	COMPREHENSIVE PLAN MAP AMENDMENT		
	CASE NUMBER(S): LRN2022-00002/SEP2022-00004		
	STAFF REPORT DRAFTED BY: Noelle Madera		
	October 26, 2022		

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Applicant:		Granite Northwest Inc. (Group A), Granite Construction Company (Parcel B), and Rowley Family Trust (Group C)	
Representative:		James Essig	
Request:	Type of Amendment:	Comprehensive Plan Map Amendment	
Land Use Designation	Parcel (B) 191306-32402	From:	RR/ELDP
	2.53 acre portion	To:	RR/ELDP with MRO
	(Group C) Parcel 191306-23002	From:	RR/ELDP with MRO
	3.10-acre parcel	To:	RR/ELDP with MRO
	(Group C) Parcel 191306-23003	From:	RR/ELDP with MRO
	Approximate 8-acre portion	To:	RR/ELDP with MRO
	(Group C) Parcel 191306-23004	From:	RR/ELDP with MRO
	Approximate 2.37-acre portion	To:	RR/ELDP with MRO
	(Staff Recommendation) 191306-24003	From:	RSS
	3.29-acre parcel	To:	RSS with MRO
Zoning	Parcel (B) 191306-32402	From:	R/ELDP
	2.53 acre portion	To:	MIN
	(Group C) Parcel 191306-23002	From:	R/ELDP
	3.10-acre parcel	To:	MIN
	(Group C) Parcel 191306-23003	From:	R/ELDP
	Approximate 8-acre portion	To:	MIN
	(Group C) Parcel 191306-23004	From:	R/ELDP
	Approximate 2.37-acre portion	To:	MIN
	(Staff Recommendation) 191306-24003	From:	R-10/5
	3.29-acre parcel	To:	MIN
Parcel No(s):		191306-32402 (Parcel B) and 191306-23002, 23003, - 23004 (Group C) 191306-24003 (Staff Recommendation)	
Parcel Size:		37.39 acres (all five parcels)	
Location:		The subject properties are located approximately 500 feet southwest from the I-82 off-ramp and approximately 958 feet east from the City of Selah.	

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A. SUMMARY OF RECOMMENDATIONS

Staff recommends **Approval** of the requested comprehensive plan amendment to remove the Mineral Resource Overlay (MRO) from the western half of Area 1 and maintain the Rural Remote/Extremely Limited Development Potential (RR/ELDP) land use designation. Additionally, staff recommends **Approval** of the inclusion of the eastern portion of parcel 191306-32402 into the MRO. **Approval** is also recommended for the concurrent rezone of the eastern portion of Area 1 (area proposed to be in the MRO) from Remote/Extremely Limited Development Potential (R/ELDP) zoning district to the Mining (MIN) zoning district. (See Attachment B)

B. SUMMARY OF REQUEST

There are two main areas of this request: This staff report will address Area 1 of the applicant's request only. **Area 2 is addressed in the 2nd staff report that accompanies this document.**

Area 1 (Parcel B and Group C parcels) will reconfigure all parcels with the MRO land use designation remaining on the eastern portion with a concurrent rezone from the R/ELDP zoning district to Mining (MIN) zoning districts being located on the eastern portion of the proposed area (see Attachment B). The land on the western portion of these parcels will be removed from the MRO with the land use designation remaining Rural Remote/Extremely Limited Development Potential (RR/ELDP) for all parcels (see Attachment B).

Area 2 (consisting of Group A parcels) will be removed from the Mineral Resource Overlay (MRO) and the Mining District. The underlying land use designation will remain Rural Self-Sufficient but the zoning will change to Rural – 10/5.

The application states that the intent of this proposal is to reconfigure the parcels in Area 1 to align with future mining operation needs.

The purpose for of including a portion of Parcel B is to allow for future mining that will facilitate slope stabilization within the active quarry. Group C parcels will be reconfigured, removing the western portion from the MRO, and retaining the R/ELDP zoning district. The Eastern portion will remain in the MRO and be rezoned to Mining. The intent of this reconfiguration and zoning/land use change is to facilitate continued protection of know cultural resources while also refining the existing mine plan to take advantage of favorable geography that ensures long term slope stability and mitigation of existing an existing slide within the active mine site.

C. SUBJECT PROPERTY HISTORY

Area 1 was zoned General Rural (GR) prior to adoption of Yakima County Comprehensive Plan in 1997, which designated the subject property Rural Remote/Extremely Limited Development Potential and zoned General Rural. In 1998, there was an update to the

Comprehensive Plan, which designated Group C parcels as Mineral Resource Sites (Ordinance 19-1998). In February 2000, it was re-zoned from General Rural (GR) to R/ELDP to be consistent with and implement the Comprehensive Plan (with Group C parcels remaining in the MRO.

During the review, it was noted that parcel 191306-24003 was not included in the MRO or the Mining District, even though it had been included in the mining operation since 1998 when the three parcels in Group C were designated. Since that parcel is still used in the mining operation and it received land use approval to be included in the mining operation (under appeal), it is staff's recommendation to include this parcel in this proposal. Staff proposes that this parcel be included in the MRO designation and be concurrently rezoned to Mining.

Portions of Group C parcels currently have a mining operation on site. Parcel B is currently vacant.

		Existing			Proposed		
		Acres	Zoning	MRO	Acres	Zoning	MRO
Group A	191306-12404	27.01	Mining/R-	Y	25	Rural-	N
	191306-12403	0.63	Mining	Y	0.63	Rural-	N
	191306-12402	0.57	Mining	Y	0.57	Rural-	N
	191306-12401	0.94	Mining	Y	2.95	Rural-	N
	Total	29.15		29.15	29.15		0
Parcel B	191306-32402	9.53	R/ELDP	N	2.53	Mining	Y
					7	R/ELDP	N
Group C	191306-23002	3.1	R/ELDP	Y	3.1	Mining	Y
	191306-23003	18.1	R/ELDP	Y	8	Mining	Y
					10.1	R/ELDP	N
	191306-23004	3.37	R/ELDP	Y	2.37	Mining	Y
					1	R/ELDP	N
Staff Recommended	191306-24003	3.29	Rural-10/5	N	3.29	Mining	Y
	Total R/ELDP + R-10/5	37.39			18.1		
	Total MRO			24.57			19.29
	Total Mining	0			19.29		

D. CURRENT COMP PLAN DESIGNATIONS, ZONING AND LAND USE

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

Location	Zoning	Comp Plan	Acres	# of Parcels	Land Use
Subject Properties	R/ELDP	RR/ELDP / MRO	34.1	4	All parcels except 191306-32402 are actively being mined. Parcel 191306-32402 is not in the MRO.
North of the subject properties	MIN	RR/ELDP / MRO	22.10	1	Immediately north of the property is the I-82 right-of-way (ROW). The property to the north of that contains a mining operation.
South of subject properties	R/ELDP	RR/ELDP	16.26	2	Vacant
East of subject properties	MIN/R/ELDP	RR/ELDP /MRO	156.96	2	Active mining operation and vacant (the vacant parcel does have a mining operation land use approval, under appeal).
West of subject properties	R/ELDP	RR/ELDP	17.56	3	Vacant
Northeast of subject properties	R-10/5	RSS	3.29	1	Mining operation
Northwest of subject properties	R/ELDP	RR/ELDP	12.19	1	Vacant (Floodway)
Southeast of subject properties	R/ELDP	RR/ELDP	120.85	1	Vacant
Southwest of subject properties	R/ELDP	RR/ELDP	68.38	1	Vacant

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

- **Current Land Use Designation – Rural Remote/Extremely Limited Development**

Potential - RR/ELDP:

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

Mineral Resource Overlay (MRO):

The intent of the MRO land use category is to implement the Growth Management Act planning goal related to maintaining and enhancing natural resource-based industries, which includes commercially viable mineral resource industries. This category is intended to identify, preserve and protect the mineral resource land base, which is intended to be used for, or offers the greatest potential for, the continued production of aggregate products such as concrete or asphalt, while allowing the underlying land use to provide interim land use direction until such time that mineral extraction is permitted. The MRO land use category carries out this goal by establishing a Mining zone, which identifies review criteria, allowed uses, lot sizes, standards of operations and provisions for revisions.

Yakima County's economic well-being depends upon the availability of mineral resource products specifically sand, gravel, and bedrock materials. To keep pace with the market demand it is important for the residents and the economy of Yakima County that at least a fifty-year supply of mineral resource areas be identified and protected with the MRO designation.

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

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

The R/ELDP zoning district is intended to recognize areas and allow development consistent with service availability and environmental constraints in remote areas and other places with extremely limited development potential.

- **Proposed Land Use Designation – Rural Remote/Extremely Limited Development Potential - R/ELDP:**

See description above.

- **Mineral Resource Overlay (MRO):**

See description above.

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

The rural districts are intended to serve as a buffer between urban lands and resource lands, provide non-resource areas for future urban expansion, limit the costs of providing services to remote or underdeveloped areas, and retain the rural/agrarian character of the County while offering a variety of lifestyle choices for the residents of Yakima County. The R-10/5 zoning district is intended to maintain rural character and provide density incentives to encourage development where fire protection services and access to roads with a paved or other hard surface are available.

- **Proposed Zoning – Mining - MIN:**

The Mining (MIN) zoning district is established to provide long-term sites for heavy industrial uses in conjunction with a mining site/operation. Uses within this zoning district are likely to cause smoke, noise, odors, dust, fumes, visual impacts, and heavy equipment traffic. In order that this zoning district shall promote the general purpose of this Title, the specific intent of the MIN zoning district is to:

- Provide the development and utilization of deposits of sand, gravel, aggregate, rock, clay, soil, and other earth resource materials.
- Provide for the protection and utilization of these resources in a manner that does not conflict with other land uses and safeguards the environment.
- Assure economy in handling and transportation costs by location removal, processing, and storage activities in as close proximity to the point of end use as feasible.
- Provide operation standards that will enable the industry to operate with public confidence that environmental protection measures are being met.
- Ensure that mining stie/operations are conducted consistent with the public health, safety, and welfare.
- Establish a level of certainty for the mining industry by maintain at least a ten year inventory of zoned areas where a full array of mineral extractions, processing and manufacturing activities is allowed.

F. PLAN MAP AMENDMENT AND MAJOR REZONE APPROVAL CRITERIA

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

- **Consistency with 16B.10.095 Approval Criteria:**

(1) The following criteria shall be considered in any review and approval of amendments to Yakima County Comprehensive Plan Future Land Use Map:

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

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

RCW 36.70A.020(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Staff Findings: Does not apply. This proposal is not urban development intended for UGAs.

RCW 36.70A.020 (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Staff Findings: Does not apply. This proposal is not sprawl/low-density development. This is rural zoning that is not intended for high-density development.

RCW 36.70A.020 (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

Staff Findings: Does not apply. Multimodal transportation considerations are not needed for this proposal.

1 RCW 36.70A.020 (4) Housing. Encourage the availability of affordable housing
2 to all economic segments of the population of this state, promote a variety of
3 residential densities and housing types, and encourage preservation of
4 existing housing stock.

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6 *Staff Findings: Does not apply. This proposal does not include housing.*
7 *Additionally, this zoning is intended for larger lot sizes and infrastructure*
8 *needed for high-density housing is not typically available in these zoning*
9 *districts.*

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

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21 *Staff Findings: This proposal is consistent with this GMA goal because it would*
22 *allow for the potential and continued establishment of mining and processing*
23 *of the site's sand, gravel, fill material, and topsoil. Having more supply of such*
24 *materials in the County helps ensure that the local economy has an availability*
25 *of such resources to meet the existing and projected demands for future*
26 *economic development.*

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28 RCW 36.70A.020 (6) Property rights. Private property shall not be taken for
29 public use without just compensation having been made. The property rights
30 of landowners shall be protected from arbitrary and discriminatory actions.

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32 *Staff Findings: This proposal is consistent with this GMA goal because no*
33 *private property would be taken for public use. The property rights of adjacent*
34 *property landowners are intended to be protected from arbitrary or*
35 *discriminatory actions of the proposal through the public review process, which*
36 *provides a way for adjacent landowners to participate in the decision-making*
37 *process.*

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39 RCW 36.70A.020 (7) Permits. Applications for both state and local government
40 permits should be processed in a timely and fair manner to ensure
41 predictability.
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Staff Findings: This proposal is consistent with this GMA goal because the application is being processed in accordance with 16B.10, which provides for fair consideration of comments by affected parties in a manner that is as timely as possible under GMA's annual amendment requirement. Additionally, if the zoning changes, any permits for future land uses will be required.

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

Staff Findings: The proposal is consistent with this GMA goal to maintain and enhance mining as a natural resource industry. This proposal is intended to better align the MRO overlay with land that is intended to be mined. And the proposal to include a portion of the property within the Mining district also ensures the continued use of mining resources.

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

Staff Findings: The entire site is located within the area identified by Yakima County's critical area map as Upland Wildlife Habitat Conservation Areas. The proposal is partially and potentially consistent with this GMA goal in that it will tend to retain open space for mining rather than being built-out for rural residential parcels.

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

Staff Findings: Consistent. This proposal is subject to environmental review (SEPA) which will be completed concurrently with this review.

RCW 36.70A.020 (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Staff Findings: Consistent. This proposal will be reviewed in accordance with YCC 16B.10 (Comprehensive Plan and Regulatory Amendment Procedures), which provides opportunities for agencies and the public to participate by

being informed of the proposal and to comment on environmental and other considerations.

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

Staff Findings: Consistent. The primary services needed for this zoning and land use change would be transportation availability. Most of the property and adjacent property are currently an active mining operation, which indicates the existence of adequate transportation services.

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

Staff Findings: This proposal is located in an area with known and/or potential archaeological sites. By removing portions of Group C parcels from the MIN zoning district and the MRO, those areas would no longer be in a zone that allows for mining. Therefore, this action in Area 1 would increase the protection of cultural resources.

- Consistency with the Yakima County Comprehensive Plan – **Horizon 2040** - This proposal is consistent with one of the Yakima County Comprehensive Plan – **Horizon 2040** goals and three policies, without any order of priority.

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

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

LU-ER-MR 1.5: Consider map amendment designation and rezoning of appropriate high priority parcel(s) to the Mineral Resource Overlay and Mining Zoning District at each plan update or as otherwise permitted.

LU-ER-MR 1.6: Encourage rezoning of other designated sites listed within the inventories at landowner/operator request to maintain the minimum ten-year supply of available, zoned resources. Allow landowners to apply

for the Mineral Resource Overlay designation during the annual comprehensive plan update cycle.

***Staff Findings:** Most of Area 1 is already within the MRO land use designation and most of the property is already an active mining operation; therefore, is already consistent with the above **Horizon 2040** goals and policies for the MRO. The inclusion of portions of Group C parcels into the Mining zoning district and the inclusion of Parcel B into the MRO and Mining district is also consistent with the above goals and policies.*

- Sub-Area Plan Consistency – There is no applicable sub-area plan that affects this proposal.

- Consistency with Applicable City Comprehensive Plan - This proposal is not within the City of Selah's Urban Growth Area (UGA) and approximately 941 feet from the UGA; therefore, this criterion is not applicable.

- Capital Facilities Plan Consistency -

***Staff Findings:** The County's Capital Facilities Plan Element is Chapter 6 of **Horizon 2040**. A review of that Element finds no inconsistencies with this request.*

- Yakima County Population Projections and Allocation Consistency

***Staff Findings:** This application does not affect population projections and allocations and is therefore consistent.*

(b) The site is more consistent with the mapping criteria for the proposed map designation than it is with the criteria for the existing map designation;

Analysis of the Mapping Criteria for Mineral Resource Overlays (MRO).

The application proposes to add the MRO plan designation to 5.82 acres and remove 5.28 acres from Area 1, which is currently designated Rural Remote/Extremely Limited Development Potential. Because the MRO would overlay the current plan designations rather than replace them, the analysis below will consider the appropriateness of adding the MRO to the site rather than compare the proposed MRO designation with the current designations. The **Horizon 2040** mapping criteria for the MRO designation are shown **bolded below in the left column of this table**. *Italics below in the right column of this table indicate the staff analysis.*

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<u>MRO Mapping Criteria</u> (Source: <i>Horizon 2040</i> , Land Use Element, Section 5.10.5 Mineral Resource Areas Land Use Category:	<u>Staff analysis</u> (<u>Does the site meet each criterion?</u>)
The actual location (area of deposition) of the mineral resource is the primary factor in determining the future location of a mining site. Other factors that influence the location of a mineral resource area include: quality of the resource, volume of the resource, access suitability, the compatibility with existing or planned land uses, and the proximity to existing or planned market areas. The following designation/mapping criteria are based on chapter 365-190-070 of the Washington Administrative Code – <i>Minimum guidelines to Classify Agriculture, Fore, and Mineral Resource Lands.</i>	<i>Each criterion in the left column is analyzed in the corresponding right column below:</i>

<p>1. <u>Quality of the Mineral Resource:</u></p> <p>The quality and type of mineral resource at the potential site shall meet any of the following requirements.</p> <ul style="list-style-type: none"> a. The quality and type of the mineral resource must meet current and/or future project and/or project specifications. b. The quality and type of mineral resource must satisfy the market's current and/or future demands. c. The potential site must be within the DNR identified mineral resource lands. <p>Intent Statement – Due to Yakima County's shortage of high-quality concrete grade aggregates[,] those mineral resources should be utilized for crushed gravel and concrete aggregate purposes only to best and highest priority use.</p>	<p><i>Most of this area is already in the MRO; this proposal will include 2.53 acres (from Parcel B) and 3.29 (from parcel 191306-24003) into the MRO. The area to be included into the MRO will be adjacent to the existing mining operation. The mining site has been operating since at least the late 1990's. The fact that the neighboring mining site operated for over 30 years indicates that there is a quality mineral resource at this location.</i></p>
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<p>2. <u>Volume of the Resource:</u> The volume of available mineral resources at the potential site shall meet the following requirements.</p> <p>a. The volume of available mineral resource at the potential site, on single or contiguous parcels, should be feasibly marketable by a mining operation to supply the surrounding market demands.</p> <p>b. The volume of available mineral resource at the potential site should be of sufficient volume to meet the following minimum requirements.</p> <p>i. Thickness of sand, gravel or bedrock deposits that exceed 25 feet or 7.5 meters.</p> <p>ii. The “stripping ratio” (ratio of overburden to resource) is less than one to three 1:3.</p> <p>Intent Statement – Each potential mineral resource site must be able to sustain a commercial mining operation with the available resource on the site.</p>	<p><i>See above criterion.</i></p>
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<p>3. <u>Access Suitability:</u> The potential mineral resource site must have access or potential access to public and/or private roads that are suitable for truck traffic and/or are capable of supporting the level of expected traffic.</p> <p>Intent Statement – It is very important that there is access to adequate public and/or private roads to potentially lower the traffic related impacts to both the surrounding neighbors and the environment.</p>	<p><i>This facility is accessed off E. Selah Road, which is a paved county roadway. Additionally, the access point onto E. Selah Road is only 200 feet from the I-82 interchange. These roadways are suitable for truck traffic and are currently supporting the truck traffic from the existing mining operation.</i></p>
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Area 1

<p>4. Compatibility with Present or Planned land Use Patterns in the Area: General land use issues in the resource area to consider:</p> <ul style="list-style-type: none"> a. Surrounding parcel sizes and surrounding uses; b. Subdivision or zoning for urban or small lots; c. Sites located in or adjacent to UGA boundaries; d. Proximity to essential public facilities (i.e., dams, bridges, etc.); e. Sites located within inconsistent zoning districts; f. Site located within publicly owned lands; g. Sites located within other natural resource designated areas; <p>The potential site must be able to mitigate impacts on and/or to adjacent existing land uses.</p> <p>Intent Statement – The Growth Management Act specifically addresses the fact that natural resource lands must be protected from encroachment of incompatible land uses. It is also important to take into consideration those areas already characterized by urban or small-lot growth. All care must be taken to lessen all potential mining related impacts using BMP's [Best Management Practices].</p>	<p><i>Since the majority of this area is already within the MRO, it has already been reviewed for its adequacy for potential mining site and the MRO. This proposal will add 5.82 acres (Parcel B and 191306-24003) into the MRO adjacent to land already in the MRO and already actively being mined. Based on the proximity of the existing MRO, mining operation, remoteness, and steepness of this property, it is compatible with existing land use patterns.</i></p>
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5. Proximity to Existing and Planned Market Areas:

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

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

This facility is accessed off E. Selah Road, which is a paved county roadway. Additionally, the access point onto E. Selah Road is only 200 feet from the I-82 interchange. These roadways are suitable for truck traffic and are currently supporting the truck traffic from the existing mining operation. Additionally, the property is already an active mining operation since at least the mid 1990's.

Staff Findings: Most of Area 1 is already within the MRO. Therefore, it is already consistent with the existing land use designation. By adding (5.82 acres) of Parcel B and Parcel 191306-24003 to the MRO, it is more consistent with the surrounding uses such as the active mining operation. In addition, it will allow for active mining which will facilitate slope stabilization with the existing mining operation.

Additionally, removing areas from the MRO that are not intended to be mined allows for more consistent designation of the RR/ELDP land use and better indication of total acres that will potentially be mined.

- (c) The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity;**

Staff Findings: The addition of a portion of Parcel B into the MRO is to better align the site for future mining operations. Adding parcel 191306-24003 will recognize a parcel that has historical been within the mining operation. In this area, there isn't a lack of appropriated designated land, the MRO just isn't aligned with the actual topography that will allow for future mining. And although land is being added into the MRO in this area, approximately 5.28 acres will be removed in areas that either aren't suitable for the designation or won't realistically be minable in the future.

- (d) For a map amendment, substantial evidence or a special study has been furnished that compels a finding that the proposed designation is more consistent with comprehensive plan policies than the current designation;**

Staff Findings: No study was provided; however, this proposal will include 5.82 acres into the MRO while removing approximately 5.28 acres. The 2.53 acre addition is adjacent to land already within the MRO and actively being mined and the 3.29 addition is land that is already included in the mining operation (stockpiling).

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

- (i) Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies; or**
- (ii) Better implement applicable comprehensive plan policies than the current map designation; or**
- (iii) Correct an obvious mapping error; or**
- (iv) Address an identified deficiency in the plan. In the case of Resource Lands, the applicable de-designation criteria in the mapping criteria portion of the Land Use Element of the Yakima County Comprehensive Plan – *Horizon 2040* shall be followed. If the result of the analysis shows that the applicable de-designation criteria has been met, then it will be considered conclusive evidence that one of the four criteria in paragraph (e) has been met. The de-designation criteria are not intended for and shall not be applicable when resource lands are proposed for re-designation to another Economic Resource land use designation;**

Staff Findings: This proposal will change a resource designation and is consistent with subsection i above.

Section i – the application narrative states that the intent of this proposal is to include a portion of Parcel B to facilitate slope stabilization within the active quarry.

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

Staff Findings: The only public facilities and services to be provided for this proposed MRO designation are for access roads and fire services. Any necessary water and sewage facilities will be provided by privately-owned well and septic systems rather than public facilities. No public storm drainage facilities are necessary, as the county's strategy for controlling storm water drainage relies on privately-owned on-site retention facilities. Public schools are not needed to serve the proposed MRO.

Paved roads are available to this site and this property is within close proximity to a highway interchange. As mentioned, portions of Area 1 and adjacent parcels are currently being mined and actively using these roadways.

- (g) The proposed policy plan map amendment will not prematurely cause the need for nor increase the pressure for additional policy plan map amendments in the surrounding area.**

Staff Findings: No evidence has been identified to indicate that this amendment would likely cause a premature need for, nor increase the pressure for, additional policy plan map amendments in the surrounding areas.

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

Staff Findings: Not Applicable. This area is not changing a UGA boundary.

- (3) Land added to or removed from Urban Growth Areas shall be given appropriate policy plan map designation and zoning by Yakima County, consistent with adopted comprehensive plan(s).**

Staff Findings: Not applicable. This proposal is not adding or removing land from a UGA.

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

Staff Findings: The cumulative impacts will be address as part of the overall process for the 2022 Biennial Comprehensive Plan Amendments.

- (5) Plan policy and other text amendments including capital facilities plans must be consistent with the GMA [Growth Management Act], SMA [Shoreline Management Act], CWPP [Countywide Planning Policy], other comprehensive plan goals and policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.**

*Staff Findings: The proposed comprehensive plan amendment is consistent with the GMA and **Horizon 2040** goals and policies as addressed in this staff report under the YCC 16B.10.095 (Approval Criteria) above in (1)(a). The proposed amendment is consistent with the SMA because the site is not within shoreline jurisdiction. The CWPP establishes policies, procedures, and roles for the county and its cities to coordinate in developing their comprehensive plans. A review of the CWPP finds no inconsistencies*

with the subject application. No other comprehensive plan goals and policies or city comp plans or interlocal agreements are applicable on this site.

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

Staff Findings: Not applicable. This proposal is not a development regulation text amendment.

Staff Conclusion: The application to remove portions of Group C parcels from the MRO; to include portions of Group C parcels into the MIN zoning district; and to include a portion of Parcel B into the MRO and the MIN zoning district meets the approval criteria outlined in YCC 16B.10.095, as discussed above in this staff report, and subject to the consideration of the additional information to be provided by the public and agencies.

G. Allowable Uses

The applicant requests a change in the Future Land Use Map on the parcels included in Area 1 to remove portions of Group C parcels from the Mineral Resource Overlay (MRO) and retain just the Rural Remote/Extremely Limited Development Potential (RR/ELDP) land use designation. In those areas, the zoning will remain R/ELDP and the allowable land uses will not change (except that the mining activities allowed by the MRO will no longer be allowed in those areas).

If the comp plan amendment is approved, the portions of Parcel B and Group C parcels will be in the MRO and a concurrent rezone from R/ELDP to Mining (MIN) is also requested. Examples of uses that would be allowed if the property were rezoned to MIN district include:

- As Type 1 (permitted) uses: Agriculture, Agricultural Building, Agricultural Stand, Aquaculture, Irrigation distribution, Cement/Concrete Plant, Concrete Manufacturing, Stone Product Manufacturing, Manufacturing/Sale of Concrete/Asphalt, Mineral bathing (long-term and temp), Mineral Processing, Recycled Asphalt/Concrete and Stockpiling, Extraction of Minerals (Fed and State projects), Fed/State Wetland Mitigation, Hazardous Water Treatment/Storage Facilities, Dwelling for Guard/Watchmen, and Utility substation (no building).
- As Type 2 (usually permitted) uses: Historical Landmark Use, Parks, Playgrounds, Outdoor Shooting Range, Public Buildings, Solid Waste Drop Box, Solid Waste Transfer Station,

Stockpiling of earthen material, Impoundment of Water, Linear Transmission Facilities, and Utility substation (with building).

- As Type 3 (usually not permitted) uses: Chemical Washing/Extraction of Precious Minerals, Hazardous Waste Treatment/Storage Facility, Refuse landfills, Power Generating Facilities, Sewage plants and Wastewater treatment plant, and Wastewater Lagoons/Sprayfields.

Staff Conclusion: The site meets the criteria for rezoning to MIN and therefore is suitable for the allowable MIN uses.

H. Discussion of Environmental Analysis (SEPA)

An environmental review is being conducted concurrently with this proposal (SEP2022-00004). Staff will complete an assessment of the potential environmental impacts associated with the proposed plan and zoning amendment.

I. CONCLUSIONS

1. The comprehensive plan amendment request meets the approval criteria of YCC 16B.10.050(1) for a plan map amendment. It is consistent with the Growth Management Act (RCW36.70A) and with the goals and policies of the Yakima County Comprehensive Plan (**Horizon 2040**), subject to comments from the public and agencies during the public review process.
2. Parcel 191306-24003 should be designated MRO and rezoned Mining as part of this proposal since it has historically been part of the existing mining operation and meets the requirements identified above.
3. Any probable environmental impacts of this proposal will be considered prior to final approval.

J. YAKIMA COUNTY STAFF RECOMMENDATIONS

Subject to additional comments and information to be received through the public comment periods and at the Planning Commission's public hearing, the Yakima County Planning Division recommends **Approval** of the **Horizon 2040** map amendment and rezone request, subject to consideration of testimony from neighbors and interested parties.

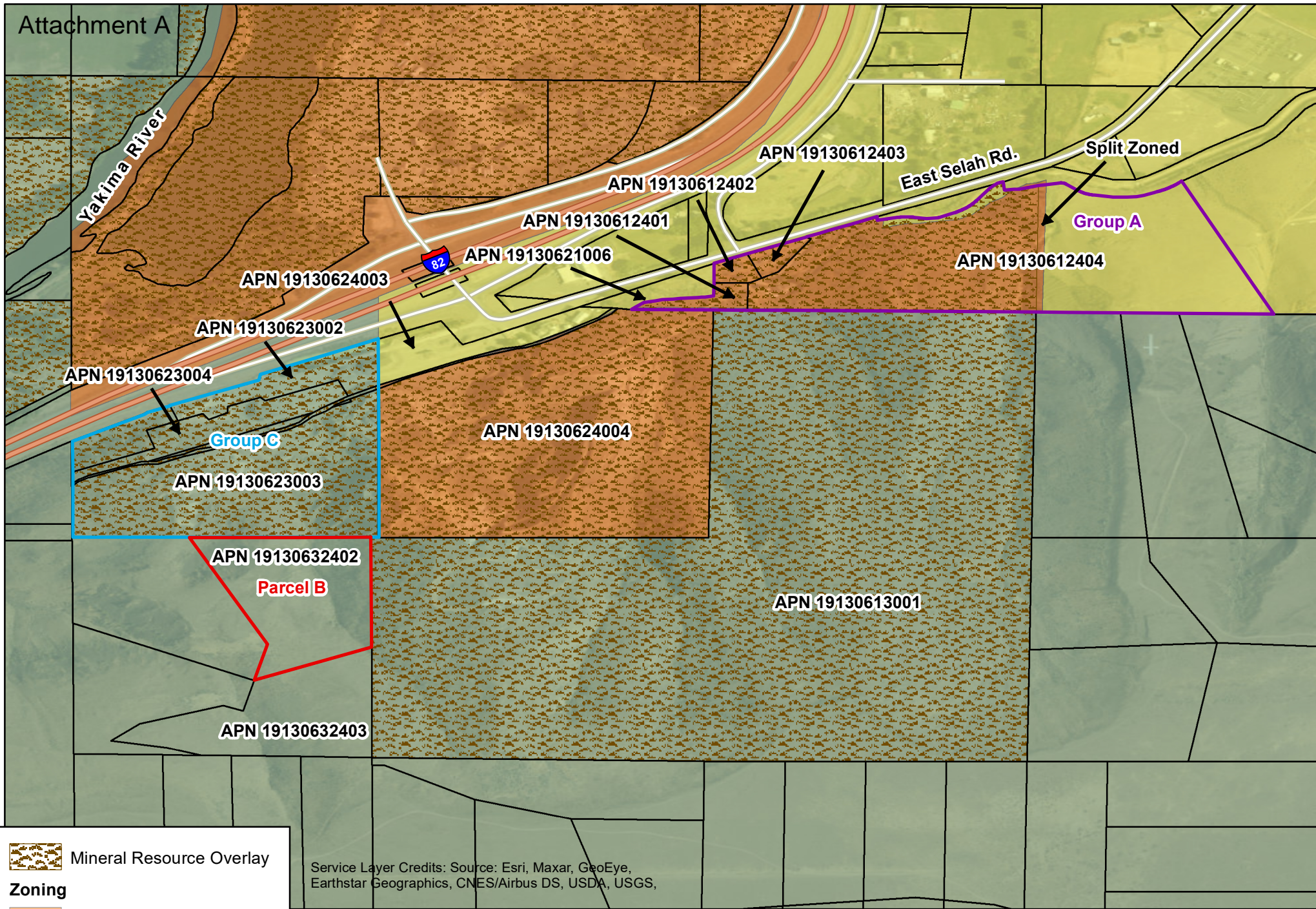
K. YAKIMA COUNTY PLANNING COMMISSION RECOMMENDATIONS

The Yakima County Planning Commission will make a recommendation to the Board of Yakima County Commissioners.

###

Attachments: A – Existing Mineral Resource Overlay and Zoning Map
B – Proposed Mineral Resource Overlay and Zoning Map

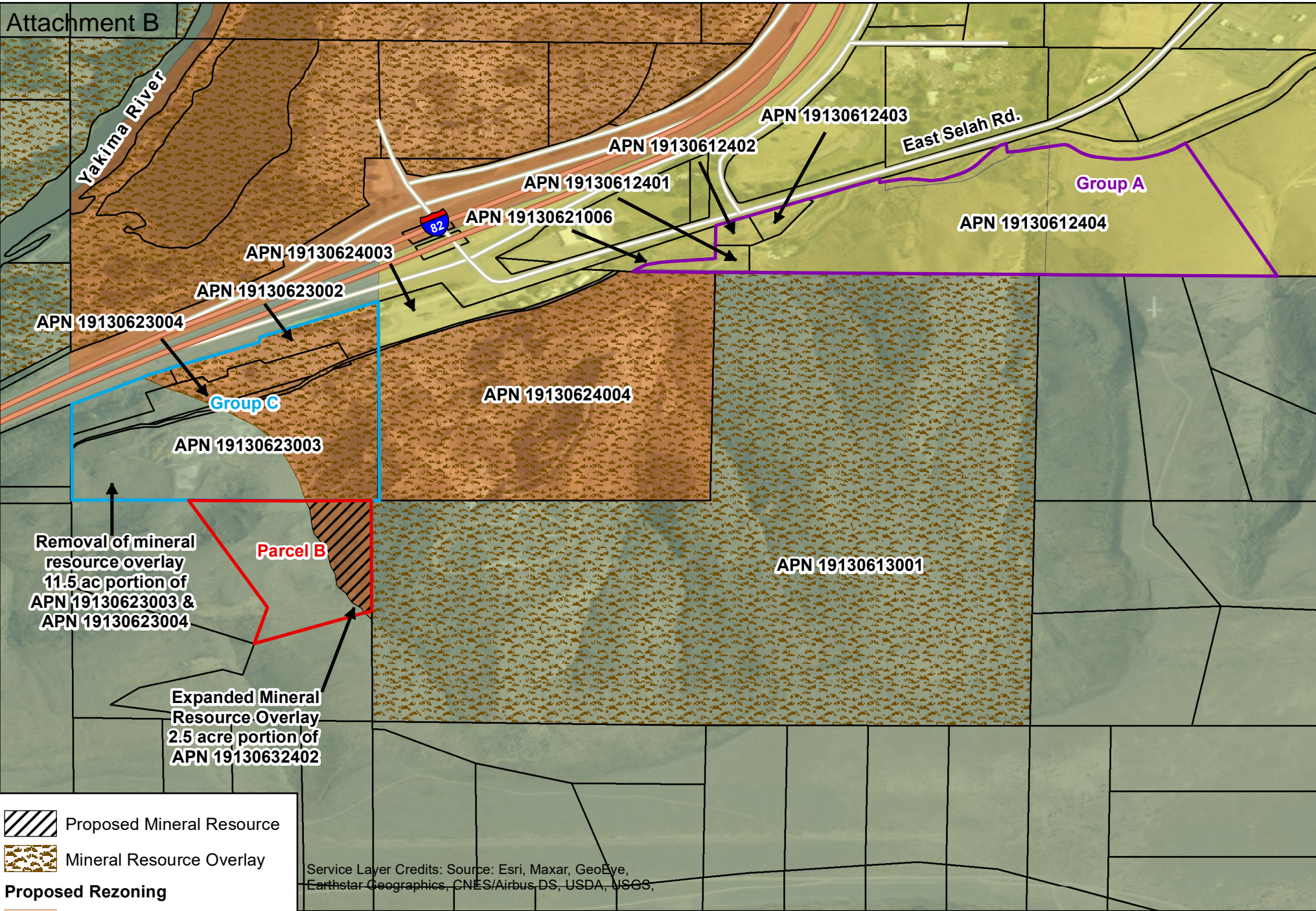
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Existing East Selah Mineral Lands Amendment & Rezone

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Feet





Proposed **East Selah Mineral Lands Amendment & Rezone**

