



BOARD OF YAKIMA COUNTY COMMISSIONERS

Agenda Request Form (ARF)

Deliver completed ARF and finalized agenda item to the Clerk or Deputy Clerk of the Board at the Yakima County Commissioners' Office, Room 232.

Prepared by: Aaron M. Cohen

Department: Public Services

Requested Agenda Date: January 28, 2025

Presenting: Aaron M. Cohen

Board of County Commissioners Record Assigned

#

002-2025

Action Requested – Check Applicable Box:

PASS RESOLUTION

EXECUTE or AMEND

PASS ORDINANCE

AGREEMENT, CONTRACT, or GRANT

ISSUE PROCLAMATION

OTHER _____

Document Title:

IN THE MATTER OF AFFIRMING THE HEARING EXAMINER'S RECOMMENDATION TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED BY YCC 19.10.020, APPROVE THE CONDITIONAL USE PERMIT FOR AN AGRICULTURAL MARKET AND APPROVE AN ADMINISTRATIVE ADJUSTMENT TO

Background Information:

The Board held a closed record hearing on January 14, 2025 to consider the Hearing Examiner's recommendation on ZON24-001, CUP24-021, and ADJ24-004. At the close of the hearing the Board deliberated and voted to approve the Hearing Examiner's recommendation. The Board then instructed staff to bring forward an ordinance stating their decision.

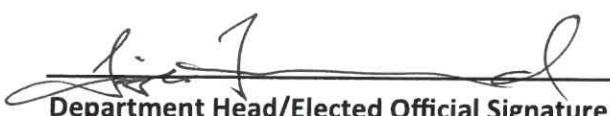
Describe Fiscal Impact:

\$0

FC

Summary & Recommendation:

Staff recommends the ordinance to be placed on the consent agenda for the Board's regular agenda meeting on January 28, 2025.



A handwritten signature in black ink, appearing to read "L. J. [Signature]".

Department Head/Elected Official Signature

Corporate Counsel Initial (for Agreements Only)

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 2-2025

IN THE MATTER OF AFFIRMING THE HEARING EXAMINER'S RECOMMENDATION TO AMEND THE OFFICIAL ZONING MAP ESTABLISHED BY YCC 19.10.020, APPROVE THE CONDITIONAL USE PERMIT FOR AN AGRICULTURAL MARKET, AND APPROVE AN ADMINISTRATIVE ADJUSTMENT TO SITESCREENING, LANDSCAPING, AND FENCING STANDARDS.

WHEREAS, Bill Hordan of Hordan Planning Services, on behalf of Marlynn Holdings LLC., submitted a minor rezone application for a minor rezone from the Rural Transitional (RT) Zoning District to the Highway-Tourist Commercial (HTC) Zoning District, a conditional use permit application for an agricultural market, an administrative adjustment application to adjust sitescreening, landscaping, and fence height standards, and a SEPA environmental review on April 8, 2024 (Parcel No. 181305-13002); **and**,

WHEREAS, in accordance with the procedural provisions in YCC Titles 19 and 16B, the Yakima County Administrative Official provided notices of the application, the open record public hearing, and requested comments thereon; **and**,

WHEREAS, in further compliance with the provisions of YCC Titles 19 and 16B, the Yakima County Hearing Examiner conducted an open record public hearing on the application on November 7, 2024, followed by the issuance of his recommendation on November 25, 2024, to approve the requested rezone, conditional use permit, and administrative adjustment; **and**,

WHEREAS, after providing public notices in accordance with YCC 16B, the Board conducted a closed record public hearing on January 14, 2025, to consider the Hearing Examiner's recommendation in accordance with YCC 16B.03.030(1)(d); **and**,

WHEREAS, after closing the hearing, the Board deliberated on January 14, 2025, and affirmed the hearing examiner's recommendation to approve the requested rezone, conditional use permit, and administrative adjustment; **now, therefore**,

BE IT HEREBY ORDAINED by the Board of Yakima County Commissioners:

Section 1. Findings. The Board hereby makes the following findings:

- A. The Board affirms the Hearing Examiner's Recommendation dated November 25, 2024, including its Findings and Conclusions, attached hereto in Attachment A.

Section 2. YCC Title 19 Official Zoning Map Amendment, Conditional Use Permit, and Administrative Adjustment. The Official Zoning Map established by YCC 19.10.020(2) and subsequently amended, is hereby further amended by rezoning the subject parcel, as shown in the map attached hereto in Attachment B, to the HTC Zoning District. The conditional use permit for

BOARD OF YAKIMA COUNTY COMMISSIONERS

an agricultural market is approved, and the administrative adjustment to adjust the requirements for sitescreening, landscaping, and fence height is approved.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 4. Effective Date. This rezone, conditional use permit, and administrative adjustment shall be effective upon completion of the appeal period.

DONE JAN 28 2025



Kyle Curtis, Chair

Attest:



Julie Lawrence, Clerk of the Board or
Erin Franklin, Deputy Clerk of the Board

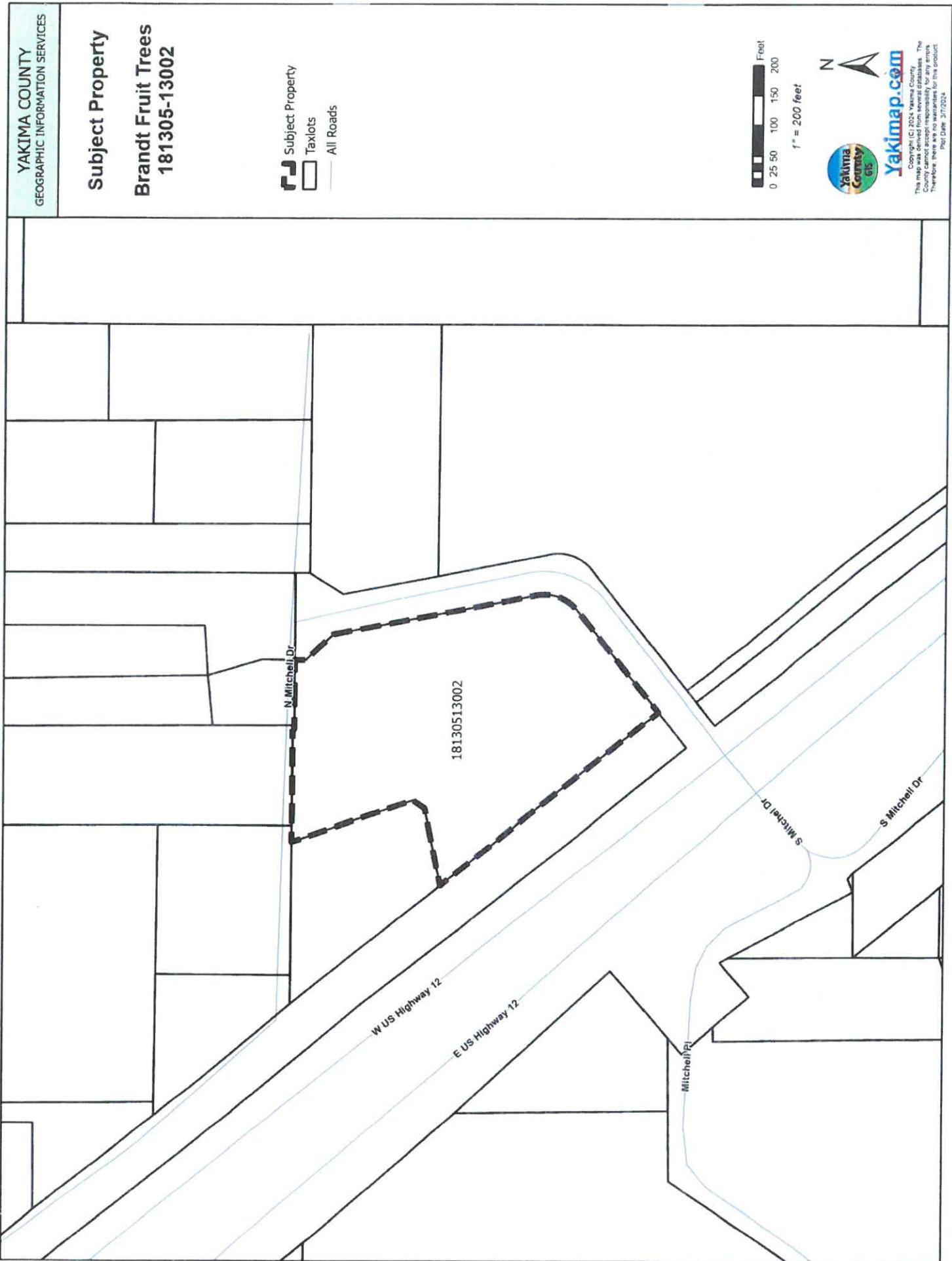


LaDon Linde, Commissioner



Amanda McKinney, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

Attachments: A – Hearing Examiner's Recommendation dated November 24, 2024
B – Map of Subject Parcel





Public Services

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

November 25, 2024

TO: Marlynn Holdings, LLC, Lynnell Brandt, Bill Hordan & Parties of Record

FROM: Karri Espinoza, Office Supervisor *(KE)*

RE: Hearing Examiner Recommendation

FILE #: ZON2024-00001_CUP2024-00021_ADJ2024-00004 SEP23024-00010

On November 22, 2024, the Yakima County Hearing Examiner issued his recommendation on Type 4 minor rezone, agricultural market, and an administrative adjustment. The Examiner's recommendation is enclosed.

The Hearing Examiners recommendation will be presented to the Board of County Commissioners for consideration at a closed record public hearing. You will be notified when this date has been set. If you have any questions about the recommendation, please contact Aaron M. Cohen, Planner IV, at 574-2300.

Encl.: Hearing Examiner Recommendation
Cc: Parties of Record

EXHIBIT A

**County of Yakima, Washington
Hearing Examiner's Recommendation**

November 22, 2024

In the Matter of a Consolidated Application Submitted by:)	
Marlynn Holdings, LLC)	ZON2024-00001
By Lynnell Brandt, Owner,)	CUP2024-00021
And by Bill Hordan, Agent)	ADJ2024-00004
For a Rezone of the 4.12-Acre Parcel #181305-13002, for the Approval of an Agricultural Market on said Parcel, for the Approval of Fence Height and Sitescreening Administrative Adjustments for the Use and For the Signage for said Use)	SEP2024-00010

A. Introduction. The Hearing Examiner conducted an open record public hearing on November 7, 2024. A thorough staff report prepared by Aaron Cohen, Planner IV – Long Range, recommended approval of this consolidated application for a Rezone, a Conditional Use Permit, two Administrative Adjustments and a Sign Permit subject to conditions. Bill Hordan of Hordan Planning Services testified in favor of approval of this consolidated application, as did Lynnelle Brandt who is a principal of the landowner, Marlynn Holdings, LLC. No other testimony and no written comments from neighbors or

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

other members of the public were submitted regarding this requested consolidated application. This Recommendation is being issued within ten business days of the open record public hearing.

B. Summary of Recommendation. The Hearing Examiner agrees with the Planning Division's reasons for recommending approval of all aspects of this consolidated application, subject to conditions.

C. Basis for Recommendation. Based upon a view of the site without anyone else present on November 4, 2024; the information contained in the staff report, the application, the exhibits, the testimony and the other evidence presented at the open record public hearing on November 7, 2024; and a review of both the Yakima County Comprehensive Plan (Horizon 2040) and the Yakima County Zoning Ordinance which is Title 19 of the Yakima County Code (YCC), the Hearing Examiner makes the following:

FINDINGS

I. Applicant/Property Owner/Agent. The applicant and property owner is Marlynn Holdings, LLC by one of its principals, Lynnell Brandt, 1330 North 16th Avenue, Yakima, WA 98902. The agent or representative for the applicant/property owner for this application who testified at the hearing is Bill Hordan of Hordan Planning Services, 410 North 2nd Street, Yakima, WA 98901.

II. Location. The parcel subject to this consolidated application is located at 60 North

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

Mitchell Drive on the north side of that road northeast of the intersection of North Mitchell Drive with State Route 12 about two miles northwest of the Yakima city limits. The Yakima County Assessor's parcel number is 181305-13002.

III. Application. The main aspects of this consolidated application may be described as follows:

(1) On April 8, 2024, Yakima County Public Services Department - Planning Division received a minor Rezone application that does not require a change in the Comprehensive Plan designation for the parcel, a Conditional Use Permit application for an "Agricultural Market" use on the parcel, Administrative Adjustment applications to relax fencing and sitescreening requirements for that use and an application for approval of signage for the use. The applicant has chosen to consolidate all of the applications into a single consolidated application for review under the highest level of review for any of the applications which is Type 4 review requiring a Recommendation from the Hearing Examiner after a public hearing and a Decision by the Board of Yakima County Commissioners after a closed record public hearing.

(2) The Rezone of the 4.12-acre parcel requested by this consolidated application would be from the Rural Transitional (RT) zoning district to the Highway/Tourist Commercial (HTC) zoning district in order to allow an agricultural market use on the parcel. An agricultural market is not allowed in the Rural Transitional (RT) zoning district under any level of review, but it is a generally-permitted use subject to Type 1 review in the Highway/Tourist Commercial (HTC) zoning district. This is a minor Rezone because a Comprehensive Plan amendment is not needed to approve the Rezone.

(3) The Conditional Use Permit approval requested by this consolidated application would be for a 5,600-square-foot agricultural market on the subject parcel that would be open from 9 a.m. to 5 p.m. seven days a week from June through November, or as revised based on the needs of the business. It would have 16 parking spaces for the customers and for an estimated 2 to 3 employees. It would have an asphalt loading area northwest of the building. The employees and customers would utilize existing bathrooms in the controlled atmosphere (CA) warehouse building on the parcel.

(4) The Administrative Adjustment approvals requested by this consolidated application would be to allow the existing 6-foot-high chainlink fence to remain as the fencing for said use without a need to reduce the height of the existing fence to 4 feet in the front yard of the agricultural market and to dispense with view-obscuring and

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

vegetative sitescreening for said use to avoid having to move the existing fencing further onto the parcel and to avoid having to install view-obscuring slats in the existing chain-link fencing.

(5) Approval is also requested for an accessory sign for the agricultural market that would be up to 30 feet tall and would not be illuminated.

(6) Consolidation of these applications into a single review process is permitted by YCC 16B.03.060 entitled "Optional Consolidated Permit Review Process." It states that "two or more project permits relating to a proposed project may be processed collectively under the highest level numbered category of project permit required for any part of the proposal or processed individually under each of the procedures identified by the code." Here the highest level numbered category of project permit required for any part of the proposal is the Type 4 Review required for a minor Rezone. The process for considering a minor Rezone requires the Hearing Examiner to conduct an open record public hearing prior to rendering a Recommendation to the Board of Yakima County Commissioners which makes the Decision after conducting a closed record public hearing. Therefore, this Recommendation and the Decision of the Board of Yakima County Commissioners will include all of the aspects of this consolidated application.

IV. Jurisdiction. The jurisdictional aspects of this application may be summarized as follows:

(1) YCC Table 19.36-1 provides that the Highway/Tourist Commercial (HTC) zoning district is "potentially consistent" with the Rural Transitional (RT) designation of the Comprehensive Plan (Horizon 2040). YCC 19.36.030 entitled "Minor Rezone - Map Amendment" provides that Rezone applications consistent with Table 19.36-1 and not dependent upon a comprehensive plan or sub-area plan amendment shall be considered minor rezones. Evidence submitted in a previous matter indicated that Table 19.36-1 was amended in 2021 pursuant to the Planning Division's recommendation to refer to zoning districts as "potentially consistent" rather than "consistent" with the various designations of the Comprehensive Plan in order to be able to explain to the public why consideration of Goals and Policies of the Comprehensive Plan is also required to determine the consistency of a proposed zoning district with the Comprehensive Plan designation of the property and that YCC §19.36.030 still refers to Rezone applications that are "consistent" rather than "potentially consistent" with the Table due to an oversight.

(2) YCC 19.36.030 also provides that site-specific minor Rezone applications may be processed at any time under Type 4 Review pursuant to YCC 16B.03.030. YCC

16B.03.030(d) states that Type 4 project permit applications are quasi-judicial actions which require an open record public hearing before the Hearing Examiner and that the Hearing Examiner's written decision constitutes a recommendation to the Board of Yakima County Commissioners. The Board will make the final decision which could be appealed to Superior Court under the procedures of the Land Use Petition Act (LUPA) that are set forth in RCW 36.70C.

(3) According to YCC 19.30.100(2), conditions may be imposed on approval of Type 4 applications to:

- (a) Comply with any development standard or criterion for approval set forth in YCC Title 19 or other relevant provisions of the Yakima County Code;
- (b) Mitigate material impacts of the development, whether environmental or otherwise;
- (c) Ensure compatibility of the development with existing neighboring land uses; assure consistency with the intent and character of the zoning district involved;
- (d) Ensure that the structures and areas proposed are surfaced, arranged and screened in such a manner that they are compatible with and not detrimental to existing or reasonable expected future development of the neighborhood, or resource uses, consistent with the Comprehensive Plan; and
- (e) Achieve and further the intent, goals, objectives, and policies of the Comprehensive Plan and YCC Title 19.

(4) YCC 19.30.100(3) grants broad authority to impose special conditions and safeguards to achieve and further the objectives set forth in YCC 19.30.100(2).

(5) According to YCC Table 19.14-1 entitled "Allowable Land Uses," proposals for an "Agricultural Market" in the HTC zoning district shall be processed under a CUP – Type 1 Administrative Use level of review for uses which are generally allowed in the zoning district. However, that application is also being processed under the consolidated Type 4 level of review pursuant to YCC 16B.03.060 entitled "Optional Consolidated Permit Review Process." A Type 1 Administrative Use may be conditioned to ensure compatibility and compliance with the provisions of the zoning district and the goals, objectives and policies of the Comprehensive Plan (Horizon 2040) and YCC 19.30.090.

(6) The two additional Administrative Adjustment applications and the Sign Permit application are also being processed under the Type 4 level of review pursuant to YCC 16B.03.060 even though the criteria for their consideration and approval remain the same as if they were considered separately.

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

(7) A Pre-Application Conference required by YCC Title 16B.04.010(1) for both the minor Rezone and the Conditional Use Permit was held on May 14, 2017 under File No. EAC2017-00016.

(8) The Yakima County Hearing Examiner has conducted an open record public hearing, has considered the written evidence and testimony presented and has prepared this written Recommendation which will be forwarded to the Board of Yakima County Commissioners (Board). The Board will then consider this Recommendation at a closed record public hearing, deliberate in public and conclude with the Decision regarding all of the aspects of this consolidated application.

V. Processing of Application. Steps to process this consolidated application have been and will be completed as follows:

(1) After this consolidated application was submitted, the Building and Fire Safety Division, Water Resources Division, Yakima Health District, Yakima County Roads Department, Code Enforcement Section, Long Range Planning Section, Environmental and Natural Resources Planning Section, and the Utilities Division were notified to provide comments on the proposal. The comments that were received are set forth in applicable sections of this Recommendation.

(2) When the consolidated application was deemed complete, a combined Notice of Application, Notice of Completeness, Notice of Environmental Review, and Notice of the Open Record Hearing was mailed to property owners within 300 feet of the subject property and agencies with interest on September 19, 2024, with a comment period ending on October 3, 2024.

(3) A Notice of SEPA Final Determination of Non-Significance was mailed to the agencies and interested parties on October 9, 2024.

(4) The posting of the property was completed on October 17, 2024.

(5) The public hearing was scheduled for November 7, 2024, and Notice of Open Record Public Hearing was mailed and published in accordance with YCC 16B.05.030.

(6) The dates of the main steps taken during the processing of this application are as follows:

Application Submitted:	April 8, 2024
Notice of Incompleteness:	April 25, 2024
Information Submitted:	July 19, 2024

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

Notice of Incompleteness:	August 2, 2024
Information Submitted:	September 11, 2024
Application Determined Complete:	September 13, 2024
Notice of Application/Completeness/Public Hearing mailed:	September 19, 2024
Notice of SEPA Environmental Review mailed:	September 19, 2024
Notice of Hearing published in Yakima Herald-Republic:	September 19, 2024
Final SEPA DNS published in the Yakima Herald-Republic:	October 9, 2024
Notice of Open Record Public Hearing posted on the property:	October 17, 2024
Open Record Public Hearing held:	November 7, 2024
Board of County Commissioners Closed Record Hearing:	To be scheduled

(7) The Washington State Department of Transportation (WSDOT) comments which are attached to the Planning Division Staff Report are summarized as follows and the findings relative thereto are set forth as follows: The subject property is adjacent to U.S. Highway 12 (US 12), a partially-controlled limited access facility with a posted speed limit of 60 miles per hour. WSDOT has acquired all access rights to the highway and along Mitchell Drive 214'5" northeasterly of the pedestrian path centerline. Direct access to the highway and along Mitchell Drive 214'5" northeasterly of the pedestrian path centerline is prohibited. Stormwater and surface runoff generated by this project must be retained and treated onsite and not allowed to flow onto WSDOT rights-of-way. Any proposed lighting should be directed down towards the site and away from US 12. Any outdoor advertising or motorist signing considered for this project will need to comply with state criteria. The applicant should contact Tanya Joblonski of the WSDOT Headquarters Traffic Office for specifics. She can be reached at 360-705-7294.

Staff and Hearing Examiner Findings: Based on the comments from WSDOT the applicant shall ensure that all stormwater and surface runoff water is retained on site and does not flow onto the WSDOT rights-of-way. There is a bioswale to collect stormwater on the southeastern portion of the property adjacent to North Mitchell Drive. The applicant is also required to provide documentation to the Planning Division confirming that WSDOT has approved the proposed sign. The sign is no longer proposed to be illuminated, which will aid in ensuring that all light is kept on the property and is not directed onto State Highway 12. Lastly, no new approach is allowed within 214 feet 5 inches from the planned centerline of the adjacent pedestrian path. The existing approach is approximately 240 feet northeast of the planned centerline of the adjacent pedestrian path.

VI. State Environmental Policy Act (SEPA). This Rezone application is subject to

Marlynn Holdings, LLC by Lynnell Brandt:
 Rezone from RT to HTC Zoning District and
 An Agricultural Market with Adjustments at
 60 North Mitchell Road; #181305-13002;
 Files ZON2024-00001; CUP2024-00021;
 ADJ2024-00004; and SEP2024-00010.

review under the State Environmental Policy Act (SEPA). The applications for the minor Rezone and Conditional Use Permit have been processed concurrently with the SEPA application. A Final Determination of Non-Significance (DNS) was issued on October 9, 2024. Per YCC 16B.03.030, there is no administrative appeal of the final threshold determination.

VII. Comprehensive Plan and Zoning. The Comprehensive Plan and the zoning characteristics of this parcel and of nearby properties are described as follows:

(1) The subject parcel is within the Rural Transitional (RT) Comprehensive Plan (Horizon 2040) designation and will remain within this designation. This designation is intended to implement Growth Management Act Planning Goals related to reducing sprawl, protecting the environment and providing adequate infrastructure. The Rural Transitional category sustains rural character and lifestyle choices by focusing most expected rural development into existing areas which are nearing suburban levels in order to reduce growth pressures on farmlands and less populated rural areas where infrastructure, public services and facilities are more difficult or expensive to provide.

(2) This category is also intended to minimize public service expenditures by encouraging infill and redevelopment of individual lots. To attain this objective, the designation incorporates cost-effective development policies related to community water systems, preferential use of developed road network, and density incentives for clustering and maintenance of open space. Ultimately, Rural Transitional policies are intended to maintain the sense of rural character while these lands remain outside Urban Growth Areas. The policies also provide incentives to accommodate economically feasible future urban conversion when additional urban land is needed. Rural Transitional policies provide for an overall residential density of one unit per 2.5 acres, with a 20 percent density bonus of one unit per 2 acres with clustering (Horizon 2040, Chapter 5, Page 44).

(3) This application requests a Rezone from the current Rural Transitional (RT) zoning district to the Highway/Tourist Commercial (HTC) zoning district which is intended for commercial establishments that offer accommodations, supplies, services or recreational opportunities to the traveling public. The HTC zoning district is also intended to provide appropriate space and, in particular, sufficient depth from the street to satisfy the needs of modern commercial development where access depends on motor vehicles and to encourage developing the zoning district with such uses and in such a

manner as to minimize traffic hazards and interference from highway-oriented businesses. This zoning district is further intended to permit only those uses that promote and enhance the recreation and tourism industry and to prevent the intrusion of incompatible, non-tourist uses that would be overly disruptive or would directly compete with shopping areas of nearby communities. The zoning district shall only be located at freeway interchanges and along or at the intersections of state highways or recognized tourist routes and the approaches thereto. The HTC zoning district may be located inside or outside of Urban Growth Areas (YCC 19.11.040(1)(b)).

(4) The surrounding parcels to the northwest, north, northeast, and southeast are designated and zoned the same as the subject property – the Rural Transitional (RT) designation of the Comprehensive Plan (Horizon 2040) and the Rural Transitional (RT) zoning district. The properties to the west and southwest across SR 12 are within the Rural Self-Sufficient (RSS) designation of the Comprehensive Plan (Horizon 2040) and the Rural-10/5 (R-10/5) zoning district .

VIII. Land Use History of the Subject Parcel. The land use history of this property may be summarized as follows:

(1) The warehouse processing/packing/storage building on the subject parcel is considered a legal non-conforming use because it was established in 1964 prior to the adoption of Title 19 in 2013. Applications CUP2015-00055 and VAR2015-00039 approved an expansion of the existing CA building along with adjusting the allowable lot coverage to 47%.

(2) In 2017 the Early Assistance Conference (EAC) for the current applications occurred under EAC2017-00016. In 2018 another EAC occurred under EAC2018-00101 which discussed a potential two-lot Boundary Line Adjustment (BLA). A BLA application was then submitted in 2021 under BLA2021-00061 which was successfully completed.

(3) The next applications associated with the subject property are those currently under review as file numbers ZON2024-00001, CUP2024-00021, ADJ2024-00004 and SEP2024-00010 which are the subject of this Hearing Examiner Recommendation.

IX. Rezone Review Criteria. YCC 19.36.030(4) provides that this Recommendation

regarding this minor Rezone application must be based upon a consideration of the following criteria:

(1) The testimony at the public hearing (YCC 19.36.030(4)(a)): Testimony in favor of approval of the requested Rezone was presented by the Yakima County Planner assigned to this matter, Aaron Cohen, and by the applicant's agent and representative for this matter, Bill Hordan of Hordan Planning Services, and by the applicant Lynnell Brandt. No one presented any testimony in opposition to approval of the requested Rezone.

(2) The suitability of the property in question for uses permitted under the proposed zoning (YCC 19.36.030(4)(b)): The property would be suitable for the uses permitted under the HTC zoning district for the following reasons:

(a) The overall project is to rezone the property to the HTC zoning district and establish an agricultural market on the property. The intent of the HTC zoning district can be broken into four distinct parts. YCC 19.11.040(1)(b) provides that the HTC district consists of areas for commercial establishments that offer accommodations, supplies, services or recreational opportunities to the traveling public.

Staff and Hearing Examiner Findings: The proposed agricultural market which is to be located just off of State Route 12 (SR-12) is a commercial service along a state route that carries traffic between Tieton, Naches and the City of Yakima. There are additional tourism benefits from the Naches Trail and from other destinations between the cities of Tieton, Naches and Yakima. Therefore, this aspect of the intent of the HTC zoning district is satisfied.

(b) YCC 19.11.040(1)(b) also provides that the HTC zoning district is intended to provide appropriate space and, in particular, sufficient depth from the street to satisfy the needs of modern commercial development where access depends on motor vehicles and to encourage developing the zoning district with such uses and in such a manner so as to minimize traffic hazards and so as to minimize interference from highway oriented businesses.

Staff and Hearing Examiner Findings: The subject property is adjacent to similar agriculturally and commercially oriented lots. There is an existing approach onto the property from North Mitchell Drive, which is along the commercially-oriented part of North Mitchell Drive. The proposal is expected to complement rather than interfere with the needs of modern commercial development in this area. The properties to the north which contain single-family residences have an additional access off of Mapleway Road if the residents wish to

avoid the development within the subject property and within the property directly southeast of the subject property. Since the proposed use will not generate traffic hazards for neighboring residential properties, this aspect of the intent of the HTC zoning district is also satisfied.

(c) This zoning district is further intended to permit only those uses that promote and enhance the recreation and tourism industry and to prevent the intrusion of incompatible, non-tourist uses that would be overly disruptive or would directly compete with shopping areas of nearby communities.

Staff and Hearing Examiner Findings: There is not a large amount of any commercial businesses similar to the proposed agricultural market in the area. The proposed development facilitates tourism between Tieton, Naches and the City of Yakima. Therefore, this part of the zoning intent of the HTC zoning district is met.

(d) The zoning district shall only be located at freeway interchanges and along or at the intersections of state highways or recognized tourist routes and the approaches thereto.

Staff and Hearing Examiner Findings: The proposed site is located at the intersection of SR-12 and North Mitchell Drive. Any intervening land between the site and the intersection is the Naches Trail, which is a recreational trail and an acknowledged tourist route. Therefore, this part of the zoning intent of the HTC zoning district is met.

(e) Various uses are allowed in the Highway/Tourist Commercial (HTC) zoning district besides the proposed agricultural market that could be requested for location on the subject parcel in the future.

Staff and Hearing Examiner Findings: Any future uses will be subject to applicable regulations and may also be subject to Type 2 administrative review or Type 3 public hearing review in addition to SEPA review which would allow conditions to be imposed and which would involve specific criteria to ensure the suitability of the parcel for any proposed uses that would potentially be permitted in the HTC zoning district under the various levels of review. The uses allowed in the HTC zoning district under their prescribed levels of review are set forth in an attachment to this Recommendation.

(3) The recommendation from interested agencies and departments (YCC 19.36.030(4)(c)): The internal comments from County departments and the external comments from outside agencies addressed various requirements for approval of this consolidated application.

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

Staff and Hearing Examiner Findings: Other than the Planning Division's staff report recommending conditional approval of this consolidated application, no other recommendations for approval or denial have been received from interested agencies or departments. The comments received from internal agencies and the comments received from interested external agencies set forth in the hearing record provide information about development standards that apply to this consolidated application, but none of the comments recommend that the requested Rezone be denied.

(4) The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Comprehensive Plans, adopted neighborhood plans and the intent of this Title (YCC 19.36.030(4)(d)): There are several Comprehensive Plan (Horizon 2040) provisions that are applicable to this consolidated application. *Staff and Hearing Examiner Findings relative to this criterion are as follows:*

(a) There are no adopted neighborhood plans applicable to the proposed rezone. The proposed minor Rezone with the proposed new use would be consistent and compliant with the following Yakima County Comprehensive Plan (Horizon 2040) goal and policies:

- *Policy Economic Development – 5.1: Support the development of programs, activities and facilities which increase tourism and recreation opportunities in Yakima County.*
- *Policy Economic Development – 5.3: Maintain tourist commercial zoning to promote and enhance the recreation and tourism industries and prevent intrusion of incompatible uses which would disrupt or directly compete with shopping areas of nearby communities.*
- *Policy Economic Development – 5.4: Allow highway commercial zoning to serve the needs of the traveling public at selected limited access highway interchange areas if they satisfy the following criteria:*
 1. *The uses do not conflict with adjacent city business areas;*
 2. *Adjacent land uses are buffered from the commercial area;*
 3. *The site is not designated as an agricultural, forest or mineral resource area, and resource lands are not materially affected by the use;*
 4. *The operation and effectiveness of the interchange is not impacted by the commercial use; and*
 5. *If outside an urban growth area, the uses can be accommodated without the extension of urban level services to the site.*

- *Policy Economic Development – 3.15: Existing commercial and industrial areas outside of urban growth boundaries should not be expanded except for fill-in development, and where possible, should be upgraded, improving appearance, safety and neighborhood compatibility.*
- *Goal LU-R 1: Maintain the rural character of the County.*

(b) The goal and policies listed above apply to the proposed development for several reasons: (i) The economic development (ED) policies focusing on tourism advancement directly relate to the proposal. The agricultural market provides increased tourism opportunities for various vehicle and pedestrian users along the SR-12 corridor. (ii) This leads into the other ED policy 3.15 to the effect that existing commercial areas outside of urban growth areas are developed through in-fil development, which the proposed development fulfills. (iii) The rezoning and proposed use maintain the overall rural character of the County and of this area through this infill development and this agriculture-centered development. (iv) The CA building would continue to be a legal non-conforming use if the requested Rezone is approved, and the Rezone would not expand any non-conformity on the property. (v) Regarding ED Policy 5.4, the proposed agricultural market does not conflict with any neighboring land uses, and the residences in the vicinity are sufficiently buffered by large trees and a large building without the need for additional sitescreening. (vi) WSDOT comments indicate that no adverse impacts to SR-12 are expected. (vii) The City of Yakima has indicated that the proposed agricultural market can likely be supplied with potable water from a nearby water main, and if that is not feasible, a community water system could be used. (viii) The requirements and recommended conditions will help ensure compatibility of the surrounding area with the agricultural market.

(5) The adequacy and availability of public facilities, such as roads, sewer, water and other required public services (YCC 19.36.030(4)(e)): *Staff and Hearing Examiner Findings: As it relates to the minor Rezone portion of the proposal, the public facilities within the area are present. The specifics of roads, sewer, water, and other required public services for the proposed agricultural market are addressed below in this Recommendation. Any other public facilities needed in the future will be reviewed on a project-by-project basis.*

(6) The compatibility of the proposed zone change and associated uses with neighboring land uses (YCC 19.36.030(4)(f)): *Staff and Hearing Examiner Findings: The proposed Rezone and the proposed agricultural market will be compatible with*

neighboring land uses for the following reasons: (i) The property to the southeast of the subject parcel is used as a pallet and bin manufacturing use which is an agricultural commercial use similar to the fruit processing/packing/storage use on the subject parcel. (ii) Due to the additional access for residences to the northeast of the subject parcel by way of Mapleway Road and due to the intent of the HTC zoning district for properties to access off of major routes and state routes, it is not anticipated that there will be any significant adverse impacts on neighboring properties. This finding is also consistent with the County's issuance of a SEPA Determination of Non-Significance. (iii) As to properties across SR-12 to the southwest, SR 12 buffers the subject parcel and the location of the proposed agricultural market from the properties to the southwest which also contain agriculturally-centered commercial uses and residential homes. (iv) Any future use on the subject parcel will be reviewed on a project-by-project basis.

(7) The public need for the proposed change. Public need shall mean that a valid public purpose, for which the Comprehensive Plan and this Title have been adopted, is served by the proposed application. Findings that address public need shall, at a minimum, document;

- i. Whether additional land for a particular purpose is required in consideration of the amount already provided by the plan map designation or current zoning district within the area as appropriate; and,
- ii. Whether the timing is appropriate to provide additional land for a particular use (YCC 19.36.030(4)(g));

Staff and Hearing Examiner Findings: A valid public need and purpose for which the Comprehensive Plan and zoning ordinance have been adopted are served by this consolidated application for the following reasons: (i) There is a public need and purpose for the proposed Rezone because the proposed tourist-oriented agricultural market use which would be adjacent to existing agricultural uses and near a state route highway cannot be permitted without approval of the Rezone. The intent of the HTC zoning district is to provide commercial and tourism opportunities along major routes which are needed public purposes. (ii) Since an agricultural market use is proposed for the subject parcel which is not allowed in the current zoning district, there is a need and public purpose from an economic development standpoint to accommodate the proposed additional agricultural use which would be supportive of a leading industry in this County. It would serve a public need and several public purposes by providing additional jobs, additional highway-oriented opportunities for tourists and others to purchase agricultural products that are grown locally, and additional tax revenue for the County. (iii) The timing is appropriate to provide this additional parcel for an HTC use because it

was not possible when the current zoning map was adopted to predict all of the locations that would be suitable in the future for the Highway/Tourist Commercial (HTC) zoning district or to be able to predict that this parcel would be the subject of a future application for an agricultural tourist-oriented HTC use.

(8) Whether substantial changes in circumstances exist to warrant an amendment to the current designation or zone (YCC 19.36.030(4)(h)): *Staff and Hearing Examiner Findings: Substantial changes in circumstances exist to warrant the requested Rezone from the current RT zoning district for the following reasons: (i) This requested Rezone from the RT to the HTC zoning district is not such a change as to require an amendment to the underlying Rural Transitional (RT) land use designation of the County's Comprehensive Plan. In effect, the proposed minor Rezone supports the intent of the RT designation of the Comprehensive Plan because the Rezone will continue to focus more intense, commercially-centered development within existing commercial and developed areas. This highlights the RT designation's role of providing a transition between urban and the rural areas by allowing urban density uses in appropriate areas. (ii) Additionally, the Town of Naches and the City of Tieton contain more tourist destinations and commercial opportunities than when the current land-use map was adopted in 2013. Their populations have also increased since 2013 leading to an increase in traffic within the major traffic corridors of Tieton, Naches, and Yakima. As the County sees an increase in economic development within various parts of the County, a change in zoning reflecting these new trends should occur based on a review of all applicable code requirements, the submitted application materials, and the built and natural environments existing at the time. This is essentially what is occurring with this proposal, and this proposal is being recommended as being consistent with all of the minor Rezone review criteria.*

X. Type 1 Review Criteria Applicable to the Proposed Agricultural Market.

YCC 19.30.090 provides that the proposed agricultural market is required to comply with applicable development standards set forth in YCC Title 19 which include the following provisions of YCC 19.10.040:

(1) Yards, Lots, Open Space and Off-Street Parking and Loading Spaces (YCC 19.10.040(2)(a)): *"Yards or lots created after the effective date of this Title shall meet at least the minimum requirements established by this Title and shall not be smaller than the minimum standards established in Chapters 19.10 through 19.18. The lot size, width, depth, shape and orientation shall be in accordance with the applicable zoning laws."*

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

Staff and Hearing Examiner Findings: Open spaces, yards, or lots are not being created or modified as part of this proposal. The subject parcel is a conforming lot size in the HTC zoning district. Off-street parking and loading areas are addressed below.

(2) Access Required (YCC 19.10.040(3)): "All new development shall have a minimum of 20 feet of lot frontage upon a public road or be served by an access easement conforming to the dimensional requirements of Sections 19.23.040 and 19.23.050 to provide for access to the development. The approach location shall be reviewed by the County Engineer for compliance with YCC Chapter 10.08. Approach connections to other public roads are subject to review by the applicable agency. Verification of legal access and a valid Road Approach Permit (RAP) shall be required prior to final approval of any permit granted under this Title." The Yakima County Roads Department provided the following comments:

"CUP2024-00021 Comments

Conditions

1. Obtain a road approach permit for Parcel 181305-13002.

Comments

Parcel 181305-13002 is fronted by North Mitchell Drive (Functional Class 19 - Urban Local Access Road). Said roadway falls within the FHWA Highway Urban Boundaries. Per YCC 19.23.045 these roadways are sub-standard for their classification. Per YCC 19.23.040(2)(C)(i)(a & b), the roadways are exempt from roadway improvements being required if the annual average daily traffic (AADT) volumes of the expected land use do not exceed the existing AADT for the approved land use of a market. Based on the ITE trip generation manual, a market for a building of this size does not exceed the AADT of a market; however, Yakima County Roads cedes jurisdictional authority to WSDOT within 150' of a public highway. Any conditions of approval required by WSDOT along North Mitchell Drive will be required by Yakima County Roads. Yakima County Roads has no record of a Road Approach Permit (RAP) for the Parcel 181305-13002. Per YCC 10.08.020 and YCC 19.10.040, the applicant shall obtain a RAP from the Yakima County Roads Department for all existing unpermitted access(es) to the County roadway system. The fact that the road approach application is in conjunction with a CUP must be disclosed by the applicant at the time of application. No future building permits can be issued without the completion and approval of a RAP."

Staff and Hearing Examiner Findings: Based on the comments from the Yakima County Roads Department, a Road Approach Permit is required to be obtained prior to

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

the issuance of any building permits. Any other transportation requirements are stipulated by WSDOT and must be met prior to the issuance of building permits.

(3) Land Uses (YCC 19.10.040(4)): "Uses allowed within a zoning district are listed as permitted, administrative or conditional uses in the Allowable Land Uses Table 19.14-1 within Chapter 19.14."

Staff and Hearing Examiner Findings: According to Table 19.14-1 entitled Allowable Land Uses, an "Agricultural Market" in the HTC zoning district is listed as a use subject to the Type I Review process in the HTC zoning district. YCC 19.01.070 defines an agricultural market as a "use primarily engaged in the retail sale of fresh, regionally grown agricultural products. An agricultural market may include as incidental and accessory to the principal use, the sale of factory sealed or prepackaged food products such as boxes of apples or other fruit, jams, jellies and baked goods and other value-added products using produce grown regionally, and some limited non-food items. This definition does not include the sale of livestock." Based on the submitted application materials, the proposed development meets this definition.

(4) Building and Fire Safety Permits Required (YCC 19.10.040(5)): "No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the Building Official under RCW 19.27 and YCC Title 13. No building permit shall be issued except in conformity with this Title." The Yakima County Building and Fire Safety Division provided the following comments:

"CUP2024-00021

Based upon the information submitted, proposals to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed require Building, Fire, Mechanical and/or Plumbing Permits (IBC, S.105.1). All construction is required to comply with all applicable provisions of the current adopted International Building Codes (IBC, S.101.2) with Washington State Amendments and Washington State Energy Code-Commercial (WSEC-C, S.C101.2) at the time of building permit submittal. Building permits and Building Codes are based on the building's use and construction type. The entire site, which includes buildings, structures, facilities, elements, and spaces, temporary or permanent, shall be accessible to individuals with disabilities (IBC, S.1103.1). A complete building code compliance plan review will be performed when construction drawings are submitted for building permits.

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

Based upon the submitted site plan, a new building is proposed south of the existing warehouse building. The proposed building is a 5,600-square-foot building of unknown construction type designed to be used as a seasonal agricultural market. The site and market building are required by code to be fully accessible to individuals with disabilities (18 IBC, S.1103.1). At 5,600 square feet in area, all architectural plans are required by Washington State RCW to be prepared by an architect licensed in the State of Washington (RCW 18.08.410). All structural plans, details and structural calculations are required by code to be prepared by a structural engineer who is licensed in the State of Washington (18IBC, 107.1). All documents including plans, details and structural calculations prepared by an engineer are required by Washington State RCW to have an engineer's Washington State seal and signature (RCW 18.43.070).

Based on current FEMA mapping, GIS overlay, and preliminary submitted site plan, there is a FEMA designated 100-year floodplain at the northeast corner of the parcel. All existing buildings and the proposed new market building lie within the FEMA designated 500-year floodplain. There are no additional flood-resistive construction requirements for buildings located within the 500-year floodplain. However, any new construction, including alterations and additions located within the 100-year floodplain, is required to comply with all applicable flood-resistant construction provisions of the applicable adopted building codes, FEMA Standards, and ASCE 24 Flood Resistant Design and Construction. All new construction, including alterations and additions, are required by code to have building and flood determination permits. The introduction of fill materials within the FEMA-designated 100-year floodplain is prohibited by the Yakima County Code (YCC, Title 16C.06.10(9) and 16C.06.03(5)).

A building permit is required for the proposed 5600 s.f. AG Market structure. Any groundwork prior to the issuance of building permits will require a separate Grading & Excavation Permit. A building permit is required for the proposed lighted sign [lighting is no longer proposed]. Research: Original Structure built prior to the requirement for building permits.

BLD2013-00032 Loading Dock Addition - Final Approved 6/4/15

BLD2013-00033 Sliding Doors Addition - Final Approved 6/18/15

BLD2016-00364 CA Addition - Final Approved 9/26/16

No other structures/permits were researched. If you want additional research on permits for the Parcel, please submit a Public Disclosure Request. Based on the information submitted, all new construction and modifications to existing structures require fire permits. All construction or changes of use must comply with all applicable provisions of the currently adopted International Fire Codes

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

with Washington State Amendments and the currently adopted Yakima County Ordinances. Fire Permits and Codes are based on the building's use and construction type."

Staff and Hearing Examiner Findings: Based on the applicant's proposal, building and fire safety permits are required for the development. The applicant should be aware that there are conditions to be met prior to the issuance of building permits. Please contact the Building and Fire Safety Division at (509) 574-2300 for more information.

(5) Setbacks, Easements and Right-of-Way (YCC 19.10.040(6)): "Chapters 19.11 through 19.18 list standard minimum setbacks for buildings or other structures and uses. Exceptions to certain setbacks are listed in Subsection 19.10.040(6)(b)..."

Zoning District:	HTC Zoning District		
Front Setback:	25'	Southwest	Planned Edge of right-of-way of SR - 12
Side Setback:	50'	North	Planned centerline of North Mitchell Drive
Side Setback:	50'	Southeast	Planned centerline of North Mitchell Drive
Side Setback:	10'	Northwest	Property line
Rear Setback:	50'	Northeast	Planned centerline of North Mitchell Drive

Staff and Hearing Examiner Findings: YCC Table 19.13.020-1 entitled Lot Standards, Setbacks, Lot Coverage and Building Height Requirements lists the standard minimum setbacks for buildings or other structures and uses in the HTC zoning district. Based on a review of the submitted site plan, the proposed agricultural market would comply with all required setbacks.

(6) Vision Clearance Triangles Required at Intersections and Driveways (YCC 19.10.040(7)(b)): "A vision clearance triangle shall be maintained at all driveways and curbcuts, and the intersection of an alley with a public street for vision and safety purposes. The vision clearance triangle shall measure 15 feet along the perpendicular street curb lines or pavement edge, or travel lane of the public street and 15 feet along the driveway or alley. The third side of the triangle shall be a straight line connecting the 15-foot sides described above. No sign or associated landscaping shall be placed within this

triangle so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.”

Staff and Hearing Examiner Findings: The applicant shall maintain vision clearance triangles (VCT) where the development accesses onto North Mitchell Drive as described in YCC 19.10.040(7)(b) except where the federal Food Safety Modernization Act (FSMA) may require otherwise.

(7) Maximum Lot Coverage and Building Height (YCC 19.10.040(8)(a) & Table 19.11.040-2): “Lot coverage means the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces” (YCC 19.01.070(12)). Building height is considered to be the vertical distance from grade plane to the average height of the highest roof surface (YCC 19.01.070(2)). The maximum building height is intended to maintain building and structure heights that are compatible with the character and intent of the zoning district.

Staff and Hearing Examiner Findings: YCC Table 19.11.040-2, provides that the maximum lot coverage in the HTC zoning district is 80%. Based on the submitted site plan, this limitation is not exceeded. The maximum building height in the HTC zoning district is 45 feet. The submitted application materials indicate that the agricultural market would be approximately 35 feet high, which is within the building height limitation of the HTC zoning district. These requirements are therefore met.

(8) Fences, Walls and Recreational Screens (YCC 19.10.040(9)): The provisions of YCC 19.10.040(9) “shall govern the location and height of fences and walls, to allow access to properties by utility employees and emergency response personnel and to maintain good appearance of residential areas and visual access along residential streets and between lots.”

Staff and Hearing Examiner Findings: No walls or recreational screens are proposed for the agricultural market. The applicant is not proposing any new fencing, but is requesting an Administrative Adjustment to retain the existing fencing in place. The Staff and Hearing Examiner Findings relative to the allowed fencing are set forth below in the Administrative Adjustment section XI of this Recommendation.

(9) Exterior Lighting (YCC 19.10.040(10)): “Exterior lighting is regulated 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.” (Figures 19.10.040-3 and -4 of the YCC contain examples of exterior lighting sources and fixtures).

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

Staff and Hearing Examiner Findings: The applicant is utilizing the current lighting on the property and has indicated that future exterior lighting will involve wall-packs and that the sign will not be illuminated. Any future new exterior lighting shall comply with the standards set forth in YCC 19.10.040(10). An ongoing condition of approval regarding exterior lighting is set forth in this Recommendation.

(10) Floodplain Development (YCC 19.10.040(11)): "A pre-application meeting and a Flood Hazard Permit application is 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." The Yakima County Building and Fire Safety Division provided the following comments:

"Based on current FEMA mapping, GIS overlay, and preliminary submitted site plan, there is FEMA designated 100-year floodplain at the northeast corner of the parcel. All existing buildings and proposed new market building lie within the FEMA designated 500-year floodplain. There are no additional flood-resistant construction requirements for buildings located within the 500-year floodplain. However, any new construction, including alterations and additions located within the 100-year floodplain, is required to comply with all applicable flood-resistant construction provisions of the applicable adopted building codes, FEMA Standards, and ASCE 24 Flood Resistant Design and Construction. All new construction, including alterations and additions, are required by code to have building and flood determination permits. The introduction of fill materials within the FEMA-designated 100-year floodplain is prohibited by the Yakima County Code (YCC, Title 16C.06.10(9) and 16C.06.03(5))."

Staff and Hearing Examiner Findings: Based on the comments submitted by the Building and Fire Safety Division, no additional flood permits are required at this time. All future developments require a review by the Building and Fire Safety Division for building and fire code compliance.

(11) Stormwater Requirements (YCC 19.10.040(12)): YCC 19.10.040(12) "...is intended to ensure public and private development projects comply with the National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable." The Yakima County Water Resources Division provided the following comments:

"Ongoing Conditions:

- I. Stormwater must be retained on site.

II. 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."

Staff and Hearing Examiner Findings: Based on the comments from the Water Resources Division, all stormwater must be retained on site and any natural drainageways cannot be altered or impeded without the approval of the Water Resources Division.

(12) YCC Chapter 19.20 Signs (YCC 19.20.030(1)): All on-premises signs are accessory uses and shall be subject to the same procedural and review requirements as the principal use, except that new signs accessory to existing or approved uses may be reviewed as modifications to existing or approved uses under Section 19.35.030. All proposed signs are subject to the review procedures of Title 19 and the standards of Chapter 19.20, which includes Table 19.20-1 Type of Signs Permitted, Table 19.20-2 Number of Signs Permitted, Table 19.20-3 Maximum Area per Sign Face, and Table 19.20-4 Sign Height and Setbacks.

Staff and Hearing Examiner Findings: The applicant indicated in a narrative submitted on July 19, 2024, that the sign is no longer proposed to be lit at this time. This does not preclude the applicant from lighting the sign in the future so long as any future interior or exterior lighting of the sign complies with the applicable Yakima County codes and ensures that lighting does not leak onto SR-12. The applicant has otherwise indicated that the sign will be no more than 100 square feet in area and no more than 30 feet in height. This meets the sign requirements for free-standing signs within the HTC zoning district. The applicant shall obtain a building permit for the sign as required by the Building and Fire Safety Division.

(13) YCC Chapter 19.21 Sitescreening and Landscaping: Sitescreening and landscaping consistent with the requirements of Chapter 19.21 shall be provided for any proposed new use, which includes modifications to existing uses being reviewed under this title. According to 19.21.020(1), the applicant is required to submit a sitescreening and landscaping plan depicting the location, height, size, and type of all plantings and fences under the requirements of this chapter.

Staff and Hearing Examiner Findings: The applicant has requested an Administrative Adjustment of sitescreening requirements in order to comply with the federal Food Safety Modernization Act (FSMA). The permissible sitescreening of the agricultural market is set forth below in the Administrative Adjustment section XII of this Recommendation applicable to sitescreening.

(14) Off-Street Parking: According to YCC 19.22.070, all off-street parking lots, driveways, travel ways, parking aisles, vehicle storage and vehicle sales lots having a capacity of three or more vehicles, shall be constructed in the following manner:

(a) Surfacing. All parking and loading spaces and related access drives, maneuvering, and vehicle storage areas shall be built to standards approved by the Reviewing Official as follows:

(i) Urban Standards: Parking facilities within Urban Growth Areas, Rural Settlements, Highway/Tourist Commercial, and Rural Transitional Areas shall be paved with two inches thick asphaltic surfacing on an aggregate base, or an equivalent surfacing acceptable to the Reviewing Official, to eliminate dust and/or mud.

(ii) The Reviewing Official may consider using alternative surfacing materials, such as gravel, for portions of parking facilities primarily used by heavy equipment where maintenance and repair of paved surfaces would be located.

(b) Grading and Drainage. Parking areas shall be graded and drained so all surface water is disposed of on-site. Grading and drainage facilities shall be designed according to accepted engineering standards, YCC Title 12.10 and the Stormwater Management Manual for Eastern Washington, which will require review by the Public Services Director or designee.

(c) Wheel Stops and Curbs.

(i) The front of a parking space with a curb that is improved with groundcover landscape material, instead of asphalt or concrete pavement, may be counted toward landscape or open space area requirements.

(ii) The perimeter of a parking or loading area and access and maneuvering drives associated with them shall be improved with a curb, rail or equivalent so vehicles do not extend over a property line, sidewalk or public or private street.

(d) Markings. All paved parking spaces (except motor vehicle sales areas) shall be marked by durable painted lines at least four inches wide and extending the length of the stall or by curbs or other means approved by the Reviewing Official to indicate individual parking stalls. Signs or markers located on the parking lot surface shall be used as necessary to ensure safe and efficient use of the parking lot. All accessible parking spaces shall be marked and signed in compliance with the currently adopted International Building Code. Wheel stops may be required by the Administrative Official as needed on graveled surfaces to designate spaces in parking and loading areas.

(e) Lighting. Lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties and comply with Subsection 19.10.040(10). Parking lots adjacent to residential districts or uses shall be designed with down-shielding and luminaries creating no lighting pollution upon those properties. A Photometric Lighting Plan may be required if the parking lot is located adjacent or abutting residential properties. Further requirements and restrictions are required when the property is located within the Airport Safety Overlay District. See Chapter 19.17.

(f) Landscaping of Parking Areas. Parking facilities must be landscaped under the standards listed in Chapter 19.21.

(g) Maintenance. The owner or lessee of a required parking area shall maintain the paved surface, drainage facilities, landscaping and irrigation facilities in conformance with the standards of this Chapter and the approved site plan.

Staff and Hearing Examiner Findings: The applicant has proposed 16 parking spaces to serve the agricultural market. Table 19.22-2 entitled Off-Street Parking Standards indicates that for commercial retail (except stores selling bulky merchandise) the parking standard is one space for every 350 square feet. Since the agricultural market is to be 5,600 square feet, 16 parking spaces will be sufficient to serve the proposed agricultural market. The parking spaces and travel ways must meet the requirements of YCC 19.22.070 and any other applicable YCC requirements prior to the Certificate of Occupancy being issued for the agricultural market building and prior to the commencement of the use of the agricultural market. The applicant shall also ensure all ADA requirements are met. Any questions relative to ADA requirements can be directed to the Building and Fire Safety Division. The applicant will need to contact the Yakima County Planning Division when the parking lot is ready for inspection.

(15) Location and Design of Loading Facilities (YCC 19.22.060): Off-street loading and unloading spaces and parking for truck queuing shall be required for any commercial, industrial and public utility building, restaurant, office building, overnight lodging facility, hospital, institution, school, college, public building, recreation or entertainment facility, and any similar use requiring loading or unloading from trucks or other large vehicles. The off-street parking and loading spaces/berths required by this Chapter are based on minimum numbers and design guidelines published by the Institute of Transportation Engineers in the latest editions of Transportation and Land Development and Traffic Engineering Handbook. Off-street loading design standards include the following:

(a) Minimum Dimensions (YCC 19.22.060(3)(b)(i)): Off-street loading space/berth requirements in Table 19.22-4 are based on minimum numbers and design guidelines published by the Institute of Transportation Engineers in the latest editions of Transportation and Land Development and Traffic Engineering Handbook. All required loading spaces/berths shall meet the minimum dimensional standards shown in Table 19.22-4. Where the vehicles used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

(b) Maneuvering Space (YCC 19.22.060(3)(b)(ii)): In addition to the length of the loading space/berth, additional maneuvering space may be required by the Reviewing Official for uses with loading space/berth access from a collector arterial or local access street, especially if located across the street from another high-demand use. When required, maneuvering space shall be designed and arranged to allow the most efficient use of all required loading spaces/berths by motor vehicles of the types typically employed by the activities served. The minimum maneuvering width between the outermost point of the loading berth and the limit of the maneuvering area shall be 50 feet.

(c) Location (YCC 19.22.060(3)(b)(iii)): Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from parking areas and shall be designated as truck loading spaces.

(d) Sitescreening (YCC 19.22.060(3)(b)(iv)): Loading spaces/berths on the perimeter of the site shall be screened under Chapter 19.21. If the adjoining property is within an industrial or commercial district and contains similar uses that are compatible with loading facilities then this standard may not be required. Any loading space that abuts areas zoned for residential use shall be screened, as set forth in Chapter 19.21 and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.

(e) Reduction of Requirements (YCC 19.22.060(3)(b)(v)): The Reviewing Official may reduce the number or size of required loading spaces to less than that required as part of site plan review or other application through Chapter 19.35, if the Reviewing Official finds that a lesser number or size of loading spaces will be adequate to serve the expected needs of the development. The Reviewing Official shall consult the Transportation and Land Development and Traffic Engineering Handbook in making this determination.

Staff and Hearing Examiner Findings: The applicant is required to ensure that all loading spaces and vehicle travel ways are constructed to the standards listed above and

to those indicated in Table 19.22-4 and Figure 19.22-2 within YCC Chapter 19.22. The applicant indicated at the hearing that an asphalt area northwest of the proposed agricultural market is to be used for the loading area for the agricultural market and submitted a final revised site plan dated November 7, 2024, for the record showing the location of that loading area. All loading spaces and vehicle travel ways associated with the agricultural market are to be hard-surfaced and must be installed prior to the issuance of the Certificate of Occupancy for the agricultural market and prior to the commencement of the use of the agricultural market.

(16) Water and Sewer Services (YCC Table 19.25-1): According to YCC Table 19.25-1, new structures in the HTC zoning district and in rural areas have two options for water service in the following order of priority: first an existing public water system and second an individual well. The Table also provides that new structures in the HTC zoning district and in rural areas have two options for sewer service in the following order of priority: first a County sewer system and second an individual septic system. 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..." The Yakima Health District (YHD) provided the following comments:

"[Septic] - YHD has no concerns with this proposal as described. A septic clearance will be required prior to issuance of building permits.

[Water] - If permanent plumbing will be installed, the water supply system and sewage disposal system will need to be reviewed and approved by YHD. Please contact YHD.Help.Desk@co.yakima.wa.us or 509-249-6508 with questions.

[Food] - Whole, uncut produce is exempt from food service permit requirements. If any non-exempt foods will be sold or served, a permit will be required from YHD. Please contact YHD.Help.Desk@co.yakima.wa.us or 509-249-6508 with questions.

Staff and Hearing Examiner Findings: The applicant has indicated that the existing bathrooms in the CA storage building are to be used for the agricultural market. Based on the comments from the YHD, a septic clearance is required. The septic clearance must be completed prior to the issuance of building permits. The applicant has indicated in a narrative and email submitted on July 19, 2024, that potable water will be provided from the City of Yakima. The applicant shall provide documentation from the City of Yakima to the Planning Division indicating that the water connection to the agricultural market meets the City's requirements. This must be accomplished prior to the issuance of the Certificate of Occupancy for the agricultural market and the commencement of the use. The applicant's representative requested at the hearing that if

a hookup to the City's 48-inch water mainline passing by the property proves to not be feasible, then water could be provided for the agricultural market by means of a community water system approved by the Yakima Health District, with confirmation of a water right for said system from the Yakima County Water Resources Division being provided to the Planning Division. This is a reasonable request which will be a recommended alternative for the water service needed for the agricultural market. Regarding food service at the agricultural market, whole, uncut produce are exempt from food service permits, and any food not falling within this category requires the necessary permits from the YHD. An on-going condition requested by the YHD will also require that the applicant must ensure that any vendors providing the agricultural market with food products have obtained all applicable permits for that purpose.

XI. Criteria Applicable to the Proposed Administrative Adjustment of the Fencing Requirements for the Agricultural Market. The applicant has requested an adjustment of the fence height requirements of the HTC zoning district by allowing the existing 6-foot-high chainlink fence around the parcel to be 2 feet higher than the 4-foot height limitation in the front yard of the proposed agricultural market. YCC 19.35.020(5) provides that the Reviewing Official may by means of Type 2 Review approve an adjustment of fencing standards if it is found to be consistent with the following:

(1) The purpose and intent of the Comprehensive Plan (Horizon 2040) policies that relate to the specific adjustment being proposed and this Title. *Staff and Hearing Examiner Findings: This front yard fence height adjustment is requested in order to comply with the federal Food Safety Modernization Act which is intended to enhance and protect the security of food processing facilities such as the fruit processing/packing/storage facility located on the parcel where the agricultural market would be located. Lowering the fence height from 6 feet to 4 feet in the front yard would make it easier for people to access the parcel and would not allow a better view of the activity outside the fence since the existing fence is a chainlink fence that does not have any view-obscuring slats. Since this fence adjustment is requested in order to allow the agricultural market to be established and operated on the parcel in compliance with the FSMA federal security requirements, it would therefore further the purposes of the Rural*

Transitional (RT) designation of the Comprehensive Plan (Horizon 2040) and Goal LU-R 1 and Policies ED 3.15, ED 5.1, ED 5.3 and ED 5.4 set forth above in Subsection IX(4) of this Recommendation as well as with the Title 19 zoning regulations set forth above in Section X of this Recommendation by supporting this type of economic development.

(2) The purpose and intent of the specific zoning district and the standard being adjusted. *Staff and Hearing Examiner Findings: The intent of the HTC zoning district discussed at length above in Subsection IX(2) of this Recommendation can be summarized as an intent to support commercial services that serve tourism and recreational uses along highways, interchanges, and along their routes without harming nearby land uses. Since the higher fence height will serve federal Food Safety Modernization Act objectives without detracting from the intent of the HTC zoning district, this criterion would allow the existing 6-foot height of the perimeter fencing around the parcel to remain.*

(3) Maintaining the minimum administrative adjustment necessary to accommodate the proposed use. *Staff and Hearing Examiner Findings: The applicant's proposal to continue to use the existing 6-foot-high chainlink fence around the parcel, including in the location where the front yard of the agricultural market would be located, is the minimum administrative adjustment that would continue to as effectively protect the security of the existing fruit processing/packing/storage use on the parcel in accordance with the objectives of the federal Food Safety Modernization Act.*

(4) Balancing the flexibility of the administrative adjustment with the health, safety and general welfare of individual neighborhoods and the community. *Staff and Hearing Examiner Findings: The placement of the fence is needed to ensure the security of the food processing/packing/storage facility on the subject property. The health, safety, and general welfare of the neighborhood, of Yakima County, and of any location where the fruit is shipped is ensured by the existing fence being maintained at its existing 6-foot height around the entire perimeter of the parcel.*

(5) The placement or design of structures will maximize solar access for the production of solar energy. *Staff and Hearing Examiner Findings: Since the existing 6-foot-high chainlink fencing to be retained in the front yard area of the proposed agricultural market does not have any effect upon solar access for the production of solar energy, this criterion is not applicable.*

XII. Criteria Applicable to the Proposed Administrative Adjustment of the Site Screening Requirements for the Agricultural Market. The applicant is

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

proposing to dispense with the need for any sitescreening of the proposed agricultural market due to the security objectives of the FSMA and the existence of large trees that border the residential properties to the east and northeast of the subject parcel. YCC 19.35.020(8) provides that the Reviewing Official may adjust certain sitescreening standards so long as it is found that the requested administrative adjustment is consistent with the following:

(1) No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots or alleys because of inadequate sunlight or inadequate width. *Staff and Hearing Examiner Findings: This criterion is central to the administrative adjustment. There is no useable space for landscaping in the vicinity of the proposed agricultural market without moving the existing 6-foot-high chainlink fence away from the property line so as to compromise the existing security of the food processing/packing/storage facility on the parcel that is required by the FSMA. The applicant indicates that the existing fence must remain in its existing location in order to maintain compliance with the FSMA. Moving the fence along North Mitchell Drive to allow for vegetative sitescreening or landscaping would establish a place for people to hide or encamp who would present a potential hazard to the food processing/packing/storage operation on the parcel. The FSMA indicates in Section 418 that the owner, operator or agent in charge of the facility must ensure that there is a safety plan for all types of hazards. The types of hazards range from biological to physical to natural to human-engineered hazards. The existing fence is therefore proposed to remain in its current location at its current height without view-obscuring sitescreening because there is no usable space for vegetative sitescreening or landscaping without moving the fence to a location that would compromise the parcel's compliance with the FSMA. Even though federal agencies and federal staff rather than Yakima County are in charge of ensuring compliance with the FSMA, the Planning Division and Hearing Examiner agree that the existing fence should remain as it is in order to ensure compliance with the FSMA on the basis of reasonableness. The applicant should not be required to establish sitescreening or landscaping that enables people to hide or encamp in a location that could present a hazard to the food processing/packing/storage operations on the property. This would include any requirement for sitescreening from the nearby North Mitchell Road, Naches Trail or SR-12 that would not be as translucent as the existing chainlink fence (such as for example a slatted fence).*

(2) The building setback provided in front of the new structure is less than six feet or is developed as a plaza with decorative paving/pavers, trees, planters, or other amenities. *Staff and Hearing Examiner Findings: This criterion does not apply to the proposed agricultural market.*

(3) Xeriscape landscaping is utilized in designated stormwater control areas; provided, this factor shall not be used exclusively in reducing a sitescreening standard. *Staff and Hearing Examiner Findings: Even though there are drainage swales around the property to accommodate stormwater, the applicant is not proposing any xeriscape landscaping at this time.*

(4) When existing trees and other vegetation serve the same or similar function as the required landscaping, they may be substituted for the required landscaping if they are healthy and appropriate for the site at mature size. When existing trees are eight inches or more in diameter, they shall be equivalent to three required landscape trees. If necessary, supplemental landscaping shall be provided in areas where existing vegetation is utilized to accomplish the intent of this Chapter. *Staff and Hearing Examiner Findings: Regarding Parcel 181305-13001 and the properties across from North Mitchell Drive to the north and northeast, YCC 19.21.030(2)(j)(i)(A) indicates that within large properties sitescreening only needs to be along that portion of the property with development. Therefore, sitescreening is not needed along Parcel 181305-13001 and the properties across from North Mitchell Drive to the north and northeast since the southern portion of the property is the location of the proposed agricultural market development. In addition, existing large trees will adequately screen the agricultural market from the residences to the north and northeast. Regarding Parcel 181305-13003 to the south, since the property contains an agriculturally-related commercial use similar to the subject property, a reduction to sitescreening requirements is not expected to provide any hardship to that property.*

(5) Other adjustments to sitescreening requirements provided that they are able to comply with criteria of YCC 19.35.020(5) above, as the Reviewing Official determines applicable. *Staff and Hearing Examiner Findings: When considering all of the circumstances, it is clear that the elimination of sitescreening requirements for the agricultural market would not be detrimental to the community as a whole. Existing residences are already screened by large trees or are far enough away that any view of the agricultural market will be obscured by the distance, the large trees and/or the large building. The proposed agricultural market is consistent with the intent of the HTC zoning district to provide commercial and tourist opportunities along major traveling corridors. No comments were received from owners of neighboring properties that disagree with these findings. Any future expansion of the agricultural market or any*

additional uses on the parcel will have to undergo review under the circumstances that exist at that time in order to determine whether sitescreening requirements will be applicable to them.

XIII. Requirements Applicable to the Signage for the Agricultural Market. As noted above, all new on-premises signs are accessory uses and shall be subject to the same YCC Title 19 procedural and review requirements as the principal use:

Staff and Hearing Examiner Findings: The applicant indicated in a narrative submitted on July 19, 2024, that the sign is no longer proposed to be illuminated. The applicant may obtain approval for lighting of the sign in the future so long as any future interior or exterior lighting of the sign complies with the applicable Yakima County codes and ensures that lighting does not leak onto SR-12. The applicant has also indicated that the sign will be no more than 100 square feet in area and no more than 30 feet in height which complies with the sign requirements for free-standing signs within the HTC zoning district. The applicant shall obtain a building permit for the sign as required by the Building and Fire Safety Division.

XIV. The Consistency of the Consolidated Application with the Applicable Development Regulations and the Comprehensive Plan under the Criteria Required by Section 16B.06.020 of the Yakima County Code This criterion is determined by a consideration of the following factors:

(1) The types of land uses permitted at the site. *Staff and Hearing Examiner Findings: A Rezone to the Highway/Tourist Commercial (HTC) zoning district which is necessary in order for an agricultural market to be established and operated on the subject parcel would be consistent with the Rural Transitional (RT) Comprehensive Plan designation of the subject parcel.*

(2) The density of residential development or the level of development such as units per acre or other measures of density. *Staff and Hearing Examiner Findings: The level of development resulting from the proposed agricultural market use or any other use that could be permitted under Highway/Tourist Commercial (HTC) zoning of the subject parcel will be required to be consistent with the density allowed by the Comprehensive Plan and the zoning ordinance. If the agricultural market use is not*

established on the subject parcel or if any additional uses are proposed for the parcel in the future, such future uses will have to comply with density limitations and be analyzed for consistency and compliance with applicable criteria for consideration at that time.

(3) The availability and adequacy of infrastructure and public facilities. *Staff and Hearing Examiner Findings: The property owner will be responsible for providing water, sewer and other services and infrastructure that are adequate for the agricultural market use and for any other uses that are developed on the subject parcel in the future.*

(4) The characteristics of any development resulting from this rezone. *Staff and Hearing Examiner Findings: The agricultural market use is, and any future use will be, a use which is allowed under the applicable level of review in the Highway/Tourist Commercial (HTC) zoning district and which will be consistent with the Comprehensive Plan land use designation for the property and with the applicable development regulations of the zoning ordinance for the proposed use.*

CONCLUSIONS

Based on the foregoing Findings, the Hearing Examiner concludes as follows:

(1) The Hearing Examiner has jurisdiction to make this Recommendation to the Board of Yakima County Commissioners regarding this consolidated application for a Rezone, a Conditional Use Permit, two Administrative Adjustments and a Sign Permit.

(2) The zoning ordinance notice requirements for the open record public hearing have been satisfied.

(3) YCC Table 19.36-1 provides that the proposed Rezone of the subject parcel from the Rural Transitional (RT) zoning district to the Highway/Tourist Commercial (HTC) zoning district would be potentially consistent with the Rural Transitional (RT) Comprehensive Plan designation, and applicable provisions of the Comprehensive Plan support a finding that the requested Rezone of the subject parcel to the HTC zoning district would be consistent with the RT Comprehensive Plan designation of the parcel.

(4) The requested Rezone of the subject parcel from the Rural Transitional (RT) zoning district to the Highway/Tourist Commercial (HTC) zoning district would satisfy the Rezone criteria and requirements of YCC 19.36.030(4).

(5) As conditioned, the requested agricultural market use on the subject parcel would satisfy the Type 1 review and Conditional Use Permit requirements of YCC 19.30.090.

(6) As conditioned, the requested fencing and sitescreening adjustments of requirements for the proposed agricultural market on the subject parcel would satisfy the Administrative Adjustment Type 2 review criteria and requirements of YCC 19.35.020(5) and YCC 19.35.020(8).

(7) As conditioned, the requested signage for the proposed agricultural market on the subject parcel would satisfy the criteria and requirements of YCC Title 19, including YCC Table 19.20-1 as to the Types of Signs Permitted, YCC Table 19.20-2 as to the Number of Signs Permitted, YCC Table 19.20-3 as to the Maximum Area per Sign Face and YCC Table 19.20-4 as to the Sign Height and Setbacks.

(8) As conditioned, the consolidated application for a Rezone and the proposed agricultural market use on the subject parcel would satisfy the consistency criteria of YCC 16B.06.020.

RECOMMENDATION

Based upon the findings and conclusions, the Hearing Examiner recommends that the Board of Yakima County Commissioners **APPROVE** this proposed consolidated application for a minor Rezone of Parcel Number 181305-13002 from the Rural Transitional (RT) zoning district to the Highway/Tourist Commercial (HTC) zoning district and for a Conditional Use Permit for an Agricultural Market with Administrative Adjustments of fencing and sitescreening standards and approval of signage described in this Recommendation and in the documents contained in Planning Division file numbers ZON2024-00001, CUP2024-00021, ADJ2024-00004 and SEP2024-00010, subject to the following Conditional Use Permit and Administrative Adjustment conditions:

CONDITIONAL USE PERMIT AND ADJUSTMENT CONDITIONS

The following conditions must be obtained and satisfied within three years of the date of the final Yakima County Board of County Commissioners Decision. Please note that the Decision and time limit pertain to conditional authorization for the subject land use only and failure to comply with all conditions will result in the revocation of this

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

permit. The Final Decision should include the following conditions and the findings as described.

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.

(1) The applicant shall apply for all building and fire safety permits for the proposed and existing structures, including a permit for the proposed sign.

(2) The applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Roads Department for all existing and proposed accesses to the County roadway system. The fact that the road approach application is in conjunction with a CUP must be disclosed by the applicant at the time of application. No future building permits can be issued without the completion and approval of a RAP. The applicant must contact the Yakima County Roads Department at (509) 574-2300 for this purpose.

(3) The applicant shall provide documentation to the Yakima County Planning Division indicating that WSDOT has approved the sign.

(4) The applicant shall submit documentation to the Yakima County Planning Division verifying that the Yakima Health District has approved all septic systems for the proposed development.

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.

(5) The applicant shall finalize all required building and fire safety permits.

(6) The applicant shall submit documentation to the Yakima County Planning Division verifying that the City of Yakima has approved all water systems and connections for the proposed development. If a hookup to the City's water mainline passing by the subject parcel proves not to be feasible, then water may be provided for the agricultural market by means of a community water system approved by the Yakima Health District, with confirmation of a water right for said system from the Yakima County Water Resources Division being provided to the Yakima County Planning Division.

(7) The applicant shall submit documentation to the Yakima County Planning Division verifying that the Yakima Health District has approved all required food permits needed for the commencement of the agricultural market use.

(8) The applicant shall ensure that all 16 parking spaces and maneuvering areas comply with the following construction and maintenance standards of YCC Chapter 19.22 and are designed in compliance with Table 19.22-3:

(a) Surfacing (YCC 19.22.070(1)): All parking and loading spaces and related access drives, maneuvering and vehicle storage areas for the agricultural market shall be built to standards approved by the Reviewing Official to the following Urban Standards – Parking facilities within Highway/Tourist Commercial zoning district shall be paved with two inches thick asphaltic surfacing on an aggregate base, or an equivalent surfacing acceptable to the Reviewing Official, to eliminate dust or mud.

(b) Grading and Drainage (YCC 19.22.070(2)): Parking areas shall be graded and drained so all surface water is disposed of on-site. Grading and drainage facilities shall be designed according to accepted engineering standards, YCC Chapter 12.10 and the Stormwater Management Manual for Eastern Washington, which will require review by the Public Services Director or designee.

(c) Wheel Stops and Curbs (YCC 19.22.070(3)): The front of a parking space with a curb that is improved with groundcover landscape material, instead of asphalt or concrete pavement, may be counted toward landscape or open space area requirements. The perimeter of a parking or loading area and access and maneuvering drives associated with them shall be improved with a curb, rail or equivalent so vehicles do not extend over a property line, sidewalk or public or private street.

(d) Markings (YCC 19.22.070(4)): All paved parking spaces shall be marked by durable painted lines at least four inches wide and extending the length of the stall or by curbs or other means approved by the Reviewing Official to indicate individual parking stalls. Signs or markers located on the parking lot surface shall be used as necessary to ensure safe and efficient use of the parking lot. All accessible parking spaces shall be marked and signed in compliance with the currently adopted International Building Code.

(e) Lighting (YCC 19.22.070(5)): Lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties and comply with YCC 19.10.040(10).

(f) Landscaping (YCC 19.22.070(6)): Parking facilities must be landscaped under the standards listed in Chapter 19.21.

(g) Maintenance (YCC 19.22.070(7)): The owner or lessee of a required parking area shall maintain the paved surface, drainage facilities, landscaping and

irrigation facilities in conformance with the standards of this Chapter and the approved site plan.

(9) The loading area associated with the agricultural market shall be hard-surfaced with asphalt. Any new asphalt surfacing for the agricultural market loading area shall be at least two inches thick on an aggregate base, or an equivalent surfacing acceptable to the Reviewing Official, to eliminate dust and/or mud.

The following are ongoing conditions that apply to the project for the life of the permitted use. Failure at any time to comply with these conditions can result in the revocation of this permit.

(10) The applicant shall ensure that all food vendors who provide products to the agricultural market have received all applicable food permits which are required by the Yakima Health District.

(11) All future road approaches must be reviewed by the Washington State Department of Transportation. No additional approach is approved through this application.

(12) The fence height including attachments is approved to be up to, but no more than, six (6) feet in height.

(13) The applicant shall ensure that any exterior lighting that is installed meets the requirements prescribed by YCC 19.10.040(10). In accordance with YCC 19.10.040(10), exterior lighting for all uses 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. For further information please contact the Yakima County Planning Division at 509-574-2300.

(14) Stormwater must be retained on site and cannot spread onto any rights-of-way owned by the Washington State Department of Transportation. 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.

DATED this 22nd day of November, 2024.



Gary M. Cuillier, Hearing Examiner

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

**ATTACHMENT A: USES ALLOWED AS EITHER TYPE 1, TYPE 2
OR TYPE 3 USES IN THE HIGHWAY/TOURIST COMMERCIAL (HTC)
ZONING DISTRICT**

(An asterisk denotes a defined term)

As Type 1 Permitted Uses (allowed when they meet standards):

- Agricultural building*
- Agricultural market*
- Agricultural stands* not exceeding 1,000 square feet in area
- Agriculture*, silviculture, wholesale nurseries*, and animal feeding operations*
(Excluding: concentrated animal feeding operations*, livestock auction/sale yards, rendering plants and slaughter houses)
- Irrigation distribution/drainage facilities*
- Bowling alleys
- Movie theaters, auditoriums, exhibition halls
- Sporting goods, Retail
- Hazardous waste treatment and storage facilities subject to the state siting criteria of Chapter 70.105 RCW: Onsite, and storage of chemicals and empty chemical containers
- Stockpiling of earthen materials not within FEMA Flood Plain*
- Dwelling for occupancy by guards, watchmen, caretakers or owners of non-residential permitted use
- Amateur radio antenna and support structure*, communication tower*, anemometer* or personal wind energy tower* and related facilities [Note 1: type of review varies per YCC §19.18.490]
- Antique store*
- Bakery, butcher shop, delicatessen, specialty food store
- Beauty & barber shops
- Bed & breakfast inn* with a maximum of two guest bedrooms and without receptions, group meetings or special gatherings
- Boarding or lodging house*
- Car wash, detailing
- Convenience* store*
- Drive-through food, espresso/coffee and beverage vendor*
- Mobile food vendor located on a site longer than four hours within a 24 hour period

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

- Espresso/coffee stand*
- Financial institutions
- Florist
- Gift shop*, souvenirs, coins, stamps, toys, hobby store
- Jewelry, watches, silverware
- Laundries, laundromats and dry cleaners
- Overnight lodging facilities*
- Parking lots and garages accessory to another allowed use
- Parts and accessories (tires, batteries, etc.)
- Printing, photocopy service
- Rental agencies: Auto, truck, trailer, fleet leasing services
- Roller skating or ice skating rink
- Service station, automotive*
- Towing services*
- Transportation brokerage offices*; without truck parking
- Utility services* (substations, reservoirs, etc.), when no building or series of buildings exceeds 120 sq. ft. and the SEPA threshold is not exceeded
- Mini-storage*

As Type 2 Administrative Uses (“generally allowed”):

- Brewery, micro*
- Distillery*
- Distillery*, craft*
- Amusement park (permanent) fairgrounds, racetracks and other outdoor amusements*
- Aquatic center
- Campground* and RV park*
- Drive-in theatres
- Exercise Facilities, gyms
- Golf courses, clubhouses, pro shops, driving ranges
- Miniature golf courses
- Historic landmark* allowable use permits
- Hunting and fishing services, horse rental, pony rides
- Parks, playgrounds, greenways and other public or private outdoor recreational facilities

Marlynn Holdings, LLC by Lynnell Brandt:
Rezone from RT to HTC Zoning District and
An Agricultural Market with Adjustments at
60 North Mitchell Road; #181305-13002;
Files ZON2024-00001; CUP2024-00021;
ADJ2024-00004; and SEP2024-00010.

- Safe/shelter home* (See Family Home Services)
- Fraternal organizations*, lodges and clubs, meeting/reception hall*
- Libraries
- Museums, art galleries
- Police, fire station, ambulance service
- Public buildings and uses*
- Extraction of mineral resources as part of a federal or state approved fish or wildlife habitat restoration/enhancement project (Temporary)
- Federal or state approved wetland mitigation projects requiring extraction of mineral resources (Temporary)
- Solid waste drop box site*
- Bed and breakfast inn* with a maximum of five guest bedrooms and/or receptions, group meetings and/or special gatherings
- Clothing and accessories
- Maintenance and repair shops, including specialized repair (radiator, etc.)
- Restaurant, café and drive-in eating facilities
- Tasting room*
- Taverns*, bars, dance establishments
- Veterinarian/animal clinic/hospital* (see also Ag. Service)
- Video sales/rental
- Transportation brokerage offices*; with truck parking
- Truck service stations, washes and shops
- Linear transmission facilities*
- Utility services* (substations, reservoirs, etc.), when the building or series of buildings exceeds 120 sq. ft. or the SEPA threshold is exceeded

As Type 3 Conditional Uses (“generally not appropriate throughout the zoning district”):

- Heavy construction equipment storage, maintenance, repair and contracting services
- Contract truck hauling, rental and trucks with drivers
- Power generating facilities
- Sewage treatment plants
- Wastewater lagoons and sprayfields*

Lynnell Brandt
Marlynn Holdings, LLC
1330 N. 16th Ave.
Yakima, WA 98902

Bill Hordan
Hordan Planning Services
410 N. 2nd St.
Yakima, WA 98901

Ryan Brandt
702 Butterfield Ct.
Yakima, WA 98901

FILE NO.: ZON2024-00001
HEARING EXAMINER RECOMMENDATION

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

I, Karri Espinoza, being first duly sworn, and as an employee of the Yakima County Public Services, Planning Division, dispatched through the United States Mails, or otherwise by electronic mail, a HEARING EXAMINER RECOMMENDATION a true and correct copy of which is enclosed here-with; that a HEARING EXAMINER RECOMMENDATION was addressed to the applicant, agent and parties of record pursuant to Yakima County Code Title 16B.05, that said parties are individually listed on the Mailing List retained by the Planning Division and that said notice was mailed by me on the 25th day of November, 2024.

That I mailed said notice in the manner herein set forth and that all of the statements are made herein are just and true. Dated this 25th day of November, 2024.



Karri A. Espinoza
Office Supervisor