation. These activities must be related to the agricultural products grown or produced on the site and incidental to the primary operation on the site. This term includes farm tours, hayrides, corn mazes, pumpkin patches, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above and similar uses. The retail sales of agricultural related products are considered accessory and subordinate to the agricultural operation when the products sold are grown or produced on site. A Retail Agricultural Tourist Operation may include eating and food preparation facilities with event facilities for seminars or other social gatherings. A Destination Agricultural Tourist Operation consists of an assortment of uses over and above any uses associated with retail level operation but may include event facilities for seminars, weddings and other social gatherings, and may also include overnight lodging facilities up to 12 guest rooms that are not requested as part of this application.

(4) The principal farming activity is taking place on the 24.98 acres of vineyards located on parcel 201112-43405. Additionally, the primary agricultural use proposed is to establish a winery on Parcel 201112-43401 which is currently vacant and will be developed with a residence, winery, tasting room, crushing and barrel storage agriculture building. The applicant has not indicated in the application that there will be bottling of wine on the site. If that is proposed for the site in the future, it will be necessary for the applicant to apply for a Modification to this proposal.

(5) The secondary use proposed for the subject two parcels is a Destination ATO, and location for hosting events/concerts (potentially 52 events per year) using the tasting room and outdoor seating/standing area. The ATO operation will also offer wine-making educational services with class sizes to accommodate 12 people.

**V. Notices.** Notices of the application, environmental review and open record public hearing were provided in the following ways:

(1) After the application was submitted, an internal notice of project review was accessible in the County database system to representatives of the Building Division, the Building and Fire Safety Division, the Utility Division, the Water Resources Division, the Transportation Division and the Yakima Health District.

(2) This application is subject to review under the State Environmental Policy Act (SEPA) since it is not considered exempt from the review process. The optional process authorized by WAC 197-11-355 was used for SEP2021-00034 with an expectation of a Determination of Non-Significance (DNS).

(3) A Notice of Application, Notice of Completeness, Notice of Environmental Review, and Notice of Hearing was mailed to adjoining property owners and published in the Yakima-Herald on September 24, 2021, with a comment period ending October 8, 2021. Besides a comment received from the Washington State Department of Ecology and the Yakima Health District, internal comments from Yakima County Public Services were received from the Building Division, the Building and Fire Safety Division, the Utility Division, the Water Resources Division and the Transportation Division. As noted above, a letter was also received from three nearby property owners living on Gilbert Road. The dates of the main procedural aspects and notices of this application are as follows:

Intake:	August 18, 2021
Application Complete and Notice of Completeness:	September 15, 2021
Notice of Application/Environmental Review/Hearing:	September 24, 2021
Comment Period Ended:	October 8, 2021
Final SEPA Threshold Determination (DNS) mailed:	October 19, 2021
Publishing of hearing notice in Yakima Herald-Republic:	September 24, 2021
Mailing of hearing notice to property owners w/i 300 feet:	September 24, 2021
Posting of hearing notice on the property:	October 24, 2021

(4) Comment Received from the Washington State Department of Ecology: Relative to water quality, the applicant may be required to obtain Winery General Permit coverage from Ecology if wine, juice and/or wastewater production volumes surpass those quantified in Special Condition S1, Table 3 of the Permit. Ecology may

also require Permit coverage if a facility is determined to be a “Significant Contributor of Pollutants or a Significant Industrial User” as defined in Appendix B of the permit. Regarding an NPDES permit, 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. This permit requires that a Stormwater Pollution 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 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 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 or email [lloyd.stevensjr@ecy.wa.gov](mailto:lloyd.stevensjr@ecy.wa.gov) with questions about this permit.

(5) Comment Received from the Yakima County Building Division: Special Event permits are not designed for multiple events. If multiple events are part of the use for this project then the applicant must apply for the applicable Planning Permit. Grading permits will be required for site preparation. Building Permits are required for all proposed structures and signage. All new construction and modifications to existing structures require building permits. All construction is required by code to comply with all applicable provisions of the current adopted International Building Codes and Washington State Energy Codes. The staff response is that the applicant’s Destination ATO application is the applicable permit for multiple events and that the applicant shall apply for a grading permit for the site preparation and building permits for new structures and signage.

(6) Comment Received from the Yakima County Fire and Life Safety Division: The ATO 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). The access easement must be built out to 20 feet wide, not just recorded as such. Fire Flow shall



be required (Ordinance and International Fire Code 507.3, Appendix B of the International Fire Code). All buildings will need proper building and fire safety permits. The staff response is that the applicant shall comply with the comments from the Yakima County Fire Marshall and to please contact Chris Pedersen with questions regarding these comments at (509) 574-2300.

(7) Comment Received from the Yakima County Utility Division: The Group A Water System will need to be approved by the Washington State Department of Health. Yakima County Public Services is not available as a satellite management agency to operate the water system. For Yakima County to be the satellite management agency, the water system would need to have 5 or more connections when located outside the urban growth boundary. The staff response is that the applicant shall provide verification to the Yakima County Planning Division that the new Group A Water System is approved. In accordance with YCC §12.08.390, an applicant for a building permit or land use permit necessitating an adequate water supply determination where potable water is not available from an approved water purveyor may obtain a YCWRS domestic well permit for a permit exempt well as evidence of the legal availability of water up to 5,000 gallons per day, provided the applicant's property is an eligible property as defined in YCC §12.08.400 and further provided that the well is an eligible well as defined in YCC §12.08.410. In conjunction with this application, the applicant applied for a YCWRS eligibility determination under WRS2021-00282 and it was determined that the property is eligible for connecting to the YCWRS so long as the well depth is at least 75 feet to the first opening in the well casing. In the application the applicant has proposed to install a new Group A Water System which will utilize the YCWRS domestic well as the legal source of domestic water. Therefore, as a condition of approval the applicant will be required to apply for and obtain a YCWRS domestic well permit from the Yakima County Utility Division, and verification of the approval shall be submitted to the Planning Division prior to commencement of use. Please contact the Yakima County Utility Division at (509) 574-2300 for the necessary application information.

**VI. Environmental Review.** A SEPA Final Determination of Non-Significance (DNS) was issued for the proposed Destination ATO on October 21, 2021.

**VII. Type 3 Review Criteria for All Type 3 Uses and Specifically for Destination Agricultural Tourist Operations (ATOs).** The requisite Type 3 review criteria prescribed by YCC §19.30.080(7) apply to the review of all Type 3 uses and include the review criteria of YCC §19.18.060 specifically for Destination Agricultural Tourist Operations (ATOs) as accessory uses to primary Winery uses. These criteria are applied to the proposed Type 3 Destination ATO use in the following ways:

**(1) The present and future needs of the community will be adequately served by the proposed development and that the community as a whole will be benefited rather than injured by the use.** The present and future needs of the community will be adequately served by the proposed development and the community as a whole will be benefited rather than injured by the proposed use because there is an increasing demand in Yakima County for event facilities, especially when accessory to a Winery. Wineries in Yakima County are becoming major tourist attractions that bring visitors and enhance the economy of the local areas where they are located.

**(2) The proposed use is compatible with neighborhood land uses, the goals, objectives and policies of the Comprehensive Plan and the legislative intent of the zoning district.** The proposed Destination Agricultural Tourist Operation which will be accessory to a Winery is compatible with neighborhood land uses, the goals, objectives and policies of the Comprehensive Plan and the legislative intent of the zoning district for the following reasons:

**(a) The proposed Destination Agricultural Tourist Operation which will be accessory to a Winery use is compatible with neighborhood land uses because it will be located next to an embankment separating the Roza Canal from the 2-acre site at the end of Roza Drive north of the adjacent 24.98-acre vineyards parcel. The proposed ATO will be next to orchards on the west and vineyards on the east and south which will not be adversely affected by the proposed uses or adversely affect the proposed uses. A Final Determination of Non-Significance was issued for the Destination ATO for SEP2021-00034 on**

October 21, 2021, which was not appealed. Even though property owners within 300 feet of the site were notified of the application and of the public hearing of November 10, 2021, no written comments in opposition to the proposed Destination ATO were submitted, and no property owners appeared to testify at the hearing.

(b) The proposed Destination Agricultural Tourist Operation which will be accessory to a Winery use is compatible with the intent of the 2040 Comprehensive Plan because it protects the environment and provides adequate facilities and services commensurate with the density of development. It is also compatible with the intent of the 2040 Comprehensive Plan Agricultural Resource land use designation because it is an agriculturally related accessory use that supports agricultural production. More specifically, it is compatible with the 2040 Comprehensive Plan Goal LU-ER-AG 1 which is to maintain and enhance productive agricultural lands and discourage uses that are incompatible with farming activities. It is also compatible with the 2040 Comprehensive Plan Policy LU-ER-AG 1.5 which is to allow for accessory uses, including non-agricultural uses that support, promote or sustain agricultural operations and production such as event facilities and other amenities that are determined to support agriculturally related entrepreneurial efforts.

(c) The proposed Destination Agricultural Tourist Operation which will be accessory to a Winery use is compatible with the legislative intent of the Agriculture (AG) zoning district. Surrounding parcels to the west, east and south are also within the AG zoning district and range in size from 1.12 acres with a house site, to 48-plus acres in agriculture production. The subject parcels abut the Roza Canal on the north. Parcels north of the Roza Canal are also within the AG zoning district, are mostly large in area and are in agriculture production except for a smaller parcel owned by the Yakima Valley Aeromodelers Club that has a small airplane landing strip. A Destination ATO within the AG zoning district that will include a winery/ tasting room and outdoor area of 1,000 square feet for events associated with the winery is considered a Type 3 use. The two-acre parcel north of the 24.98-acre vineyards parcel will have a winery with a tasting room, a building for crushing of grapes and barrel storage, an outdoor sitting area for gatherings,

and a residence. Grapes from the 24.98 acres of vineyards to the south will be used in the winery. An ATO requires that the product of an active agricultural operation at least 5 acres in size be used in the operation of the ATO. A winery by definition must include two of the following: vineyards, crushing, fermentation and barrel aging of wine. The applicant will have vineyards and will be doing crushing so as to meet the definition of a Winery, and will provide the product from the grapes (wine) in the tasting room so as to meet the definition of a Destination ATO. The proposed Destination ATO will for these reasons be found to preserve and maintain areas for the continued practice of agriculture, to be compatible with agricultural activities as prescribed for that zoning district by YCC §19.11.010(1)(b) and to comply with the intent of the Agriculture (AG) zoning district.

**(3) The site of the proposed use is adequate in size and shape to accommodate the proposed use.** The applicant's site plan, as was supplemented by the Hearing Examiner's view of the site, establishes the fact that the site of the proposed Destination ATO is adequate in size and shape to accommodate the proposed uses.

**(4) All setbacks, spaces, walls and fences, parking, loading, sitescreening, landscaping and other features required by this Title.** Other features required by YCC Title 19 will be addressed under specific zoning ordinance criteria for other features. All of the setbacks, spaces, walls and fences, parking, loading, sitescreening and landscaping features required by the zoning ordinance, YCC Title 19, will be provided as follows:

(a) As to setbacks, YCC §19.10.040(6) and YCC Table 19.11.010-2 require setbacks of at least 25 feet from the planned edge of the right-of-way of roads with a right-of-way more than 60 feet in width. Roza Drive is a County Local Access Road with right-of-way that is 65 feet wide. In the AG zoning district, interior side setbacks for primary structures are 10 feet from property line, and rear setbacks from adjoining lots are 10 feet from property line. The site plan submitted with the application shows that the winery/tasting room and barrel storage building meet the setbacks required in the AG zoning district. Parcel no. 201112-43401 borders on Agricultural Resource designated land. New residences and other "Especially Sensitive Land Uses" are subject

to a 150-foot setback from the adjoining Agricultural Resource designated land, unless reduced as provided by the Yakima County Code.

(b) As to walls and fences, YCC §19.10.040(9) governs the location and height of fences and walls to allow access by utility employees and emergency response personnel, and to maintain good appearance of residential areas and visual access along residential streets and between lots. Here neither new fences nor walls are required or proposed.

(c) As to parking, YCC Table 19.22-2 requires an eating or drinking establishment such as the wine tasting room to have one parking space for each 250 square feet of floor area which would be 13 parking spaces (3,200 square feet). It requires a warehouse such as the barrel storage building to have one parking space for each 1,500 square feet of floor area which would require 2 parking spaces (2,600 square feet). It requires the single-family residence to have 2 parking spaces. YCC §19.22.040 requires that one parking space be provided for each employee which would require 10 parking spaces (5-10 employees). The revised 2/23/2021 site plan dated 10/19/2021 shows that a total of the 27 requisite parking spaces for the ATO and the residence will be provided, including two ADA parking spaces next to the winery/tasting room. The parking areas will comply with the YCC §19.22.070 construction and maintenance Rural Standards that require a screened gravel, crushed rock or better surface which is graded and drained so that all surface water is disposed of on-site in accordance with the best engineering standards and in accordance with YCC Chapter 12.10 and the Stormwater Management Manual for Eastern Washington. All parking spaces shall be designed and constructed to be 9 feet wide and 20 feet deep prior to issuance of the Certificate of Occupancy. The two ADA parking spaces shall be constructed in accordance with Building Code ICC A117.1-2009 Section 502. Lighting for any off-street parking and loading areas used at night shall be directed to reflect away from adjacent properties and comply with YCC §19.10.040(10). The parking spaces will not be shared with other uses which is prohibited by YCC §19.10.040(2)(b).

(d) As to loading, YCC §19.22.060 requires that off-street loading and unloading spaces and parking for truck queuing shall be required for any commercial use involving the loading or unloading of trucks or other large

vehicles, and shall be located only on the property served without projecting into the right-of-way of any public or private road. The applicant's revised site plan dated October 19, 2021, shows that these requirements have been satisfied. None of the loading areas are shared with other uses or parcels in violation of YCC §19.10.040(2)(b). The revised site plan shows the location of the loading zone southwest of the building used for crushing and barrel storage. The revised site plan also shows the access and driving pattern from Roza Drive through the parcel (201112-43401) which includes a hammerhead turnaround spot east of the winery/tasting room.

(e) As to sitescreening and landscaping, the parcel is surrounded by orchards, vineyards and a dirt embankment that will provide a natural screen. YCC Table 19.21-1 does not require landscaping in the AG zoning district.

**(5) The proposed use complies with other development and performance standards of the zoning district and the zoning ordinance, Title 19.** The proposed use complies with other development and performance standards of the Agriculture (AG) zoning district and the zoning ordinance, Title 19, in accordance with YCC §19.10.040(1) which requires conformance to all such regulations. Other regulations include the following:

(a) As to access, YCC §19.10.040(3) provides that when a proposed use requires access to a County roadway, the approach location shall be reviewed by the County Engineer. The Yakima County Transportation Division provided the following comment:

“(Per title 10.08.020 and 19.10.040 (3)) The applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for all the existing unrecorded/permitted accesses to the county roadway system. The fact that the road approach application(s) is in conjunction with a CUP must be disclosed by the applicant at the time of application. No future building permits will be issued without the completion and approval of a Road Approach Permit.”

The applicant shall obtain a Road Approach Permit prior to issuance of building permits. For any questions regarding roads please contact the Transportation Division at (509) 574-2300.

(b) As to permitted land uses, YCC §19.10.040(4) and YCC Table 19.14-1(12) in YCC Chapter 19.14 provide that a Destination Agricultural Tourist Operation is a Type 3 conditional use in the Agriculture (AG) zoning district and that a Winery is a Type 1 permitted use in the AG zoning district.

(c) As to building permit requirements, YCC §19.10.040(5) provides that no building may be erected without a building permit issued by the Building Official under RCW 19.27 and YCC Title 13 that is in conformity with the zoning ordinance, YCC Title 19. The applicant shall obtain all necessary Building and Fire Safety permits relevant to this proposal prior to the occupancy or use of any of the structures. The Yakima County Public Services Department: Building and Fire Safety Division should be contacted at (509) 574-2300.

(d) As to vision clearance triangles at intersections or driveways, YCC §19.10.040(7) provides that all corner lots at controlled or uncontrolled public or private street intersections or railroads shall maintain for safety vision purposes a triangular area; one angle of the triangle shall be formed by the planned right-of-way edges adjacent to the street or railroad, under the planned right-of-way width required for the functional classification of the road, listed in YCC Chapter 19.23. The sides of such triangle forming the corner angle shall be 30 feet in length measured along the sides of the aforementioned angle. The third side of the triangle shall be a straight line connecting the last two mentioned points. Within the area comprising the triangle nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of two and one-half and ten feet above the centerline grades of intersecting streets and/or railroads. The applicant meets the vision clearance triangle requirement for access to Roza Drive.

(e) As to exterior lighting, YCC §19.10.040(10) provides that exterior lighting is regulated to minimize light pollution to neighboring properties and to encourage true-color, full-spectrum light rendition in projects. Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, fully shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential

use or interfere with the safe operation of motor vehicles. Any new exterior lighting must comply with the standards set forth in YCC §19.10.040(10).

(f) As to floodplain development, YCC §19.10.040(11) provides that a pre-application meeting and a Flood Hazard Permit application are required for all new development in floodplains in order to minimize and mitigate potential adverse impacts to property and infrastructure while reducing risks to public health and safety. Since the subject parcel is not within a floodplain, a pre-application meeting is not required.

(g) As to stormwater requirements, YCC §19.10.040(12) provides that such requirements are 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 made the following comment:

“A Stormwater Plan is required to be submitted to the Yakima County Public Services Division in accordance with criteria found at YCC 12.10.240, 12.10.250, and 12.10.260. Approval of the Stormwater Plan by Yakima County Public Services is required prior to issuance of building permits and/or land disturbance. The Stormwater Plan is required to include an Operation and Maintenance plan and ongoing inspection requirements for any permanent Stormwater facilities in accordance with criteria found at YCC 12.10.330 and 12.10.340. A Stormwater Pollution Prevention Plan (SWPPP) for construction is required for more than one acre of disturbed ground. An Erosivity Waiver in lieu of a construction SWPPP may satisfy this requirement for those qualifying projects. Ongoing Conditions:

(a) Stormwater must be retained on site.

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

The applicant shall submit a stormwater site plan to the Water Resources Division. The stormwater site plan shall be reviewed and approved by the Water Resources Division prior to any ground disturbance. This decision



requires that all stormwater generated on the subject parcel be retained on the site. For questions regarding these comments, please contact Elias Hansen at (509) 574-2300.

(h) As to the maximum lot coverage which is defined by YCC §19.01.070(12) as the percentage of the area of a lot covered by buildings, accessory structures or other impervious surfaces, YCC Table 19.11.010-2 and YCC Table 19.11.030-2 do not specify a maximum lot coverage for the AG zoning district.

(i) As to the maximum building height which is defined by YCC §19.01.070(2) as the vertical distance from grade plane to the average height of the highest roof surface, YCC Table 19.11.010-2 does not specify a maximum building height for the AG zoning district.

(j) As to signs, YCC §19.20.010 expresses the intent to accommodate and promote sign placement consistent with the character and intent of the zoning district, to promote proper sign maintenance, to promote elimination of visual clutter and to promote creative and innovative sign design. The applicant proposes two new signs for the project: a 6-square-foot on-premises directional sign (2-foot by 3-foot sign face) and a 24-square-foot on-premises freestanding sign (4-foot by 6-foot sign face). Directional signs shall not exceed ten square feet per sign face. YCC §19.20.040(12) provides that any on-premises direction signs which conform to the requirements of YCC §19.20.120 (signs that don't exceed 10 square feet per sign face) are exempt from the requirement for an application under YCC Title 19. The application states that a 6-square-foot directional sign which will be 2 feet by 3 feet in size will be located at the entrance to the facility off of Roza Drive. So long as this sign meets all the general provisions of YCC Chapter 19.20 and does not exceed 10 square feet per sign face, then it will be exempt from review. Table 19.20-1 provides that on-premises free-standing signs are accessory to a permitted use. Within the Agriculture (AG) zoning district, one on-premises freestanding sign is allowed per street frontage (Table 19.20-2) which must be no larger than 32 square feet in size per sign face (Table 19.20-3), and must not exceed a height of 10 feet (Table 19.20-4). The proposed sign will have a sign face of 4 feet by 6 feet (24 square feet) and will be placed in the southwest corner of parcel 201112-43401 approximately 8 feet east of the

edge of the right-of-way for Roza Drive. The application materials did not indicate the height of the sign and therefore as a condition of approval the applicant must submit a final site plan which includes the locations, sign face sizes, and heights of both the proposed directional sign and the proposed freestanding sign prior to the issuance of any building permits.

(k) As to water (YCC §19.22.020), potable water is proposed to be supplied by a new Group A water system. A community water system is approved by the Washington State Department of Health (DOH), Drinking Water Division. Regarding water rights, YCC §12.08.050 states that all applicants for a building permit or other development permit requiring potable water must provide evidence of an adequate water supply to the county prior to the issuance of the permit. Normally the applicant is required to dedicate the new Group A system to a state-approved satellite management agency (SMA) and the Group A public water system shall include the well, reservoir and treatment system, meter, distribution system and the land upon which they are located or upon land controlled by the SMA. Utility easements shall be granted for the distribution system. The applicant has demonstrated that a new Group A water system will provide an adequate source of potable water for the proposed development. The Yakima County Utilities Division submitted the following comment:

“The Group A water system will need to be approved by the Washington State Department of Health. Yakima County Public Services is not available as a satellite management agency to operate the water system. For Yakima County to be the satellite management agency, the water system would need to have 5 or more connections when located outside the urban growth boundary.”

The Yakima County Water Resources Division made the following comment:

“75 feet to first opening. Applicant has an existing well in vineyard but I cannot find a water right attached to it. I believe there is a right that could be used.”

The applicant shall provide verification to the Yakima County Planning Division that the new Group A Water System is approved and provide verification of a water right. If a water right does not exist for the new Group

A Water System, then the applicant shall apply for a YCWRS permit as stated below:

In accordance with YCC 12.08.390, the applicant shall apply for a Yakima County Water Resource System (YCWRS) permit for the Group A Water System with the Yakima County Utility Division. The well shall be installed and meet all requirements of the YCWRS domestic well permit and verification from the Utility Division shall be submitted to the Planning Division prior commencement of use. A copy of the well log shall be submitted to the Planning Division indicating that well depth standards have been met.

(l) As to sewer (YCC §19.25.020), the applicant proposes a new individual septic system. The Yakima Health District made the following comment:

- a) “Septic - The septic systems for this facility will need to be reviewed, permitted and approved using the normal septic system approval process with the Yakima Health District. Please be aware that vehicles should not be stored over the septic system or its replacement area.
- b) Winery Wastewater - The commercial wastewater (from the winery) and floor drains are not allowed to be disposed of via the septic system. Contact the Washington State Department of Ecology for commercial wastewater approval.”

The applicant shall obtain approval from the Yakima Health District for the installation of the septic system and shall provide verification of approval to the Yakima County Planning Division prior to commencement of use. The applicant shall also comply with the Washington State Department of Ecology comments in the letter dated October 6, 2021, described in Finding V(4) above. Prior to commencement of use, the applicant must provide the County Planning Division a copy of the NPDES permit and documentation from Ecology’s Winery General Permit Manager as to whether or not a Winery General Permit is required.

**(6) The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.** The site for the proposed use does relate to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. Road requirements described above in the development standard sections of this decision include the following:

(a) YCC §19.10.040(3) requires that the approach to a County road shall be reviewed by the County Engineer. In accordance with YCC §10.08.020 and YMC §19.10.040(3), the applicant shall obtain a new Road Approach Permit (RAP) from the Yakima County Transportation Division for all existing accesses to the County roadway system. The fact that the road approach application is in conjunction with a conditional use permit must be disclosed by the applicant at the time of application. No future building permits can be issued without the prior approval of the required new Road Approach Permits.

(b) YCC §19.10.040(7) provides that all corner lots at controlled or uncontrolled public or private street intersections or railroads shall maintain for safety vision purposes a triangular area where one angle of the triangle is formed by the planned right-of-way edges adjacent to the street or railroad under the planned right-of-way width required for the functional classification of the road listed in YCC Chapter 19.23. The sides of such triangle forming the corner angle shall be 30 feet in length measured along the sides of the aforementioned angle. The third side of the triangle shall be a straight line connecting the last two mentioned points. Within the area comprising the triangle, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of two and one-half feet and ten feet above the centerline grades of intersecting streets and/or railroads. Vision clearance triangle requirements are met on the applicant's property. Impairment of vision due to an embankment on the northwest corner of the intersection of Roza Drive with Gilbert Road west of the applicant's property was the subject of a written comment from Gilbert Road residents which requests a stop sign on Roza Drive and/or removal of the embankment and which the commenters may wish to pursue further by contacting the County Transportation Division which has jurisdiction over such road matters.

**(7) The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof.** The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof as discussed above in subsection VII(2) of this decision. In addition, the Final SEPA Determination of Non-Significance (DNS) which determined that the proposed Destination ATO use would not have any probable significant adverse effects became final without any appeals.

**(8) In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the Comprehensive Plan, and that all other aspects of the development are consistent with the public health, safety and general welfare for the development and for adjacent properties.** The only residential use of the Destination ATO parcel will be a single-family residence. That one single-family residence is consistent with the density permitted on a parcel within the Agriculture (AG) zoning district. All other aspects of the development will be compliant with the development standards for the site which have been adopted to promote the public health, safety and general welfare for the development and for adjacent properties.

**(9) The development complies with all criteria in Chapter 19.18 applicable to the proposed ATO use, unless otherwise administratively adjusted.** The proposed development complies with all of the criteria in YCC Chapter 19.18 applicable to Agricultural Tourist Operations, without the need for any administrative adjustments, for the following reasons:

(a) YCC §19.18.060(3)(a) requires all types of Agricultural Tourist Operations to be consistent with the intent that is expressed in YCC §19.18.060(1). YCC §19.18.060(1) expresses the intent that ATOs be agricultural accessory uses subject to standards that ensure that their physical development and public education in farming areas enables business diversification that supports, promotes and sustains agricultural operations and production. The Whitman Hill Vineyards Winery and the associated outdoor use area does not interfere with existing agricultural production and at the same time promotes the agricultural component of Yakima County by providing a destination for locals, tourists, and artists to enjoy the agricultural products of the

winery. The proposed Destination Agricultural Tourist Operation will therefore be consistent with the expressed intent of YCC §19.18.060(1) because it will be an accessory use to a Winery which will enable business diversification and support agricultural production and because it will offer wine-making educational services with class sizes to accommodate 12 people.

(b) YCC §19.18.060(3)(b) requires all types of Agricultural Tourist Operations to be operated by the owner, operator or occupant of the farming use. The ATO and Winery will both be operated by Scott and Denise Whitman who are the governing parties for the property owner, Whitman Hill Vineyards, LLC.

(c) YCC §19.18.060(3)(c) requires all types of Agricultural Tourist Operations to comply with specific provisions applicable to the type of Agricultural Tourist Operation in this section of the zoning ordinance. The proposed ATO will have indoor space of approximately 3,200 square feet and outdoor space of 1,000 square feet to host gatherings for special events which is in compliance with the 7,500-square-foot limitation of indoor space for that purpose.

(d) YCC §19.18.060(3)(d) requires all types of Agricultural Tourist Operations to be subject to, and limited by the appropriate licensing standards of the Yakima Health District where food handling is required. The Yakima Health District submitted the following comment:

“Food License - The tasting room will need a food and beverage license from the Yakima Health District. The proposed catering kitchen can be included in this food and beverage license. Please provide a menu and floor plan to the Yakima Health District prior to building the facility so we can make sure all of the required sinks and indirect drains are designed into the building prior to its construction.”

The applicant shall obtain the appropriate food and beverage license from the Yakima Health District and provide verification to the Yakima County Planning Division prior to commencement of use.

(e) YCC §19.18.060(3)(e) requires all types of Agricultural Tourist Operations to be located on a farm consisting of one or more contiguous parcels with at least five producing acres in the crops used in the retail product. The subject parcels (parcel nos. 201112-43401 and 201112-43405) are approximately a total of 27 acres with about 25 acres in vineyards for the winery. Parcel no. 201112-43401 is 2 acres in size and will support the proposed new structures associated with the winery to include the winery/tasting room which will be approximately 3,200 square feet in size and the building for crushing and barrel storage which will be approximately 2,600 square feet in size.

(f) YCC §19.18.060(3)(f) requires all types of Agricultural Tourist Operations and their parking areas to be located and designed so that they will not interfere with agricultural operations on the site of the proposed use or on nearby properties. The revised site plan dated October 19, 2021, shows the parking spaces clearly designated, located and designed to be near the proposed wine tasting and barrel storage structures, with very minimal interference with agricultural production. The loading zone for the crushing and barrel storage building is located on the southwest side of the building. The revised site plan also shows the access and circulation route within the 2-acre site that includes a hammerhead turnaround which is located east of the winery/tasting room.

(g) YCC §19.18.060(3)(g) requires all types of Agricultural Tourist Operations to be located within the general area already developed for building and residential uses and to not otherwise convert more than one acre of agricultural land to nonagricultural uses. The 2-acre parcel is currently vacant and has been designed so that the nonagricultural uses will not convert more than one acre of land to nonagricultural uses. The additional 17 parking spaces provided for larger gatherings will occupy approximately 3,500 square feet. The tasting room with office, catering kitchen and retail space will occupy approximately 3,200 square feet, and the outdoor event area is proposed to be 1,000 square feet. The total area associated with the Destination ATO operation is only approximately 7,700 square feet.

(h) YCC §19.18.060(3)(h) requires all types of Agricultural Tourist Operations to have adequate access from a County road consistent with the standards under YCC Chapter 19.23. ATOs that share a private road must submit a road maintenance agreement at the time of application that is signed by all legal property owners or their designees. Without the road maintenance agreement the application will be considered incomplete. The subject site is accessed from Roza Drive, a County-maintained gravel road in this location. The Transportation Division's comments regarding the proposal pertained to the approach onto the road and did not require any improvements to be made to Roza Drive itself. Based upon those comments, Roza Drive is considered to be able to support the traffic that would be generated by the proposal and the applicant is required to obtain a Road Approach Permit prior to the issuance of building permits.

(i) YCC §19.18.060(3)(i) requires all types of Agricultural Tourist Operations to provide sufficient detail with applications proposing phased development of an ATO to enable the County, agencies and adjoining property owners to consider all aspects of the project at full build-out. Changes to an approved ATO that result in new uses that were not considered in the original approval are subject to the level of review for the requested change. The applicant is not proposing phased development.

(j) YCC §19.18.060(5)(a) provides that a Destination Agricultural Tourist Operation consists of an assortment of uses over and above any uses associated with a Retail Agricultural Tourist Operation, but may include ancillary entertainment/special events so long as indoor event facilities are no larger than 7,500 square feet. Here the applicant complies with this limitation by proposing that an indoor winery/tasting room, office, catering kitchen, storage and retail building about 3,200 square feet in size will be utilized for the indoor event space and that the outdoor event space will be approximately 1,000 square feet in size.

(k) YCC §19.18.060(5)(b) provides that a Destination Agricultural Tourist Operation may include food service. Food may also



be served to registered guests staying at overnight lodging facilities or boarding houses, or as provided as part of a specific event or class (e.g. wedding or seminar) subject to Yakima Health District licensing requirements, including a commercial kitchen meeting YCC Title 13 standards if required. Here the applicant is proposing a catering kitchen which will be located within the 3,200-square-foot wine tasting building. The kitchen will be available for special events that will take place at the facility. The applicant is required to obtain all appropriate licensing from the Yakima Health District and provide verification of said permits to the Yakima County Planning Division prior to commencing use of the Destination ATO.

(l) YCC §19.18.060(5)(c) provides that other commercial uses directly related to the ATO may be allowed, such as gift stores, art galleries or the like. The applicant is proposing retail sales of items such as the sale of wine, packaged food and other similar items within the tasting room for the Winery and may also have other commercial uses within the tasting room.

(m) YCC §19.18.060(5)(d) provides that a Destination Agricultural Tourist Operation may include overnight lodging facilities and boarding or lodging houses so long as they are limited to 12 overnight accommodations. The applicant is not proposing overnight lodging with this proposal.

**VIII. Consistency of the Proposed Use with Development Regulations and the Comprehensive Plan (YCC §16B.06.020).**

The proposed Destination Agricultural Tourist Operation as an accessory use to the primary Winery use on the subject parcel would be consistent with development regulations and the Yakima County Comprehensive Plan (*Horizon 2040*) in the following ways:

(1) **The type of land use permitted at the site:** The proposed Destination ATO is supported by the Comprehensive Plan Agricultural Resource Areas Policy

LU-ER-AG-1.5 to the effect that non-agricultural accessory uses should be allowed that support, promote or sustain agricultural operations and production such as event facilities that are determined to support agriculturally related entrepreneurial efforts. The Agriculture zone of the zoning ordinance allows the proposed single-family residence as a Type 1 permitted use and the proposed Destination Agricultural Tourist Operation as an accessory use to the proposed primary Winery use as a Type 3 conditional use if, as is the case here, the Type 3 review criteria and the specific Destination ATO review criteria prescribed by the zoning ordinance are satisfied.

**(2) The level of development, such as units per acre, density of residential development or other measures of density:** The density of residential development of one residence on a parcel in the Agriculture (AG) zoning district and the level of development of the proposed Destination Agricultural Tourist Operation use as an accessory use to the primary Winery use on the subject parcel are consistent with the density requirements of the AG zoning district where the uses will be located.

**(3) The availability and the adequacy of public facilities:** The availability and adequacy of public facilities is not a problem for the proposed Destination Agricultural Tourist Operation use as an accessory use to the primary Winery use on the subject parcel because a County-maintained public road is available and adequate for access. The proposed uses will be served by a new approved Group A water system and a new approved septic system.

**(4) The proposal's consistency with applicable development standards and the Comprehensive Plan:** The proposed Destination Agricultural Tourist Operation use as an accessory use to the primary Winery use on the subject parcel is being conditioned to promote compatibility with the area and to be consistent with applicable development standards of the zoning ordinance and of the Comprehensive Plan as discussed in detail above.

## **CONCLUSIONS**

Based upon the above Findings, the Hearing Examiner concludes as follows:

Whitman Hill Vineyards LLC, Owner  
Destination Agricultural Tourist Operation  
As an Accessory Use to a Winery/Vineyards  
Northeast Corner of Roza Drive/Gilbert Road  
CUP2021-00039; SEP2021-00034

(1) The Hearing Examiner has jurisdiction to approve the Type 3 Destination Agricultural Tourist Operation as an accessory use to the primary Winery use on the subject parcel under the circumstances and criteria prescribed by the zoning ordinance, which circumstances and criteria warrant approval of this application subject to conditions.

(2) Environmental review under the Washington State Environmental Policy Act (SEPA), RCW 43.21C, and under YCC Chapter 16.04 resulted in the issuance of a Determination of Non-Significance (DNS) on October 21, 2021, under file no. SEP2021-00034 which became final without any appeals.

(3) Public notice requirements for the open record public hearing have been satisfied.

(4) All of the testimony and evidence presented at the public hearing held on November 10, 2021, favored approval of this proposed Destination Agricultural Tourist Operation as an accessory use to the primary Winery use on the parcel subject to conditions.

(5) The Destination Agricultural Tourist Operation proposed to be an accessory use to the primary Winery use on the subject parcel will be adequately conditioned by the conditions set forth below so as to satisfy all of the criteria set forth in YCC §19.30.080(7) for approval of a Type 3 use by Type 3 review and also so as to satisfy all of the more specific criteria set forth in YCC §19.18.060 for approval of a Destination ATO.

(6) The Destination Agricultural Tourist Operation proposed to be an accessory use to the primary Winery use on the subject parcel will, as conditioned, satisfy the consistency criteria set forth in YCC §16B.06.020 for approval of a Type 3 Destination ATO use by Type 3 review.

(7) YCC §16B.03.030(1)(c) and YCC Table 3-1 in YCC §16B.03.030(4) provide that the Hearing Examiner's written Decision relative to a Type 3 process involving an open record hearing constitutes the final Decision which is not subject to an administrative appeal and which is therefore subject to appeal to the Yakima County Superior Court within the timeframe and subject to the statutory requirements of the Land Use Petition Act (LUPA) set forth in Chapter 36.70C of the Revised Code of Washington.

## DECISION

The Type 3 Use Permit for the establishment of a Destination Agricultural Tourist Operation as an accessory use to the primary Winery use on the subject parcel number 201112-43401 adjacent to the vineyards on the subject parcel number 201112-43405 as described in the application and documentation submitted relative to application CUP2021-00039 and SEP2021-00034 is **APPROVED** subject to the following conditions:

***Prior to finalization of the Destination ATO, the following conditions must be completed within three years of the date of the final decision. Please note that the decision, including the following conditions, findings and time limit, pertains to conditional authorization for the subject proposal only, and failure to comply with all conditions will result in the expiration of the decision.***

(1) The applicant shall apply for **all** Building and Fire Life Safety permits for the proposed and existing structures. **All** permits for the proposed and existing structures must be issued, inspected, and finalized prior to occupancy. The applicant shall ensure that the project meets all Americans with Disabilities (ADA) requirements. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at (509) 574-2300.

(2) The applicant shall apply for building permits for new signs. The directional sign shall not exceed ten square feet per sign face. The freestanding sign shall not exceed a 32 square foot sign face and shall not exceed a height of 10 feet. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at (509) 574-2300.

(3) The applicant shall apply for a grading permit for new site plan development. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at (509) 574-2300.

***The following conditions must be met prior to the issuance of Building Permits. Failure to comply with these conditions can result in the revocation of this permit.***

(4) The applicant shall submit a stormwater site plan to the Water Resources Division. The stormwater site plan shall be reviewed and approved by the Water Resources Division prior to any ground disturbance.

(5) The applicant shall obtain a Road Approach Permit prior to issuance of building permits. For any questions regarding roads please contact the Transportation Division at (509) 574-2300.

(6) The applicant shall comply with the comments from the Department of Ecology and if there are questions, contact the experts listed in the comment letter dated October 6, 2021.

(7) The applicant shall submit and obtain approval from the Planning Division for a final site plan which shows the actual size, use and location of all structures and their setbacks from Roza Drive and the adjoining property lines, all parking and loading spaces, travel ways, outdoor event use areas, and the sign face size, height and location of both the proposed directional sign and freestanding sign.

***The following conditions must be met prior to the issuance of the Certificate of Occupancy or the commencement of use. Failure to comply with these conditions can result in the revocation of this permit.***

(8) The applicant shall provide verification from the Washington State Department of Health that the Group A Water System is approved. The verification shall be provided to the Yakima County Planning Division prior to the commencement of use of the Winery and the Agriculture Tourist Operation.

(9) In accordance with YCC §12.08.390, the applicant shall apply for a Yakima County Water Resource System (YCWRS) for the Group A Water System with the Yakima County Utility Division. The well shall be installed and meet all requirements of the YCWRS domestic well permit, and verification from the Utility Division shall be submitted to the Planning Division prior to commencement of use. A copy of the well log shall be submitted to the Planning Division indicating that well depth standards have been met.

(10) The applicant shall obtain the appropriate food and beverage license from the Yakima Health District and provide verification to the Yakima County Planning Division.

(11) Prior to the commencement of use of the Destination ATO, the applicant shall provide to the County Planning Division documentation from Ecology's Winery General Permit Manager as to whether or not a Winery General Permit must be obtained and provide to the County Planning Division a copy of the NPDES permit.

(12) As shown on the revised site plan, the applicant shall develop a total of 27 parking spaces for the Winery, the Destination ATO and the residence. Of those, 25 parking spaces shall be developed in accordance with the YCC §19.22.070(1) Rural Standards for parking facilities which states that within all rural zones off-street parking lots, driveways, travel ways, and parking aisles shall be surfaced with a minimum of screened gravel or crushed rock, or better. Each space shall be designed to be 9 feet wide and 20 feet deep. Two spaces shall be ADA compliant.

(13) The applicant shall provide two paved ADA parking spaces in accordance with ICC A117.1-2009 Section 502. Please contact the Building Division at (509) 574-2300 for questions regarding ADA requirements.

(14) The applicant shall provide two parking spaces for the residence.

(15) The applicant shall obtain approval from the Yakima Health District for the installation of the septic system and shall provide verification of approval to the Yakima County Planning Division.

***The following are ongoing conditions of the Destination ATO:***

(16) The project shall be completed in conformance with the application materials (which include but is not limited to site plan, narrative, forms, and plans) submitted with the application referenced as file number CUP2021-00039. Any changes may require a modification to this authorization or result in the revocation of this permit. If changes are planned in the future, please contact the Yakima County Public Services Department: Planning Division at (509) 574-2300 for assistance with the permitting process.

(17) In accordance with YCC §19.30.020(4) the proposed development is located within 500 feet of lands designated as agricultural by the Comprehensive Plan

and may be subject to noise, dust, smoke, odors, traffic and the application of chemicals resulting from commonly accepted practices associated with nearby agriculture uses.

(18) The permissible hours of operation shall be between 11:00 a.m. and 8:00 p.m. each day of the week with permissible extended hours to 10:00 p.m. for events with live music.

(19) 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.

(20) Exterior lighting is regulated by YCC §19.10.040(10) to minimize light pollution to neighboring properties and encourage true-color, full-spectrum light rendition in projects. Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, fully shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles.

(21) 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 this decision and any authorized extensions.

**DATED** this 24<sup>th</sup> day of November, 2021.

  
\_\_\_\_\_  
**Gary M. Cuillier, Hearing Examiner**