



# Public Services

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October 14, 2024

TO: Santiago Communities, Inc., Thomas R. Durant & Parties of Record

FROM: Karri Espinoza, Office Supervisor *KE*

RE: Hearing Examiner Decision – CUP2024-00002/LSP2024-00001/ADJ2024-00001/  
SEP2024-00001/ESP2024-00001/VAR2024-00001

On, October 10, 2024, the Yakima County Hearing Examiner issued his decision on the establishment of a 141-unit manufactured home park on the south side of Roza Hill Drive. The Examiner's decision is enclosed.

The Hearing Examiner decision may be appealed pursuant to the Yakima County Code Title 16B.09. If you have any questions on the decision or the appeal process, please contact Julia Loudon at 574-2300.

*Encl.: Hearing Examiner Decision*  
*Cc: Parties of Record*

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

**October 10, 2024**

<b>In the Matter of a Consolidated Application Submitted by:</b>	)	
<b>Santiago Communities, Inc. &amp; Aimee Molsberry by Thomas Durant, PLSA</b>	)	<b>CUP2024-00002</b>
	)	<b>LSP2024-00001</b>
<b>To Establish a Manufactured Home Park on the South Side of Roza Hill Drive about 350 Feet West of the Roza Hill Drive/Wendt Road Intersection In the Community of Terrace Heights</b>	)	<b>ADJ2024-00001</b>
	)	<b>SEP2024-00001</b>
	)	<b>ESP2024-00001</b>
	)	<b>VAR2024-00001</b>

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

(1) The Hearing Examiner conducted an open record public hearing regarding this application on August 29, 2024. The record was kept open for the submission of additional information relative to several of the recommended conditions. The last of the requested additional information was received on September 26, 2024.

(2) Julia Loudon, Yakima County Planner IV – Current, presented her detailed and thorough staff report recommending approval of the consolidated application subject to conditions. Victor Shaul, Engineering Tech III of Yakima County Roads, testified as to Yakima County Roads details.

(3) Thomas R. Durant with PLSA Engineering & Surveying who is the representative of the applicants Santiago Communities, Inc. and one of its principals Aimee Molsberry, testified in favor of approval of the consolidated application and requested revisions to some

of the recommended conditions.

(4) Testimony was also presented by an owner of a nearby residence, Rick Linneweh, and nearby residents Cheryl Whittlesey, Dennis Carlson and Renee Gillaspie asked questions and expressed their concerns.

(5) Written comments submitted during the comment period that are attached in their entirety to the staff report and considered in issuing the Mitigated Determination of Non-Significance and the recommended conditions of the staff report include the following: (i) internal Yakima County written comments of Yakima County Roads and the Utilities Division; (ii) written agency comments of the Department of Archeology & Historic Preservation, the Yakima Regional Clean Air Agency, the Bonneville Power Administration, the Washington State Department of Ecology, the Roza Irrigation District, the Yakima Health District and the Terrace Heights Sewer District; and (iii) written comments of nearby property owners and residents Jerry and Cheryl Ringerding, Dennis Carlson, Charles Groo, Richard Linneweh and Craig Whittlesey. A later written comment dated August 26, 2024, was submitted by the State of Washington Department of Fish and Wildlife.

(6) Since several issues were presented that warranted further information to be submitted by Julia Loudon and Thomas Durant, the hearing was closed but the record was left open for the receipt of additional information from them before the time period required for issuance of a decision would begin. The last of the requested additional information was received by the Hearing Examiner on September 26, 2024, and the record was closed on that date. The emails with additional information from Julia Loudon and from Thomas Durant will be made one or more additional exhibits for the record. This decision has been issued within ten business days of receipt of the last of the requested additional information.

**B. Basis for Findings, Conclusions and Decision.** Based on a view of the site and surrounding area with no one else present on August 23, 2024; a consideration of the information contained in the staff report, exhibits, testimony and other evidence presented at the open record public hearing on August 29, 2024, and the additional evidence received by the Hearing Examiner up to September 26, 2024, when the record was closed; and a review of the Yakima County Comprehensive Plan and the Yakima County Unified Land

Development Code, Title 19 of the Yakima County Code (YCC); the Hearing Examiner makes and issues the following findings, conclusions and decision. Any findings more properly considered to be conclusions shall be deemed to be such.

## **FINDINGS**

**I. Applicants / Property Owner / Representative.** The applicants are Santiago Communities, Inc., a California corporation, and one of its principals, Aimee Molsberry, P.O. Box 11927, Santa Ana, CA 92711. The property owner is Santiago Communities, Inc. of the same address. The representative of the applicants and property owner for this consolidated application is Thomas Durant of PLSA Engineering & Surveying, 521 North 20<sup>th</sup> Avenue, Suite 3, Yakima, WA 98902.

**II. Location.** The 26.91-acre parcel of property is located in the Suburban Residential (SR) zoning district on the south side of Roza Hill Drive about 350 feet west of the intersection of Roza Hill Drive and Wendt Road in the community of Terrace Heights. It is Yakima County Assessor's Parcel Number 191323-11409.

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

(1) The proposal is being reviewed as a manufactured home park and is subject to YCC Title 19. YCC 19.01.070(13) provides that a manufactured home park is defined as follows:

“Mobile or manufactured home park” means a parcel of land utilized for the placement of two or more mobile homes, and/or manufactured homes. Except, this definition does not include permitted mobile home or manufactured home sales lots, or manufactured homes in approved farm labor shelters or centers.”

(2) YCC 19.14.010(1) states that “Table 19.14-1 indicates those uses which may be permitted through Type 1, 2, 3, or 4 review in the various zoning districts...”. Per YCC Table 19.14-1 Allowable Land Uses, a manufactured home park is considered a Type 3 use in the SR zoning district.

(3) Per YCC 19.18.280, manufactured home parks are subject to Type 2 binding site plan (BSP) review under YCC Chapter 19.34, and a Type 2 or higher review as indicated in the Allowable Land Uses table. As such, a BSP application was submitted and is consolidated with the Type 3 Conditional Use Permit process.

(4) Regarding the associated administrative adjustment application, adjustments involving Type 3 uses generally undergo a Type 2 review process (YCC 19.35.020(1)). Resource setback reductions that meet one of the exceptions under YCC 19.35.020(6)(d) undergo a Type 1 review (usually with the Building Division during building permit review). As for the variance application, these undergo the Type 3 review process.

(5) The applicants have requested that the proposal be reviewed under the Optional Consolidated Review Process of YCC 16B.03.060. Under the Optional Consolidated Review Process, two or more project permits relating to a proposed project action may be processed collectively under the highest numbered category of project permit required for any part of the proposal. As such, this proposal is being reviewed entirely under the Type 3 application process.

(6) Type 3 applications are quasi-judicial actions which require an open record hearing by the Hearing Examiner. The Examiner’s written decision constitutes the final decision. Public notice is provided on Type 3 actions.

**IV. Application.** The main aspects of this proposed manufactured home park may be summarized in the following manner:

(1) On January 5, 2024, the Yakima County Public Services Department: Planning Division received a Conditional Use Permit (CUP) application from Thomas R. Durant, with

PLSA Engineering & Surveying, on behalf of Santiago Communities, Inc. and a principal of that corporation, Aimee Molsberry, to establish a 141-unit manufactured home park. The application included a binding site plan (LSP) application, a State Environmental Policy Act (SEPA) checklist, an administrative adjustment (ADJ) application, and a resource setback adjustment (ESP) application. On April 29, 2024, a variance (VAR) application was submitted for the project. The subject parcel 191323-11409 is located on the south side of Roza Hill Drive west of Wendt Road and is within the Suburban Residential (SR) zoning district.

(2) Parcel 191323-11409 is 26.91 acres in size and is currently vacant. The parcel is Lot 4 of the short subdivision recorded under Auditor's File Number (AFN) 7294242, file SUB2001-00115. According to that short plat map, there is a 10-foot-wide irrigation easement along the west property line over an existing pipeline that services the subject parcel and lots to the south. There is also a 10-foot-wide irrigation easement along the south property line and a 10-foot-wide easement for Roza No. 12 irrigation along most of the east property line. Also along the east property line is part of a well control zone for a community well located on the neighboring parcel 191323-11406. An 8-foot-wide utility easement and a portion of a Roza Irrigation easement run along the north property line. A Bonneville Power Administration electric transmission line runs through the parcel in a northwest/southeast direction in a 100-foot-wide right-of-way easement. A Roza Irrigation piped drainage runs through the parcel in a northeast/southwest direction.

(3) The applicants are proposing to establish a 141-unit manufactured home park on the subject parcel. Spaces within the park range in size from 4,800 square feet to 9,650 square feet. The applicants have designed the park for various sizes of double-wide manufactured homes. Each space will have parking for at least 2 vehicles and will have at least 200 square feet available for an outdoor play area.

(4) Water is to be provided by Terrace Heights Water, and sewage disposal is to be provided by Terrace Heights Sewer. Primary access is to be by way of an unopened County right-of-way that connects the parcel to Wendt Road. A secondary, gated, emergency access is to be provided onto Roza Hill Drive. A 6-foot-tall view obscuring masonry block wall or fence is proposed around the perimeter of the park. The perimeter wall or fencing is expected to be either on the property line or up to the edge of easements that run along the property line or with permission of the grantee(s) over some of the easements. No landscaping is proposed along the exterior of the wall or fence, which requires an administrative adjustment, but that area will be maintained to the property line by the owner(s) of the park.

(5) A 2,200-square-foot to 3,000-square-foot clubhouse is proposed and the area around it will be for active recreational use. The clubhouse will have 21 parking spaces in front of it. There may be up to 3 employees for the park. The BPA easement area will also be used for active recreation. Other smaller open space areas with parking spaces are proposed around the park.

(6) The applicants are proposing to reduce the setback from the mineral resource overlay that covers the landfill to the north across Roza Hill Drive so that the setback is 25 feet from the edge of the right-of-way for Roza Hill Drive, which requires a resource setback reduction. Also proposed is a variance to reduce the required 18-foot setback for carports from the edge of the street down to a 10-foot setback from the edge of the street.

(7) The project is proposed to be completed in three phases. Phase 1 will develop spaces 1-10 and 115-141. The entire perimeter wall or fencing will be established as part of Phase 1. Utilities will be extended for Phase 1. Phase 2 will develop spaces 11-30 and 75-102, with infrastructure improvements for that phase and with recreational improvements including the clubhouse and associated parking. Phase 3 will develop the remaining spaces with the infrastructure improvements and recreational improvements for that phase.

**V. Notices.** Notices of the application and of the public hearing were provided in the following manners:

(1) After the application was submitted, an internal notice of project review was emailed to representatives of the Building and Fire Safety Division, the Code Enforcement Division, the Long Range Planning Section, the County Roads Department, the Utilities Division, the Water Resources Division, and the Yakima Health District. Comments are addressed in the findings below.

(2) After the application was determined to be complete, a combined Notice of Application, Notice of Completeness, Notice of Environmental Review and Notice of Future Hearing was mailed to adjoining property owners within 300 feet of the property and to agencies having jurisdiction or interest in the proposal on May 28, 2024, with the comment period ending on June 11, 2024. Written comments were received from two agencies and a neighboring property owner.

(3) The public hearing was set for August 15, 2024, and a Notice of Open Record Public Hearing and Preliminary Threshold Determination was mailed on June 28, 2024, with

the comment period ending July 12, 2024. A legal notice for the hearing and for the environmental review was also published on June 28, 2024. Comments were received from three additional agencies and three additional neighboring property owners. This resulted in a Request for Additional Information that was sent on July 19, 2024. The hearing was initially intended to be postponed, but it was later determined that processing would continue. A legal notice postponing the hearing had been sent to the newspaper and could not be cancelled prior to its publication on July 25, 2024. So another legal notice was published shortly thereafter on July 30, 2024, to indicate that the hearing was not postponed.

(4) A notice of the Final Threshold Determination with a Mitigated Determination of Non-Significance (MDNS)) was issued on July 30, 2024. An additional neighboring property owner provided comment in early August. When it was determined that the information requested of the applicants would not be submitted prior to the hearing, the hearing was rescheduled for August 29, 2024. A Notice of Rescheduled Hearing was mailed on August 13, 2024, with a legal notice published on August 15, 2024. Information in response to the Request for Additional Information was received on August 16, 2024.

(5) Per YCC Chapter 16B, the consolidated application was processed as follows:

CUP/LSP/SEP/ADJ/ESP Applications Submitted:	January 5, 2024
Notice of Incompleteness:	February 2, 2024
Requested Information Received:	March 15, 2024 & April 29, 2024
VAR Application Submitted:	April 29, 2024
CUP/LSP/SEP/ADJ/ESP Applications Determined Complete:	May 13, 2024
VAR Application Determined Complete:	May 24, 2024
Notice of Application/Completeness/ Environmental Review/Future Hearing:	May 28, 2024
Notice of Open Record Public Hearing/Preliminary Threshold Determination:	June 28, 2024
Publishing of Hearing and Environmental Review in the Yakima Herald-Republic:	June 29, 2024
Request for Additional Information:	July 19, 2024
Publishing of Postponed Hearing Notice:	July 25, 2024
Publishing of Reinstated Hearing Notice:	July 30, 2024
Notice of Final Threshold Determination:	July 30, 2024
Posting of Hearing Notice on the Property:	July 31, 2024
Notice of Rescheduled Hearing:	August 13, 2024

Posting of Rescheduled Hearing Notice on the Property:	August 14, 2024
Legal Notice of Rescheduled Hearing:	August 15, 2024
Requested Information Received:	August 16, 2024
Open record public hearing held:	August 29, 2024
Last of requested additional information received:	September 26, 2024

(6) Comments from two agencies and one neighboring property owner were received during the initial comment period and comments from three agencies and four neighboring property owners were received during the comment period for the Preliminary Threshold SEPA Determination. A later comment from an agency dated August 26, 2024, was presented by Julia Loudon at the hearing. The written comments may be summarized as follows:

(a) Department of Archaeology & Historic Preservation (DAHP): DAHP stated that their statewide predictive model indicated that there is a moderate to low probability of encountering cultural resources in the project area. An Inadvertent Discovery Plan (IDP) was requested to be prepared. Staff and Hearing Examiner Finding: *A copy of the comment email is attached to the staff report for further detail. The MDNS issued as a result of the SEPA review contained a mitigation measure requiring compliance with Yakima Regional Clean Air Agency requirements and a mitigation measure requiring the preparation of an Inadvertent Discovery Plan (IDP) relative to cultural resources. The applicants will need to ensure that on-site personnel are trained to follow the plan if cultural resources are discovered.*

(b) Yakima Regional Clean Air Agency (YRCAA): YRCAA commented that a Dust Control plan must be submitted to and approved by that agency prior to the start of any work. Staff and Hearing Examiner Finding: *A copy of the comment letter is attached to the staff report for further detail. The MDNS issued for the SEPA contained a mitigation measure requiring that a Dust Control Plan be submitted to YRCAA for review and approval prior to the start of work.*

(c) Neighboring Property Owner (Ringerig): The comment included concerns regarding the ability of the community to handle increased housing and population, which would come with increased traffic. The question was raised regarding the water and sewer line extensions and if neighboring properties would be required to connect to them. The goals of the Terrace Heights Neighborhood Plan were brought up relative to maintaining a rural atmosphere and limiting the number of homes per acre. The presence of wildlife on the property was also of concern. Staff and Hearing

Examiner Findings: A copy of the comment letter is attached to the staff report for further detail. These concerns are addressed as follows: (i) As part of the review process, agencies such as Fire District #4, the East Valley School District, and the Sheriff's Office were notified and had the opportunity to advise of any concerns they may have regarding this project. Since no comments were received from these agencies, there are likely no concerns with the proposal at this time regarding their ability to handle the increased population. (ii) Regarding an increase in traffic, the County Roads Department required the applicants to provide a Traffic Analysis Report with the application. This was reviewed and County Roads determined that all transportation elements of the surrounding public roadways meet or exceed the County's Transportation Concurrency Management System at this location. County Roads stated that the result of this development would have an insignificant impact on the surrounding roadways and that no offsite impact mitigation was required. (iii) Regarding the extension of Terrace Heights Water and Terrace Heights Sewer to the neighboring property, the short plats that created the neighboring parcels each were approved (in 1993, 2001, and 2004) with a condition requiring a sewer covenant to be signed because the lots were in the UGA at that time. The sewer covenants that were signed and recorded indicate that it is up to the timing of the sewer entity as to when properties need to connect to public sewer. Based on correspondence with the Yakima Health District (YHD) and with the Terrace Heights Sewer District, there is no requirement for residents to connect to the sewer main unless their septic system is failing and the sewer main is within 200 feet of their property line. As for Terrace Heights Water, per the Utility Division, they do not have a requirement for an existing home to connect to a water line (though a new home is typically required to connect if the home is built within 200 feet of a water line). (iv) Regarding the goals of the Terrace Heights Neighborhood Plan, the intent of the 1993 short plats that started the division of this area was to start with developing the perimeter lots, then selling the interior parcels to developers that could economically divide the property further. This subject parcel is still within the SR zoning district in the Urban Growth Area for the City of Yakima. The area is intended to be further developed consistent with the Horizon 2040 goals and policies. The Terrace Heights Neighborhood Plan, along with the West Valley Neighborhood Plan and the Yakima Urban Area Comprehensive Plan, were repealed with the adoption of Horizon 2040. However, urban goals and policies from the three plans that were determined relevant and necessary for the future development of the Yakima Urban Area were included in the

*urban lands goals and policies of Horizon 2040. The density proposed for this development is 5.24 dwelling units per acre which does not exceed the maximum of 7 dwelling units per acre that is allowed in the SR zoning district. The proposed development is consistent with the zoning district and with its Urban Residential Horizon 2040 designation. (v) Regarding wildlife, according to Yakima County Critical Areas mapping, this site is not within the mapped Upland Wildlife Habitat Areas. No comments were received from Washington State Dept. of Fish and Wildlife (WDFW) within the comment period before the SEPA MDNS Mitigating Conditions were issued and became final without any appeals.*

(d) Bonneville Power Administration (BPA): BPA commented that all activities that are planned in the right-of-way (ROW) must be approved by BPA prior to their occurrence. Activities that block maintenance crews or safety concerns must be addressed prior to construction. BPA also needs to review the location of the proposed roadways. BPA requested the following note be placed on the maps:

“The Bonneville Power Administration (BPA) imposes certain conditions on the portions of these lots encumbered by its high voltage transmission line Easement. BPA does not allow structures to be built within the Easement, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the Easement needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the Easement may be addressed to BPA Real Estate Field Services at (800) 282-3713.”

Staff and Hearing Examiner Finding: *A copy of the comment letter is attached to the staff report for further detail. The applicants will be required to obtain all necessary BPA reviews and approvals for the proposed fencing, roadways, and uses that will be within the BPA ROW. This approval must be obtained prior to ground disturbance of the first phase.*

(e) Washington State Department of Ecology (DOE): DOE commented on the stormwater discharge aspect of the proposal and recommended an NPDES Construction Stormwater General Permit. This type of permit requires a Stormwater Pollution Prevention Plan. Staff and Hearing Examiner Finding: *A copy of the comment email is attached to the staff report for further detail. According to comments from the County Water Resources Division, a stormwater site plan is*

*required prior to the issuance of grading or building permits. The applicants will be required to obtain all necessary permits from the DOE.*

(f) Roza Irrigation District: Roza Irrigation commented that the easement proposed on top of the existing pipeline running northeast/southwest through the property should be widened to 30 feet and indicated that the width of the easement running along the north property line is shown incorrectly. Staff and Hearing Examiner Finding: *A copy of the comment email is attached to the staff report for further detail. The applicants will be required to establish a 30-foot-wide easement over the northeast/southwest irrigation pipeline and verify the width of the irrigation easement along the north property line.*

(g) Washington State Department of Fish and Wildlife: The Washington State Department of Fish and Wildlife expressed a concern for impacts on any priority shrubsteppe habitat on this property regulated by the Yakima County code under Upland Wildlife Habitat Conservation Areas. Staff and Hearing Examiner Findings: *Staff testified at the hearing that this property is not located within a Yakima County Upland Wildlife Habitat Conservation Area. The SEPA MDNS Mitigation Measures became final for lack of an appeal prior to receipt of this comment.*

(h) Neighboring Property Owners (Carlson/Groo/Linneweh/Whittlesey): Comments in writing and testimony of other neighboring property owners were generally in support of the development provided it is maintained well. There were concerns regarding the well protection zone of their community well which is partly located on the subject property. These neighbors also had concerns as to whether they would be required to connect to Terrace Heights Water and Terrace Heights Sewer. Concerns were also expressed as to the amount and location of traffic generated by the development, the potential for pests including rattlesnakes to be driven to neighboring properties and the location of a masonry block wall directly on the property lines. Staff and Hearing Examiner Findings: *Copies of the comment letters are attached to the staff report for further detail. (i) Regarding the appearance of the park, Yakima County Code requires common areas and facilities, including streets, walkways, utilities, landscaping, storage areas, open space and recreational areas, to be continuously maintained in good condition by the park owner. This will be an ongoing condition of approval that will apply for the lifetime of the use. (ii) Regarding the well control zone, the applicants have proposed to have most of the well control zone that is located on the property be within one of the designated open*

space areas and the Yakima Health District confirmed that the perimeter wall or fence will not be considered a potential source of contamination within the well control zone. The Yakima Health District also confirmed that the activities which must be avoided in the well control zone can be described as set forth in the existing well control zone covenant of record which provides as follows:

"Any potential source of contamination, such as cesspools, sewers, privies, septic tanks, drain fields, manure piles, garbage of any kind or description, barns, chicken houses, rabbit hutches, pigpens, or other enclosures or structures for the keeping or maintenance of fowls or animals, or storage of liquid or dry chemicals, herbicides, or insecticides."

(iii) Regarding connection to Terrace Heights Sewer, there is no requirement for residents to connect to sewer unless their septic system is failing and the sewer main is within 200 feet of their property line. Regarding connection to Terrace Heights Water, there is no requirement for an existing home to connect to a water line (though a new home is typically required to connect if the home is built within 200 feet of a water line). (iv) Regarding the amount of traffic generated, County Roads stated that the development would have an insignificant impact on the surrounding roadways based on the submitted Traffic Analysis Report. As for having the main point of access be onto Wendt Road instead of onto Roza Hill Drive, County Roads stated that access is to be permitted off the road with the lowest federal function class and in the safest location possible. A lower classified road has less traffic traveling at lower speeds, which is safer for vehicles entering and leaving the road. Since Wendt Road is a lower class road, access for this development must be off Wendt Road. (v) Regarding the potential pest control concerns that were expressed, the County does not regulate potential pest control that may be needed as a result of development which makes it a private civil matter. However, the construction of the perimeter fence or wall around the manufactured home park in the first phase of development will reduce the current ability of pests to migrate from the subject property onto nearby properties. (vi) Regarding concerns about locating a masonry block wall directly on the property lines, which could potentially impact water or irrigation lines that are installed in easements running along the property lines, YCC 19.10.040(6)(d) requires the easement grantee or owner's written permission for any structure that will be on or in an easement. The applicants provided an updated site plan and information addressing this. A masonry block wall is now proposed in some portions of the perimeter. Other portions may instead be a different type of view obscuring

*fencing. They will be set back on the edge of easements instead of on the property line where it would be within an easement unless otherwise permitted by those benefited by the easements. The applicants will be required to submit an updated sitescreening and landscaping plan to show what the final proposed sitescreening will be and to provide written permission of those benefited by the easement if the wall or fence will be within an easement.*

**VI. Environmental Review.** This consolidated application is subject to review under SEPA because it is not considered exempt. YCC 16.04.100(1)(a) exempts the location of a maximum of 20 residential dwelling units within Urban Growth Areas. Since this proposal involves the placement of 141 manufactured homes, a SEPA review was required. A SEPA checklist was submitted in conjunction with this proposal under file SEP2024-00001. After consideration of the comments submitted within the comment period, the County SEPA Responsible Official issued a Final Mitigated Determination of Non-Significance (MDNS) on July 30, 2024, which contained the final requisite mitigation measures since the appeal period ended on August 13, 2024, without any appeals being filed.

**VII. Comprehensive Plan, Zoning and Land Uses.** The Comprehensive Plan, zoning and land use characteristics of the subject parcel and of the surrounding areas are as follows:

(1) The parcel is located within the Urban Residential designation of the Yakima County Comprehensive Plan (***Horizon 2040***). The intent of the Urban Residential land use category is to provide for a full range of urban housing types, from single and multi-family development to high density family housing. The following Goals and Policies apply to this proposal:

- (a) Goal LU-U 1: Encourage urban growth within designated urban growth areas.
- (b) Policy LU-U 1.5: Development should be located within designated urban growth areas in the following priority:

- (i) First in areas already characterized by urban growth that have existing public facilities and service capacities to serve such development;
- (ii) Second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources; and
- (iii) Third in the remaining portions of the urban growth areas.

(c) Policy LU-U 1.7: Infill development, higher density zoning and small lot sizes should be encouraged where services have already been provided and sufficient capacity exists.

(d) Goal LU-U 2: Provide for an orderly, phased transition from rural to urban uses within the Urban Growth Area.

(e) Policy LU-U 2.6: Encourage full urban standards for developments within the Urban Growth Area, meeting the County's minimum urban standards or the respective city's standards, whichever is preferred. Improvements must be installed in accordance with approved plans.

(f) Goal LU-U 6: Encourage development of neighborhoods which support a high quality of life.

(g) Policy LU-U 6.1: Promote density incentives and bonuses to reward projects which:

- (i) treat environmental features sensitively;
- (ii) include parks, other public or private open space, and interconnected pathways;
- (iii) are designed to promote security and safety within a neighborhood and community context; and
- (iv) utilize other design features to enhance the quality of life for residents and the larger neighborhood.

(h) Goal YKLU-U 1: Provide for a broad distribution of housing in Yakima that meets the affordability and neighborhood design needs of the public.

(i) Policy YKLU-U 1.2: Development shall be located along arterials or collector streets with appropriate access management.

*(j) Staff and Hearing Examiner Findings:* (i) The proposed development is within the UGA for the City of Yakima in an area where public water, public sewer and public roads are available. (ii) The proposed project will transform the property into an urban development that is within the allowed urban density and is connected to urban services. The project will be conditioned to meet applicable urban standards. (iii) The manufactured home park has proposed open space areas and interconnected pathways, as well as sidewalks along the roadways. This allows for the space sizes to be reduced to 4,800 square feet. (iv) The park is proposed to have 141 double-wide manufactured homes of various lengths and widths. The proposed density is 5.24 dwelling units per acre. This will provide more housing options for the residents of Yakima County. As proposed, the park will be adjacent to Roza Hill Drive, an Urban Major Collector roadway. It will not, however, directly access that roadway. Access will instead be through the unopened County right-of-way that connects the parcel to Wendt Road. Wendt Road is an Urban Local Access roadway, which is intended to filter traffic onto higher classified roads like Roza Hill Drive.

(2) The parcel is located within the Suburban Residential (SR) zoning district. The SR zoning district is intended to, in part, “provide areas for transitional uses as urban development expands, with a mixture of land uses and residential densities including small farms, scattered low-density residential development and clusters of higher-density residential development” (YCC 19.12.010(1)(b)). The SR zoning district, along with the Single-Family Residential (R-1) zoning district, are intended to, in part, locate low-density residential development, up to seven dwelling units per acre, in areas that are served by public water and sewer systems (YCC 19.12.010(1)(a)). Since the density of the proposal will be 5.24 dwelling units per acre it will be within the number of dwelling units per acre allowed in this zoning district in this area which is served by public water and sewer systems.

(3) The parcels on the north side of Roza Hill Drive are within the Rural-10/5 (R-10/5) zoning district and range in size from 9.55 to 220.23 acres. Most of the parcels to the north are owned by the Yakima County Public Services Department and are used for the Terrace Heights Landfill. To the west is a 78.22-acre parcel that is also within the SR zoning district. It is currently vacant and is owned by the East Valley School District. Further west in the SR zoning district are residential developments such as a manufactured home park and subdivisions with lots around 7,800 to 10,500 square feet in size. Lots to the south are also zoned SR and range in size from 0.92 to 7.51 acres. These lots are rural residential in use.

The lots directly east are also zoned SR and range in size from 0.79 to 1.14 acres. These contain residential uses. Further east, on the other side of Wendt Road, the lots are zoned Rural 10/5 (R-10/5) and range in size from 2.00 to 10.96 acres.

**VIII. Review Criteria for Type 3 Uses (YCC 19.30.080(7))** YCC 19.30.080(7)

prescribes the minimum review criteria for consideration of Type 3 Conditional Uses. The requisite written findings and conclusions which state specific reasons upon which this Decision is based are similar to Planning Division's findings, conclusions and reasons which may be summarized as follows:

**(1) The present and future needs of the community will be adequately served by the proposed development and the community as a whole will be benefited rather than injured.** So long as the proposed manufactured home park satisfies the YCC Title 19 standards and required conditions, it would benefit the community as a whole by providing additional housing options.

**(2) The proposed use is compatible with neighborhood land uses, the goals, objectives and policies of the Comprehensive Plan, and the legislative intent of the zoning district.** The proposed manufactured home park would be compatible with neighborhood land uses so long as it complies with required conditions that address concerns expressed by adjacent property owners who did not oppose the proposed development. As noted above in Section VII, the proposed manufactured home park is compatible with Goals and Policies of the Comprehensive Plan and the legislative intent of the Suburban Residential (SR) zoning district.

**(3) The site of the proposed use is adequate in size and shape to accommodate the proposed use.** The parcel is 26.91 acres in size and fairly rectangular in shape. The site plan shows that this parcel is adequate in size and shape to accommodate the proposed 141 manufactured home spaces along with open spaces, roadways and parking.

**(4) The proposed use will comply with all setbacks, spaces, walls and fences, parking, loading, sitescreening, landscaping and other features required by this Title.** As conditioned, the proposed manufactured home park will comply will all of these features required by YCC Title 19 as specifically detailed below in Section IX of this decision.

**(5) The proposed use complies with other development and performance standards of the zoning district and this Title.** The proposed manufactured home park will comply with the other development and performance standards of the Suburban Residential zoning district and YCC Title 19 for the reasons set forth below in Section IX of this decision.

**(6) The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.** The applicants are proposing to have the park access onto Wendt Road using a 60-foot-wide public road right-of-way that is not currently developed. Roza Hill Drive runs along the entire north property line, but only a gated emergency access is proposed onto that roadway. County Roads provided the following comments:

(a) Based on the engineering analysis, all transportation elements of the surrounding public roadways meet or exceed the County's Transportation Concurrency Management System requiring a LOS C or better at this location. The result of this development will have an insignificant impact on the surrounding roadways. No offsite impact mitigation is required.

(b) Roza Hill Drive is on the 6-year Transportation Improvement Program (TIP) to be improved to a 3-lane road (center turn lane) with curb, gutter, sidewalks and streetlights from the vicinity of South 58th Street to Wendt Road. Yakima County Roads placed the condition that the developer make frontage improvements to Roza Hill Drive or make a financial contribution in lieu thereof. To that end, the developer will be making a financial contribution to off-set the proportional cost of reconstruction of Roza Hill Drive. When completed, this project will support increased traffic not only for this development, but future development as well.

Since the Yakima County Roads Department is not requiring the access to Wendt Road to become public, the applicants will be required to improve the road to private road standards. Private roads are required to be engineered to meet American Association of State Highway and Transportation Officials (AASHTO) standards. Based on this and the above County Roads comments, the roadways will become adequate to carry the traffic generated by the proposed use.

**(7) The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof.** Type 3 uses are generally not appropriate for the applicable zoning district, but they can be conditioned so as minimize potential adverse effects. This

recommendation is a review of potential impacts on neighboring properties. As part of the Type 3 Conditional Use Permit process, neighboring property owners within 300 feet of the subject property were notified of the project, as were various agencies. The comments have been addressed above and conditions will be required to ensure that development standards are met in order to aid in ensuring compatibility. The Yakima County SEPA Responsible Official considered the SEPA Checklist and all written comments submitted within the comment period and determined that the proposal would not have any likely significant adverse impact on the environment so long as the enumerated Mitigation Measures are required. Provided that all of the conditions of the SEPA MDNS and this decision are met, the proposal is not expected to have a substantial adverse effect on abutting properties.

**(8) In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the Comprehensive Plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties.** As detailed in Section VII above, the proposed development is consistent with the SR zoning district densities and with Horizon 2040 goals and policies. Provided all of the conditions of this decision are met, the proposed manufactured home park will be consistent with the public health, safety, and general welfare for the development and for adjacent properties.

**(9) The development complies with all criteria in Chapter 19.18 applicable to the proposed use, unless otherwise administratively adjusted.** The following Section IX of this decision addresses the standards and criteria for development of manufactured home parks set forth in YCC 19.18.280:

## **IX. Standards and Review Criteria for Manufactured/Mobile Home Parks (YCC**

**19.18.280).** The standards and review criteria for Manufactured Home Parks relate to the proposal in the following ways:

**(1) Generally:** YCC 19.18.280 establishes “standards and criteria for development and expansion of mobile/manufactured home parks within Yakima County. These standards are provided to ensure uniform, coordinated development of mobile/manufactured home parks and to ensure the general health, welfare and safety of the occupants of mobile/manufactured homes that may be located within a park developed under these standards” (YCC 19.18.280(1)). All mobile/manufactured home parks shall be developed in

compliance with the underlying zoning district and shall comply with YCC 19.18.280. The density of a park shall not exceed the density of the underlying zoning district. All required site improvements shall be installed prior to placement of units in the park. Additional site improvements may be required by the Reviewing Official.

(2) Minimum Space Size and Width. The minimum space size and width for a mobile/manufactured home park exclusive of streets shall meet the lot size, lot width and all other standards for detached single-family dwellings, as indicated in Chapters 19.11 through 19.13 of this Title, as if the spaces were lots. Space size may be reduced with the provision of improvements in accordance with the following: (i) *Provision of Recreational Areas:* Space size requirements of the underlying district may be reduced by a maximum of ten percent with the provision of a developed recreational area for use by the residents. The area shall be suitable for active recreation and shall consist of a minimum of ten percent of the park area and shall be exclusive of the play area requirement under YCC 19.18.280(4)(m)(i); (ii) *Provision of Sidewalks:* Space size requirements of the underlying district may be reduced by a maximum of ten percent with the provision of sidewalks a minimum of four feet in width, serving at least one side of each street and all recreational areas with access to the street providing access to the development; (iii) *Provision of Curbs, Gutters and Sidewalks:* Space size requirements of the underlying district may be reduced by a maximum of ten percent with the provision of curbs, gutters and sidewalks on both sides of the street. (iv) *Cumulative Space Size Reduction:* Space size may be reduced up to 20% with the provision of any combination of items in YCC 19.18.280(3)(a)(i), (a)(ii) and (a)(iii). Staff and Hearing Examiner Findings: Per YCC Table 19.12.010-1, the maximum density is 7 dwellings units per acre. The applicants are proposing 141 dwelling units in a 26.9-acre site, or 5.24 dwelling units per acre, which does not exceed the maximum allowed density of the SR zoning district. The minimum lot width for this zone is 50feet. YCC 19.01.070(12) defines lot width as:

*“‘Lot width’ means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines, provided that the length of the line constituting the rear line of the required front yard shall never be less than fifty feet.”*

*According to the site plan, no space will be less than 50 feet in width. According to YCC Table 19.12.010-1, the minimum lot size for detached single-family dwellings in the SR zoning district is 7,000 square feet. Note 3 of that table allows for minimum lot area to be reduced to 6,000 sf if it is allowed by the respective city’s single-family residential zone (where open space or park areas have been reserved). This property is within the UGA for*

*the City of Yakima. Per Table 5-2 of the City of Yakima's Title 15, the minimum lot size in the Single-Family Residential (R-1) zoning district for detached single-family dwellings is 6,000 square feet. This allows for a minimum space size of 6,000 square feet in the manufactured home park. The applicants have proposed to reduce the 6,000-square-foot minimum space size by up to 20%. According to the application, 3.5 acres of usable open space are proposed in the park, which is 13% of the site. Of that, 2.9 acres is proposed for active recreation, which is 10.8% of the site and meets the 10% space reduction allowed under YCC 19.18.280(3)(a)(i). As for the next space reduction request, the roadways are proposed to be 35 feet in width and will include a 4-foot-wide sidewalk on one side. This allows for another 10% space reduction. As proposed, the applicants are allowed space sizes of at least 4,800 square feet. The applicants will be required to ensure that two of the provisions under YCC 19.18.280(3)(a) are met to allow for a 20% space reduction.*

**(3) Street Connectivity:** If determined by the County Engineer that the internal street design for the proposed mobile/manufactured home park would restrict or eliminate future county road connections, he/she may require that the park's proposed internal streets be designed and constructed to allow for future street connectivity under the connectivity requirements of Chapter 19.23. **Staff and Hearing Examiner Findings:** *County Roads provided the following comment regarding connectivity:*

*Yakima County Roads has no planned projects for which the underlying property would be necessary for the construction of a public roadway. It is not in Horizon 2040 and not on the 6-year TIP. When there are no planned projects, the connectivity provision on 19.23 allows for the reservation of property for a future public roadway at the Sections line, the half section line, or at logical road connections with other existing roads. There is no logical connection here that would be beneficial long term to the general public. The property to the West is owned by the East Valley School District (EVSD). At such time EVSD expands to this site, a north south connection will likely be made from Roza to Bittner and likely walking paths to the school from the neighborhoods further west. For school security and safety the joint property line to the Santiago development site would likely be fenced/closed off for general site access.*

*Based on the comments received from County Roads, there is no requirement to design and construct the internal streets to allow for future street connectivity.*

**(4) Internal Street Paving:** A minimum of 24 feet of paved internal street shall be required for access to each unit, paved under Chapter 19.23. **Staff and Hearing Examiner**

Findings: Since County Roads has determined that the internal roadway system will not be public, the applicants will be required to ensure that the roadways are built to the private road standards of YCC 19.23.050 and that a minimum of 24 feet of paved internal street accesses each unit. Roadways for each phase must be improved to these standards prior to the finalization of each phase.

(5) Off-Street Parking: Two paved off-street parking spaces shall be provided for each unit under this Title and Chapter 19.22. Garages or carports, if provided shall be setback a minimum of 18 feet from the edge of the street or back of structure, sidewalks or pedestrian walkways. Staff and Hearing Examiner Findings: According to the site plan, each space will have room for at least 2 parking spaces. Many will be tandem, as allowed under YCC 19.22.050(5), with some side by side. The applicants have proposed to have carports associated with a manufactured home in this development be set back 10 feet from the access. This would allow a carport to be in line with the manufactured home. A variance application has been submitted for this aspect of the proposal and is addressed below in Section XII of this decision.

(6) Street Lighting: A streetlight shall be provided at each street intersection within the park. Staff and Hearing Examiner Finding: The applicants shall ensure that a streetlight is provided at each street intersection within the park prior to the finalization of each phase.

(7) Right-of-Way Dedication and Frontage Improvements: Appropriate provisions for right-of-way dedication and right-of-way improvements adjacent to the park shall be made, including street paving, sidewalks, curbs, gutters, and street lighting. Improvements shall be installed prior to placement of units in the park, unless an appropriate bond or instrument acceptable to the County is provided to guarantee installation of improvements. All other development standards of this Title or regulations adopted by County, City or State, when applicable, (e.g. Chapter 19.23) shall be met, except when installation of permanent improvements would likely result in unnecessary future public cost; in which case the developer may be required to place a proportional share of funds in escrow to be applied to the future improvements. Staff and Hearing Examiner Findings: As discussed above in Subsection VIII(6)(b) of this decision, Roza Hill Drive is on the 6-year TIP to be improved to a 3-lane road with curb, gutter, sidewalks and streetlights from around South 58<sup>th</sup> Street to Wendt Road. County Roads required that the developer either make frontage improvements to Roza Hill Drive or instead make a financial contribution in lieu thereof, as allowed under YCC 19.23.040(2)(b). The developer proposed to make a financial contribution to offset the proportional cost of reconstruction of Roza Hill Drive. Since the proposed contribution was

*accepted by County Roads, right-of-way dedication and frontage improvements are not required for Roza Hill Drive at this time. Internal access and the access to Wendt Road will be conditioned to be improved to meet the standards of YCC 19.23.050. County Roads provided the following comment relative to that access:*

*The applicants will need to obtain a right-of-way use permit required at the time of construction within the Yakima County Road right-of-way. The permit application shall include engineered plans for a portion of the private road being constructed in Yakima County Road right-of-way, site specific temporary traffic control plans, and dates of work being done. No construction may be done in the Yakima County Road ROW that would present an undue hazard to roadway users.*

*The applicants will be required to obtain all necessary approvals from County Roads for the work to be done on the access to Wendt Road. When built, the access to Wendt Road cannot block the well access easement running south from the unopened right-of-way on the east side of the east property line to the community well on parcel 191323-11406.*

**(8) Street Signs and Internal Directional Signs:** All streets within the park shall be named utilizing street signs consistent with Yakima County standards. Internal directional signs indicating unit/space numbers shall be placed on all street intersections within the park. Staff and Hearing Examiner Findings: *The applicants shall ensure that each phase of the project meets this standard. County Roads provided the following comment regarding street naming and addressing:*

*(a) Initial Application Comments: The applicants will need to submit an application for road naming and show the approved name on the face of the final binding site plan prior to recording. Street names addressing are to meet the requirements of Yakima County Ordinance 4-2007 and Yakima County Code 13.26. Addressing on this site will end up being the approved road name and the lot number will be the unit number. Note: USPS does not typically deliver mail on private roads. The installation of a community mailbox near the entrance of the development may be necessary.*

*(b) Re-Review Comments: Conditions: Per YCC Title 13 and the Yakima County Road Address ordinance the applicants shall obtain a parcel address prior to the issuance of any building permit for habitable, business or utility structures. Notes: Parcel required to be addressed based on primary access location. Individual spaces will not undergo any addressing through Yakima County space numbers/unit identifiers as shown on the BSP to be used for mail delivery. Yakima County has no authority or oversight regarding mail delivery. The landowner/developer shall*

*correspond/communicate with the local USPS mail carrier and provide an approved USPS community mailbox. Typically, USPS will not provide individual mail delivery for private roads/streets.*

*(c) The applicants will be required to obtain all necessary permits for the street names from County Roads.*

(9) Utilities: All utilities, including irrigation and domestic water and sewer, shall be installed prior to placement of units in the park. All utilities, including electrical distribution, telephone, and cable TV, shall be installed underground. The internal water system shall include fire hydrants located at the direction of the Fire Marshal. Staff and Hearing Examiner Findings: *The Fire Marshal provided the following comment regarding fire hydrants:*

*Fire Hydrants are required. The average spacing between hydrants on a road that is not a dead end is 500 feet or as required by the water purveyor, whichever is more restrictive. IFC Table C102.1 & C103 Note: If the fire hydrants are not part of the public water system, they must be inspected, tested, maintained on an annual basis and meet the requirements of NFPA 25.*

*The applicants shall ensure that each phase of the project is an independent unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire binding site plan.*

(10) Minimum Unit Separation: Units shall be separated by a minimum of 10 feet, measured from the furthest extremity of each unit including stairways. Staff and Hearing Examiner Finding: *The applicants will be required to ensure that all units are separated by a minimum of 10 feet measured from the furthest extremity of each unit.*

(11) Perimeter Site-Screening and Landscaping: The perimeter of a park shall be site-screened with a Standard C Visual Screen under Chapter 19.21 or a six-foot-high, decorative fence in combination with a minimum a ten-foot-wide landscape strip adjacent to the street side of the fence and within the park consisting of a combination of shrubs, trees and groundcover. The Reviewing Official may require a higher screening standard as needed to resolve land-use compatibility questions or issues of record. Trees shall be planted no more than thirty feet apart. Staff and Hearing Examiner Findings: *The applicants have proposed to install a Standard C Visual Screen as described under YCC 19.21. Per YCC 19.21.030(2)(a)(iii), Standard C shall consist of at least one of the alternatives below as proposed by the applicants: (i) C-1: A minimum six-foot high, site obscuring fence made of wood, masonry block, concrete or vinyl material. Fencing shall be of uniform aesthetic*

appearance on both sides; (ii) C-2: A planting strip to provide a continuous screen at least six feet high within three years of project completion that will ensure privacy and screen views such as, but not limited to, area lighting, headlights, traffic, and service areas; or (iii) C-3: A planting strip of trees that will be selected and spaced to provide a continuous canopy of touching branches that will grow to at least ten feet high within ten years of project completion. The applicants have proposed to establish a 6-foot-tall site obscuring wall or fence around the entire manufactured home park, which is in accordance with YCC 19.21. Portions of the perimeter fence will consist of a masonry block wall directly on the property line. Other portions of the fence are yet to be determined but are proposed to be a type of Standard C. This is due to the irrigation and utility easements located along those property lines. In those areas, the fencing may be on the property line, or it may be up to the edge of an easement, or with written permission of the parties benefited by an easement it may be on the easement. YCC Chapter 19.21 includes other planting requirements, such as a planting strip along street frontage. The applicants have proposed to adjust some of the standards of YCC 19.21, as allowed under YCC 19.35.020(3)(a)(iv). The administrative adjustment criteria have been addressed under Section XI of this decision. The applicants will be required to submit a final sitescreening and landscaping plan depicting the location, height, size and type of all fencing and parking landscaping.

(12) Stormwater Drainage: All stormwater drainage shall be retained on site, and a drainage plan shall be approved by the County. Staff and Hearing Examiner Findings: The stormwater drainage conditions for this particular proposal shall include the following in accordance with additional information received from the Water Resources Division:

*Ongoing Conditions: (i) stormwater must be retained on site and the function of any natural drainageways must not be altered or impeded without a drainage easement and approval by Yakima County. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250. A Stormwater Plan is required to be submitted to the Yakima County Public Services Division in accordance with criteria found at YCC 12.10.240, 12.10.250 and 12.10.260. Approval of the Stormwater Plan by Yakima County Public Services is required prior to issuance of building permits and/or land disturbance. The Stormwater Plan is required to include an Operation and Maintenance plan and ongoing inspection requirements for any permanent Stormwater facilities in accordance with criteria found at YCC 12.10.330 and 12.10.340. A Washington State Department of Ecology Industrial Stormwater Permit and Construction Stormwater Permit may be required. A Stormwater Pollution Prevention Plan (SWPPP) for construction is required for*

*more than one acre of disturbed ground. An Erosivity Waiver in lieu of a construction SWPPP may satisfy this requirement for those qualifying projects. Required Plat note A - Natural Resources Conservation Service soils data, as depicted on the Web Soil Survey site, indicates the parcel has shallow depth to groundwater, shallow depth to hardpan, and/or poorly draining soils that may make compliance with requirements to retain runoff on site difficult or limiting, depending on the amount and type of current and future site development and available engineering solutions. Required Plat note B - Yakima County GIS contour information indicates the presence of drainageways on the parcel that may limit the amount and location of future development.*

*The applicants will be required to retain all surface water runoff on-site and comply with the requirements of YCC 12.10.050. The function of any natural drainageways must not be altered or impeded without a drainage easement and approval by Yakima County. The applicants will be required to complete a stormwater plan, SWPPP, and DOE permit in accordance with Water Resources comments. The stormwater plan must be approved by the Yakima County Water Resources Division prior to any land disturbing activities or permit issuance. The above Plat notes must be placed on the face of the binding site plan. For questions regarding stormwater information, contact the Water Resources Division at (509)574-2300.*

(13) Dumpsters/Solid Waste Containers: Dumpsters and solid waste containers shall be provided for common use. Staff and Hearing Examiner Findings: *The applicants are proposing to provide individual personal garbage containers at each residence and to not use dumpsters. The individual containers will be stored in a location not in view of the street, such as the carport or behind the manufactured home. These containers are proposed to be brought out to the street only for collection. It has been determined that this is acceptable for the project.*

(14) Play Area Requirements: (i) Each unit shall provide a play area for children contained within the unit's space, consisting of a minimum size of 600 square feet and a minimum width of 15 feet; or (ii) For developments that provide a common recreational area of a minimum of 400 square feet per unit, each space shall provide a minimum of 200 square feet of outdoor living area per unit. Staff and Hearing Examiner Findings: *As currently proposed, the manufactured home park will have about 153,694 square feet of usable open space and the site plan shows that there is at least 200 square feet of open space available for each unit for an outdoor living area. The applicants will be required to meet the*

standards of YCC 19.18.280(3)(m). In accordance with YCC 19.18.280(4), the applicants will also be required to ensure that all common areas and facilities, including streets, walkways, utilities, landscaping, storage areas, open space and recreational areas, are continuously maintained in good condition by the park owner or designated homeowner's association. An irrigation system shall be installed for maintenance of landscaping and recreational/open space areas that would normally require irrigation.

(15) Binding site plan (BSP) Requirements: YCC 19.30.074(2) and YCC 19.34.081 and .082 require that a binding site plan for the manufactured home park be submitted. Staff and Hearing Examiner Findings: According to YCC 19.30.074(2), a final binding site plan (BSP) meeting the requirements outlined in YCC 19.34.081 must be prepared by a licensed land surveyor and be submitted for review with the required fees. YCC 19.34.081, however, is for campgrounds and RV parks. The applicable portions of YCC 19.34.081 will be required, along with the requirements of YCC 19.34.082 which is specific to manufactured home parks. The applicants will be required to prepare a final BSP meeting the requirements of YCC 19.34.082(4)(a) for each phase. When ready to finalize a phase, a BSP must be submitted to the Yakima County Planning Division for review and filing with the County Auditor. Per YCC 19.34.082(4)(d), building permits for the manufactured homes of a certain phase shall not be issued until after the final BSP for that phase has been recorded with the County Auditor. Based on comments from the Roads Department, the applicants will be required to show all previous road grants, deeds, and right-of-way on the face of the BSP.

**X. Applicable General Development Regulations (YCC 19.10.040).** Development standards and requirements that apply to the proposed manufactured home park include the following:

(1) Conformity with All Regulations Required (YCC 19.10.040(1)): "Any development, structure, or part shall conform to all of the regulations specified in this Title for the situation and zoning district in which they are located in order to be authorized, erected, constructed, reconstructed, moved or structurally altered." Staff and Hearing Examiner Finding: The proposal will conform to all the applicable regulations of Title 19 and the Suburban Residential (SR) zoning district so long as the conditions of this decision are met.

(2) 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.” Staff and Hearing Examiner Finding: *As proposed, the manufactured home park will meet the space and yard standards of the SR zoning district with such reductions as are permitted for manufactured home parks under the circumstances.*

(3) 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 shall be required prior to final approval of any permit granted under this Title.” Staff and Hearing Examiner Findings: *The applicants are proposing to utilize the existing 60-foot-wide right-of-way shown on SPM 94-102 and SPM 7294242 that connects the subject parcel to Wendt Road. Based on the comments provided, County Roads is not requiring a Road Approach Permit at this time.*

(4) 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: *Table 19.14-1 lists the proposed manufactured home park as a Type 3 use in the SR zoning district. The criteria for approval are addressed in Section VIII above. Consolidated with that review pursuant to the Optional Consolidated Review Process of YCC 16B.03.060 are the Type 2 binding site plan review required for manufactured home parks by YCC 19.18.280 and YCC Chapter 19.34; the Type 2 review required for an administrative adjustment of the standard for landscaping on the outside of the sitescreening wall or fence set forth in YCC 19.35.030(2)(b) and (c); the Type 1 review which allows a reduction of the resource setback because it meets one of the exceptions in YCC 19.35.020(6)(d) and the Type 3 review required for a variance of the front setback of the carports for the manufactured homes set forth in YCC 19.18.280(3)(d).*

(5) 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.” Staff and Hearing Examiner Findings: *The Building and Fire Safety Division provided the following comments:*

*(a) Based upon the information submitted, all new construction such as the clubhouse, patio covers and attached or detached garages require building permits. All construction is required to comply with all applicable provisions of the current adopted International Building Codes with Washington State Amendments and Washington State Energy Codes at time of building permit submittal. In addition, all manufactured homes will require manufactured home placement permits. Manufactured homes are to be placed per manufacturer's placement requirements and NFPA 225, Model Manufactured Home Installation Standard. Building permits and Building Codes are based upon the buildings use and construction type. A complete building code compliance plan review will be performed when construction drawings are submitted for building permits.*

*(b) Based on the project proposal, Building & Fire Safety Permits will be required for the proposed clubhouse. Placement permits will be required for all future manufactured homes and carports on the property. Any ground disturbance over 100 cubic yards will require a Grading & Excavation permit for the site prep to be conducted on this parcel to prepare the manufactured home sites. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at (509) 574-2300*

*(c) Based on the proposed variance, there is no issue with the reduction to the setback. Building permits are required for the carports and placement permits are required for the manufactured homes. Additional information obtained from the Building Division indicated that currently the Codes do not allow carports to be attached to manufactured homes and require them to be freestanding structures unless an alteration permit is first obtained from the Department of Labor & Industries before applying for a building permit and that the L & I permit must be submitted along with the building permit application*

*(d) Based on the information submitted, all new construction and modifications to existing structures require fire permits. All construction or change of use is required to comply with all applicable provisions of the currently adopted International Fire Codes with Washington State Amendments and the currently adopted Yakima County Ordinances. Fire Permits and Fire Codes are based on the building's use and construction type.*

*(e) In order to maintain the minimum unobstructed road width, the following shall be required: (i) Roads greater than 28 feet wide but less than 36 feet wide are*

*allowed parking on one side of the road and (ii) “No Parking” signs are required per YCC 503.3 and 503.4 in the locations required by Yakima County.*

*(f) Security gates must be approved by the Fire Marshal and must comply with ASTM F2200 and UL 325. YCC 503.6. A means of operating the gate to allow access by emergency responders must be provided. If a key box is proposed, it can be obtained through the local fire district.*

*(g) Bridges must meet AASHTO HB-17 and the minimum 20-foot road width per YCC 50.2.6 & 503.2.1.*

*(h) Required water supply for fire protection: Fire flow is required – the minimum required fire flow is 1,000 gallons per minute for 1 hour. IFC Table B105.1(1). The system must be able to support the required fire flow for any structures that are built or brought onto the site.*

*(i) Fire Hydrants are required. The average spacing between hydrants on a road that is not a dead end is 500 feet or as required by the water purveyor, whichever is more restrictive (IFC Table C102.1 & C103). Note: If the fire hydrants are not part of the public water system, they must be inspected, tested, and maintained on an annual basis and meet the requirements of NFPA 25.*

*The applicants will be required to obtain all necessary permits from the Building and Fire Safety Division for the proposed manufactured home park, which includes groundwork, fencing, a clubhouse, and future manufactured homes that may or may not have a carport.*

**(6) Setbacks, Easements and Right-of-Way (YCC 19.10.040(6) & 19.30.080(7)(d)):**

Table 19.12.010-2 lists the standard minimum setbacks of buildings or other structures in the SR zoning district. Designated classified roads like Urban Major Collectors require a twenty-five (25) foot setback from the planned edge of right-of-way (ROW) for structures. Private shared driveways or alleys require a 10' setback from the edge of the easement, when in front. When on the side, private shared driveways or alleys require a 5' setback from the edge of the easement. Interior side property lines require a 5' setback for primary structures. Rear property lines require a 15' setback. A manufactured home is considered an especially sensitive land use (ESLU), therefore an ESLU setback of 500' from the Mineral Resource Overlay is also required. Staff and Hearing Examiner Findings: Findings relative to these requirements are as follows:

*(a) As noted under YCC 19.18.280(3)(a), the spaces for a manufactured home park are to meet the requirements for single-family dwellings in the SR zoning district as if the spaces were lots except for reductions to size and setbacks as may be allowed by applicable provisions or adjustments due to the characteristics of this develop-*

ment. During application review, it was determined that the internal accessway is to be treated as a private shared driveway. The applicants will be required to ensure that the proposed structures meet the setbacks of the underlying SR zoning district except for adjustments of said standards that may be permitted under the applicable criteria.

(b) Since the manufactured homes on the north side of the property will not meet the requisite 500-foot resource setback from the landfill properties north of Roza Hill Drive, an especially sensitive land use (ESLU) setback reduction is required. YCC 19.35.020(6)(d)(iv) states that the setback can be reduced if the setback "would cause the proposed ESLU to be located further from adjacent existing ESLUs ... " The width of a road right-of-way can be counted towards the setback requirement. Based on the existing amount of right-of-way of Roza Hill Drive, the existing ESLU which is a home on neighboring property is 95 feet from the landfill property. The applicants have proposed to be the same distance, which is in accordance with YCC 19.35.020(6)(d)(iv). This will put manufactured homes along the north property line in line with the required 25-foot setback from Roza Hill Drive.

The applicants will be required as a condition of this ESLU setback reduction approval to sign a covenant stating that they are aware that, with the reduced setback, they will be subject to increased levels of noise, dust, smoke, odors, spray drift and other undesirable effects resulting from normal practices and activities.

(7) Vision Clearance Triangles at Intersections and at Driveways (YCC 19.10.040(7)(a)): "All corner lots at controlled or uncontrolled public or private street intersections or railroads shall maintain for safety vision purposes a triangular area; one angle of the triangle shall be formed by the planned right-of-way edges adjacent to the street or railroad, under the planned right-of-way width required for the functional classification of the road, listed in Chapter 19.23. The sides of such triangle forming the corner angle shall be 30 feet in length measured along the sides of the aforementioned angle, as illustrated below. The third side of the triangle shall be a straight line connecting the last two mentioned points. Within the area comprising the triangle nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of two and one-half and ten feet above the centerline grades of intersecting streets and/or railroads. ..." Staff and Hearing Examiner Findings: According to SPM 7294242, vision clearance triangles were established for the 60-foot-wide unopened County right-of-way that connects to Wendt Road. The applicants will be required to ensure that these areas are maintained in accordance with YCC 19.10.040(7).

(8) Maximum Lot Coverage and Building Height (YCC 19.10.040(8)(a) & Table 19.12.010-2): Building height is considered to be the vertical distance from grade plane to the average height of the highest roof surface. The maximum building height is intended to maintain building and structure heights that are compatible with the character and intent of the zoning district. Lot coverage is the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces. According to Table 19.12.010-2, the maximum building height is 35' and the maximum lot coverage is 60% (due to the proposed open space areas). Staff and Hearing Examiner Findings: *According to the application materials, the maximum building height will not be exceeded and the maximum lot coverage for each space will not be exceeded.*

(9) 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." The height of a fence includes the fence and all attachments, including posts and barbed wire at the top but excluding ornaments 12 inches or less in height. In the SR zoning district, the maximum fence height is 4' when within the front setback area and 6' behind the front setback area. Staff and Hearing Examiner Findings: *The Findings relative to fences or walls are as follows:*

*(a) According to the application, a 6-foot-high view-obscuring fence or wall is proposed around the park. This fence or wall is considered part of the sitescreening requirements which are addressed above in Subsection IX(11) of this decision.*

*(b) According to the short plat maps for previous subdivisions of this parcel, there are several easements running along the edges of the parcel. Some are for utilities and some are for irrigation facilities. YCC 19.10.040(6)(d) requires that the applicants shall provide the written permission of the grantee(s) or owner(s) of any easement with the primary permit application for any structure proposed to be built or located on or in an easement other than an access easement. The applicants will be required to provide all easement grantees' or owners' written permission for any portion of the view-obscuring fence or wall that is proposed to be built or located on or in an easement. The Yakima Health District, although not the grantee or owner of the well protection easement, has indicated that that agency has no objection to the location of the perimeter fence or wall on that well control area.*

*(c) Per YCC 19.10.040(9)(a)(i), fences and walls may be placed on or behind a property line. YCC 19.10.040(6)(a)(vi) provides that gates on private property that*

*restrict vehicular access to a road other than an alley must be setback a minimum of 20 feet from the edge of the right-of-way where structural setbacks of less than 20 feet are otherwise allowed. The applicants will be required to ensure that the emergency access gate is located at least 20 feet from the edge of the right-of-way.*

(10) 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 YCC 19.10.040-3 and -4 of the Yakima County Code contain examples of exterior lighting sources and fixtures. Staff and Hearing Examiner Findings: *The applicants are proposing to install typical residential lighting and streetlights. The applicants shall ensure that any exterior lighting installed meets the requirements as outlined above and in YCC 19.10.040(10).*

(11) 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." Staff and Hearing Examiner Findings: *The Building Division provided the following comments:*

*Based on current FEMA mapping and GIS overlay, the entire parcel is outside the FEMA designated 100yr floodplain/floodway. Flood-resistive materials and construction methods are not required.*

*Based on the Yakima County Critical Areas maps, the subject property is not located within a floodplain. As such, a pre-application meeting was not required for this proposal.*

(12) Stormwater Requirements YCC 19.10.040(12)): Stormwater quality and quantity concerns for project permits can be addressed through YCC Chapter 12.10, the State Environmental Policy Act environmental review process, or through the requirements of the Washington Department of Ecology. This is to ensure public and private development projects comply with National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable. Staff and Hearing Examiner Findings: *The stormwater requirements are addressed above in Subsection IX(12) of this decision.*

(13) Signs (YCC Chapter 19.20): According to 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 include 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 Finding: *According to the application, no signs are proposed for this project at this time. Any signs installed in the future may require additional land use permitting.*

(14) Sitescreening and Landscaping (YCC Chapter 19.21): YCC 19.21.030(1) states “Any proposed new use, including any outdoor storage area, shall provide maintained landscape planting and sitescreening under this Chapter to accomplish the legislative intent stated in Section 19.21.010.” Staff and Hearing Examiner Findings: *Sitescreening and landscaping requirements are addressed above in Subsection IX(11) of this decision.*

(15) Parking and Loading (YCC Chapter 19.22): According to YCC 19.22.020, no off-street parking or loading spaces shall be placed, constructed, located, relocated or modified after adoption of this Title without first receiving a development permit from the Reviewing Official. All off-street parking and vehicle storage shall be in conformance with YCC 19.22. Parking standards applicable to this proposal are as follows:

(a) Timing: (YCC 19.22.030): “All parking and loading required by this Title shall be installed prior to occupancy or commencement of use. Where compliance with this requirement is not possible, the Reviewing Official may grant an appropriate delay under YCC Section 16B.07.050(2).” Staff and Hearing Examiner Finding: *The overflow parking proposed throughout the manufactured home park for each phase will be required to be in place prior to finalizing each phase.*

(b) Calculation of Parking Standards: (YCC 19.22.050): YCC 19.22.050(2) allows the Reviewing Official to make a determination to evaluate a proposed land use based closely on similar land uses listed in Table 19.22-2. The closest land use to the proposed clubhouse that is listed in Table 19.22-2 is “Health and Fitness Club.” According to Table 19.22-2, a “Health and Fitness Club” requires one parking space for each 200 square feet of general floor area. All parking areas shall comply with applicable local, state and federal standards regarding accessible parking for disabled persons. Staff and Hearing Examiner Findings: *Relative to the clubhouse, the*

*structure is proposed to be 2,200 to 3,000 square feet in size. This would require 11-15 parking spaces to be established. According to the application, 21 parking spaces are proposed for the clubhouse and 61 additional parking spaces are proposed throughout the park, which exceeds the required amount. The applicants will be required to ensure that all parking spaces are built to the standards of YCC Chapter 19.22.*

(c) Location and Design of Parking and Loading Facilities (YCC 19.22.060):

Off-street parking facilities shall not be located over 300 feet from the buildings they are required to serve, unless they are part of an approved Master Plan or Campus Plan. Off-street parking facilities shall be designed under Table 19.22-3. Staff and Hearing Examiner Findings: According to the application, the manufactured home park does not require loading or unloading from trucks or other large vehicles. Based on the site plan, 21 parking spaces are within 300 feet of the clubhouse. The applicants will be required to ensure that the parking spaces meet the requirements of YCC Table 19.22-3.

(d) Surfacing (YCC 19.22.070(1)): All parking and loading spaces and related access drives, maneuvering, and vehicle storage areas shall be built to standards approved by the Reviewing Official. Parking facilities within Urban Growth 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.

(e) 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 Title 12.10 and the Stormwater Management Manual for Eastern Washington, which will require review by the Public Services Director or Designee.

(f) 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.

(g) 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.

(h) 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 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.

(i) Landscaping (YCC 19.22.070(6)): Parking facilities must be landscaped under the standards listed in YCC Chapter 19.21. Parking landscaping standards are found in YCC 19.21.030(2)(e).

(j) 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. *Staff and Hearing Examiner Finding: The applicants will be required to build the parking areas to the standards outlined in YCC 19.22.070 as a condition of this decision.*

(16) Sewer and Water (YCC Chapter 19.25): Per YCC Table 19.25-1, proposals with 9 or more connections in the Urban Growth Area have 4 options for water in order of priority: Area-wide public water supply system, existing public water system, Yakima County or Nob Hill Water Satellite Management Agency (SMA), and Other State-approved SMA. Proposals with 9 or more connections in the Urban Growth Area have 3 options for sewage disposal: Municipal, County or Other State Approved Operator. 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 ...” *Staff and Hearing Examiner Findings: The Yakima County Utilities Division provided the following comments:*

(a) *The proposed project lies within the service area of Yakima County's Terrace Heights Water System. The applicants will be responsible for design and construction of all improvements needed to serve the development in accordance with Yakima County Standards. Design and construction will need to be approved by Yakima County.*

*(b) There is currently a 12" diameter waterline on Roza Hill Drive approximately 1700 feet west of the property.*

*(c) A Water Extension Agreement will need to be signed by the Developer and the County setting forth the terms and conditions for implementing the improvements, prior to beginning design on the water system improvements.*

*(d) No comments were received from Terrace Heights Sewer regarding connection requirements. The applicants shall comply with any and all requirements, including necessary improvements, of the Yakima County Utilities Division and of the Terrace Heights Sewer District regarding respectively connection to the Terrace Heights Water System and the Terrace Heights Sewer System. Verification of compliance must be submitted to the Yakima County Planning Division.*

**XI. Review Criteria for Administrative Adjustments (YCC 19.35.020(5)).** YCC 19.18.280(3)(j) requires the perimeter of a manufactured home park to be sitescreened with a Standard C Visual Screen under YCC 19.21 or with a 6-foot-high decorative fence in combination with a minimum a ten-foot-wide landscape strip adjacent to the street side of the screen or decorative fence within the park which shall consist of a combination of shrubs, trees and groundcover. YCC 19.21.030(2)(c) and Table 19.21-1 require a 3-foot-wide planting strip on the outside of the wall or fence. YCC 19.21.030(2)(b)(1)(a) requires a 6-foot-wide planting area of landscaping and trees along public streets in the SR zoning district. The applicants have chosen to screen the park with a Standard C Visual Screen by means of a 6-foot-high view-obscuring masonry block wall or fence described by YCC 19.21.030(2)(a)(iii), but request an administrative adjustment to eliminate the requirement of landscaped plantings outside of the wall or fence. YCC 19.35.020(8) authorizes the Reviewing Official to provide for flexibility by adjusting the sitescreening and landscaping standards set forth in YCC Chapter 9.21 under certain circumstances, and YCC 19.35.020(5)

also authorizes an administrative adjustment that is more applicable to the proposed administrative adjustment if it is found to be consistent with the following:

**(1) The purpose and intent of Comprehensive Plan policies that relate to the specific adjustment being proposed and this Title. Staff and Hearing Examiner Findings relative to this criterion are as follows:**

*(a) According to the Yakima County Comprehensive Plan - Horizon 2040, there are a number of land uses in urban areas that could be incompatible with each other, and sitescreening is one way to mitigate conflicts. The Comprehensive Plan contains a Natural Setting element that is in part to "secure a balanced or sustainable approach to future development." The following goal and policy from the Natural Settings Element apply to the proposed adjustment:*

*Goal NS 6: Protect property values by improving the appearance of the Yakima Valley; and*

*Policy NS 6.8: Encourage private efforts to improve the appearance of the Yakima Valley.*

*The policies within Goal NS 6 address the importance of urban visual surroundings and help to protect property values by improving the appearance of the County.*

*(b) The purpose and intent of Title 19 is to allow flexibility to reduce standards such as landscaping standards in situations where the requested administrative adjustment satisfies all of the criteria set forth in YCC 19.35.020(5).*

*(c) The applicants have proposed to screen the site with a 6-foot-tall masonry block wall or other view obscuring fence with no additional landscaping on the outside of the wall or fence.*

*(d) The property to the north across Roza Hill Drive contains the Terrace Heights Landfill. Both the subject property and the property to the west which is owned by the East Valley School District are currently vacant and covered with dry weeds. The development will improve the appearance of these weedy properties for the benefit of some residential uses to the east and south of the subject property. The owners of those properties who submitted written comments or testified at the hearing were mainly concerned that the property outside of the wall or fence to the property line be maintained free of weeds and litter and that access be preserved to the community well on the east side of the development. None of the owners of adjacent properties requested that landscaping with trees and shrubs be required to be planted and maintained outside of the perimeter wall or fence.*

*(e) Along several of the property lines, there are irrigation and utility easements. If the wall is located on the inside edge of these easements so as to allow for landscaping on the outside of the fence, plantings would not be permitted by the Roza Irrigation District, utility companies or persons benefited by the easements because plantings could damage the pipelines and make the installation of new pipelines difficult and expensive. Moving the wall even further inwards to allow for plantings between the easement edge and the wall could lead to areas that give the appearance of an unkept no-man's land and would unnecessarily reduce the usable area of the manufactured home park.*

*(f) The proposal to screen the manufactured home park with a 6-foot-tall view-obscuring wall or fence without landscape plantings outside of the fence or wall is not likely to worsen the appearance of the Yakima Valley or negatively affect property values so long as the areas are maintained free of weeds and litter. The proposed administrative adjustment of the landscaping requirements will allow the pipelines within the easements to be accessed for maintenance purposes without worsening the appearance of this transitional area of the Yakima Valley. This will be consistent with the purpose and intent of Horizon 2040. If all of the criteria for an administrative adjustment are satisfied, this will also be consistent with YCC Title 19.*

**(2) The purpose and intent of the specific zoning district and the standard being adjusted.** *Staff and Hearing Examiner Findings: The purpose of the SR zoning district is in part to provide areas for transitional uses as urban development expands, with a mixture of land uses and residential densities including small farms, scattered low-density residential development and clusters of higher-density residential development (YCC 19.12.010(1)(b)). The intent of the fencing provisions is in part to maintain good appearance of residential areas. Landscaping standards are intended in part to improve the overall appearance of the community, to increase its marketability and to protect the character of adjacent residential zoning districts. The proposed manufactured home park surrounded by a 6-foot-tall view-obscuring perimeter wall or fence will improve the current appearance of the dry weeds on the subject property and on the property to the west. The lack of landscaping outside of the wall or fencing in an area that will be maintained free of weeds and litter is not likely to negatively impact the overall appearance of the area where the manufactured home park will be located.*

**(3) Maintaining the minimum administrative adjustment necessary to accommodate the proposed use.** *Staff and Hearing Examiner Findings: The proposed 6-foot-tall*

*masonry block wall or fence with no associated landscaping is the minimum adjustment necessary because any encroachment into the irrigation and utility easements beyond that proposed by the adjustment would have adverse impacts on the use of the easements and potentially violate the rights of the parties benefited by the easements.*

**(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:* As part of the administrative adjustment process, neighboring property owners within 300 feet of the subject property were notified of the project, as were various agencies. As previously noted, the concerns involved location of the wall or fence within the easements and there were no concerns with having only a perimeter wall or fence for sitescreening purposes so long as the manufactured home park property outside of the wall or fence is maintained free of weeds and litter and so long as access is preserved to the community well. Provided all of the conditions of this decision are met, the requested adjustment will not adversely affect the health, safety, and general welfare of the neighborhood or community.

**(5) The placement or design of structures will maximize solar access for the production of solar energy.** *Staff and Hearing Examiner Finding:* This proposal does not involve an adjustment that affects solar access for the production of solar energy.

**XII. Review Criteria for Variances (YCC 19.35.060).** YCC 19.18.280(3)(d) provides that garages or carports are to be set back a minimum of 18 feet from the edge of the street or back of structures, sidewalks or pedestrian walkways. The applicants are proposing to have 12-foot by 50-foot carports constructed for each manufactured home in such a way that the carports are flush with the front of the home. These carports would be open on all sides with no door attached. A setback of 10 feet or greater is proposed for the carports. YCC 19.35.060(2) provides that the Hearing Examiner shall authorize such variance from this Title as will not be contrary to the public interest and the Comprehensive Plan where literal enforcement of this Title would cause undue hardship, as measured by the criteria below. A

variance shall not be granted unless the Hearing Examiner makes findings that the applicants have expressly demonstrated all of the following:

**(1) Special circumstances applicable to the property, including size, shape, topography, location or surroundings, exist.** Staff and Hearing Examiner Findings: The required setbacks, presence of easements, and slopes of the site result in the front of the spaces being more suitable for the proposed homes and carports than the rear of the spaces. Since the spaces for the manufactured homes are to be treated as if they were lots, a large rear setback is required where the required play areas are better suited to be located. Having the proposed carports flush with the front of the home helps ensure that a more usable open space and play area is set aside on each space than if they were split between the front and back areas.

**(2) Due to such special circumstances, strict application of this Title would deprive the property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification.** Staff and Hearing Examiner Findings: With the proposed open space areas and sidewalks, the park is allowed a smaller space size without exceeding the maximum allowed density in the SR zoning district. The smaller space sizes, the slope of the site, the required setbacks and the existing easements are features that all combine to affect the design of the spaces which are to be treated as similar to lots. If this proposal were instead a subdivision creating lots instead of spaces, the 20-foot setback for garages and carports on surrounding properties both in the UGA and rural zones could also likewise be the subject of an application for an administrative adjustment.

**(3) Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated.** Staff and Hearing Examiner Findings: As described by the applicants, the carports will be designed so as to be open on all sides. A note shall be placed on the face of the binding site plan that prohibits carports from being enclosed and from being used for storage in a way that interferes with the number of vehicles they are designed for. This will allow the vehicles to immediately enter the carports without waiting on the sidewalk for a door to open (as in the case of a garage). Vehicles will still be covered and parked without encroaching on the access or on the walkways. Due to these factors, placing the carports 10 feet from the space's boundary will not be materially detrimental to the public welfare or injurious to the property or improvements.

**(4) Special circumstances do not result from the actions of the applicant.** Staff and Hearing Examiner Findings: The slope of the property and the location of the easements, along with the larger rear setback areas required by the zoning ordinance, are special circumstances that do not result from the actions of the applicants.

**(5) The variance is the minimum variance that will make possible the reasonable use of the land, building or structure.** Staff and Hearing Examiner Finding: The proposed 10-foot setback is the minimum variance needed to allow the carports to be built flush with the front of the homes while at the same time preserving as much of the back yard area as possible for an open space and play area on each space.

**(6) Granting a variance will be in harmony with the general purpose and intent of this Title, the specific zoning district and the Comprehensive Plan.** Staff and Hearing Examiner Findings: The proposed carport setbacks will result in a uniform appearance with the manufactured homes. The intent of the SR zoning district is in part to provide areas for transitional uses as urban development expands, with a mixture of land uses and residential densities including small farms, scattered low-density residential development and clusters of higher-density residential development. A 10-foot setback for carports to allow for a uniform appearance with the manufactured homes and larger back yard open spaces/play areas on the spaces is in harmony with the general purpose and intent of the SR zoning district and with Goal LU-U 6 of Horizon 2040 to "encourage development of neighborhoods which support a high quality of life," Design of a neighborhood can affect, among other things, public health and safety, scenic/aesthetic quality, and access to recreation. The reduced setback will not negatively affect access to the sidewalks or to the recreational paths and will result in a uniform appearance and a larger open space/play area within each space.

**(7) Administrative adjustment or administrative modification provisions of this Chapter were not applicable or could not provide the relief sought from the standards of this Title.** Staff and Hearing Examiner Findings: YCC 19.35.020(3)(b) specifically states that the Reviewing Official does not have the authority through the administrative adjustment process to modify the standards under YCC 19.18 except for the following: adjustments to the siting of manufactured and mobile homes outside Urban Growth Areas or the Rural Transitional and Rural Settlement zoning districts, resource setbacks as specified in this Section and special events for bed and breakfasts in excess of 12 per year. Since setbacks associated with carports in a new manufactured park are not included within the

*enumerated exceptions, the administrative adjustment and modification provisions are not applicable and could not provide the relief sought from the setback standard.*

**(8) Granting the variance requested will not confer on the applicant any special privilege denied by this Title to other lands in the same area.** *Staff and Hearing Examiner Findings:* In the SR and R-1 zoning districts, garage and carport entrances must be set back a minimum of 20 feet from the edge of an easement. Yakima County Code allows for this setback to be reduced through the administrative adjustment process for carports in the SR zoning district which are not located in manufactured home parks. Granting this variance therefore will not confer a special privilege on the applicants because this setback standard is considered to be adjustable in the underlying zoning district.

**(9) Financial gain is not the ground or grounds for the variance.** *Staff and Hearing Examiner Finding:* The applicants are not asserting any financial gain as a ground for their variance request.

**(10) The Hearing Examiner shall file a written decision following closing of the public hearing in accordance with YCC Chapter 16B.09 that shall include the following considerations.** *Hearing Examiner Findings:* All of the testimony at the public hearing favored the granting of the requested carport setback variance. The requested variance complies with the requirements of YCC 19.35.060(2). The requested variance is the minimum variance that will result in uniformity of appearance of the carports and manufactured homes while providing the largest possible back yard open space/play area on the spaces. As detailed above, the requested variance is consistent with the general purpose of YCC Title 19, the SR zoning district and the Comprehensive Plan.

**XIII. Consistency of the Proposed Use (YCC §16B.06.020).** As part of project review, the reviewing official will determine if a proposed project is consistent with Yakima County's applicable development regulations or, in the absence of applicable regulations, the adopted Yakima County Comprehensive Plan. Consistency should be determined in the project review process by considering four factors found in applicable plans and regulations (RCW 36.70B.040). They are as follows:

**(1) The type of land use.** Staff and Hearing Examiner Findings: According to YCC Table 19.14-1 Allowable Land Uses, a Manufactured Home Park is classified as a Type 3 use in the SR zoning district. Type 3 uses are considered not generally appropriate throughout a zoning district and therefore require Hearing Examiner review. With Type 3 uses, an open record public hearing is required to provide agencies and neighboring property owners with an additional opportunity to present issues or concerns that can be evaluated by the Hearing Examiner. This land use has been reviewed for consistency with the surrounding area and can be determined to be consistent with the Comprehensive Plan and with Title 19, provided the conditions of approval are met.

**(2) The level of development, such as units per acre or other measures of density.** Staff and Hearing Examiner Findings: The maximum allowed density in the SR zoning district is 7 dwelling units per acre, with a minimum lot size of 7,000 square feet and a minimum lot width of 50 feet. The site is 26.9 acres in size and a total of 141 spaces are proposed. The spaces are between 4,800 square feet and 9,650 square feet in size as allowed through the reductions of YCC 19.18.280(3)(a). The proposed 141 units in a 26.9-acre site results in a density of 5.24 dwelling units per acre. According to the site plan, no lot is less than 50 feet in width. The proposal is consistent with the permitted level of development and density.

**(3) Infrastructure, including public facilities and services needed to serve the development.** Staff and Hearing Examiner Finding: As detailed above in this decision, the public facilities and services by way of road access, water, sewer and utilities will be available for the proposed manufactured home park.

**(4) The characteristics of the development, such as development standards.** Staff and Hearing Examiner Finding: With the requested resource setback adjustment, the requested landscaping adjustment and the requested carport setback variance which are approved subject to conditions and with the conditions required by this decision, the character of the development will be consistent and compatible with applicable development standards and the purpose and intent of the SR zoning district.

## **CONCLUSIONS**

Based upon the foregoing Findings, the Hearing Examiner reaches the following

Conclusions:

(1) The Hearing Examiner has jurisdiction to approve a Type 3 Conditional Use with an adjustment to standards and a variance of the standards in the Suburban Residential (SR) zoning district under the circumstances prescribed by the zoning ordinance, which circumstances warrant approval of this consolidated application.

(2) A SEPA Mitigated Determination of Non-Significance for the proposal was issued on July 30, 2024, and became final when the appeal period expired on August 13, 2024.

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

(4) The application materials and weight of the evidence submitted for the record of this matter include facts and analysis that support a conclusion that the proposed use, as conditioned by this decision, satisfies the criteria for approval set forth in YCC 19.30.080(7), YCC §19.35.020(5), YCC §19.35.020(6)(d)(iv), YCC §19.35.060(2), YCC §16B.06.020 and the general development regulations set forth in YCC Title 19.

(5) This proposal is adequately conditioned by the conditions set forth below so as to comply with the development standards and criteria for approval set forth in YCC Title 19 and the requirements of other relevant local and state regulations.

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

## **DECISION**

The consolidated application submitted for Santiago Communities, Inc. and Aimee Molsberry for approval of a Type 3 Conditional Use Permit for a 141-unit manufactured

home park with a binding site plan, a resource setback reduction, a landscaping administrative adjustment and a carport setback variance on Parcel No. 191323-11409 located south of Roza Hill Drive about 350 feet west of Wendt Road in the Suburban Residential (SR) zoning district which is more particularly described in the documentation submitted for the consolidated application CUP2024-00002/LSP2024-00001/ADJ2024-00001/SEP2024-00001/ESP2024-00001/VAR2024-00001 is **APPROVED** subject to the following conditions:

### **CONDITIONS (NEXT STEPS)**

**The following conditions must be obtained or complied with, as the case may be, within five (5) years of the date of this decision. Please note that this Hearing Examiner's decision and time limit pertains to this conditional authorization for the subject land use only and does not include timelines associated with other permits (for example building permits). Failure to comply with all conditions will result in the revocation of this permit. The Hearing Examiner's Decision includes the following conditions and the above findings as described.**

#### **Phase 1 Conditions**

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

(1) The applicants shall obtain all necessary Bonneville Power Administration reviews and approvals for the proposed fencing, roadways and uses that will be within the BPA right-of-way (ROW). This approval must be obtained prior to ground disturbance of the first phase. If BPA approval cannot be obtained for the project proposed, the applicants shall ensure that two of the provisions under YCC 19.18.280(3)(a) are met to allow for a 20% space reduction. A revised site plan is then required.

(2) The applicants shall obtain a right-of-way use permit for construction within the Yakima County Road ROW. The permit application shall include engineered plans for the portion of the private road being constructed in Yakima County Road ROW, site specific temporary traffic control plans, and dates of work being done. No construction may be done

in the Yakima County Road right-of-way that would present an undue hazard to roadway users.

(3) The applicants shall obtain an NPDES Construction Stormwater General Permit for the entire manufactured home park from the DOE. This permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) be prepared and implemented. A copy of the DOE permit must be submitted to the Yakima County Planning Division. Contact the DOE at (509) 571-3866 for questions about that permit.

(4) The applicants shall submit a Stormwater Plan for the entire manufactured home park to the Yakima County Public Services Division in accordance with criteria found at YCC 12.10.240, 12.10.250 and 12.10.260. Approval of the Stormwater Plan by Yakima County Public Services is required prior to issuance of building permits and/or land disturbance. The Stormwater Plan is required to include an Operation and Maintenance plan and ongoing inspection requirements for any permanent Stormwater facilities in accordance with criteria found at YCC 12.10.330 and 12.10.340.

(5) Any ground disturbance over 100 cubic yards for Phase 1 will require a Grading & Excavation permit for the site prep to be conducted for Phase 1 on this parcel. The applicants shall apply for all Building and Fire Life Safety permits for the work and fencing proposed in Phase 1. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at (509) 574-2300 for further information.

(6) The applicants shall provide to the Planning Division a final sitescreening and landscaping plan depicting the location, height, size and type of all fencing and parking landscaping. The applicants shall also provide all easement grantees' or owners' written permission for any portion of the view obscuring fence or wall that is proposed to be built or located on or in an easement.

(7) The applicants shall design all improvements needed to serve the development with Terrace Heights Water, in accordance with Yakima County standards. Design and construction shall be approved by the Yakima County Utilities Division. A Water Extension Agreement shall be signed by the Developer and the County setting forth the terms and conditions for implementing the improvements, prior to beginning design on the water system improvements.

**The following conditions must be met prior to Phase 1 binding site plan finalization.**

(8) The applicants shall establish a 30-foot-wide easement over the NE-SW Roza Irrigation pipeline. The applicants shall also verify the width of the irrigation easement along the north property line to ensure that it is shown correctly on the binding site plan.

(9) Prior to recording of the Phase 1 binding site plan, the access to the subject property and the internal access serving Phase 1 shall be constructed to the standards of YCC 19.23.050(6) and as stated below:

(a) A minimum of 24 feet of paved internal street is required for access to each unit.

(b) A professional engineer shall design the road, provide the specifications, engineering judgment and assumptions supporting the road design, test its construction, and certify it meets the following standards:

(i) All private roads shall be designed using the highest practical design speed with a minimum of 25 miles per hour.

(ii) The private road shall accommodate two-way traffic unless a design modification for one-way traffic is proposed and approved.

(iii) All private roads must meet the minimum fire apparatus access road requirements of YCC Title 13.

(c) The road shall meet AASHTO recommended design guidelines for development density, use and intensity that could be served by the road based on plan designation, zoning, public safety and natural hazards. In lieu of the applicants' engineer submitting a detailed analysis, the applicants' engineer will be required to certify that the project meets the minimum requirements contained in Table 19.23.050-1.

(d) Where private roads require a crossing of an existing natural stream or drainageway, the crossing shall comply with applicable Building Codes and the Critical Areas Ordinance or Shoreline Master Program.

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

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

(g) Hard surfacing shall be provided in Urban Growth Areas.

(10) The applicants shall ensure that a streetlight is provided at each street intersection within Phase 1 of the park.

(11) All streets for Phase 1 shall be named utilizing street signs consistent with Yakima County standards. The applicants shall submit an application for road naming to County Roads and show the approved name on the face of the final binding site plan, prior to recording.

(12) Internal directional signs indicating unit/space numbers shall be placed on all street intersections within the park.

(13) Roads greater than 28 feet wide but less than 36 feet wide are allowed parking on one side of the road. “No Parking” signs are required in locations specified by the County (YCC 503.3, 503.4).

(14) All utilities for Phase 1, including irrigation and domestic water and sewer, shall be installed prior to finalization of Phase 1. All utilities, including electrical distribution, telephone, and cable TV, shall be installed underground.

(15) Fire hydrants for Phase 1 shall be established in accordance with the Fire Marshall’s comments: “Fire hydrants are required. The average spacing between hydrants on a road that is not a dead end is 500 feet or as required by the water purveyor, whichever is more restrictive. IFC Table C102.1 & C103 Note: If the fire hydrants are not part of the public water system, they must be inspected, tested, and maintained on an annual basis and meet the requirements of NFPA 25.”

(16) In accordance with the Fire Marshall’s comments, fire flow is required. The minimum required fire flow is 1,000 gallons per minute for 1 hour (IFC Table B105.1(1)). The system must be able to support the required fire flow for any structures that are built or brought onto the site.

(17) The applicants shall ensure the Play Area requirements of YCC 19.18.280(3)(m) are met for Phase 1.

(18) An irrigation system shall be installed for maintenance of landscaping and recreational/open space areas of Phase 1 that would normally require irrigation.

(19) Security gates for the development must be approved by the Fire Marshal and must comply with ASTM F2200 and UL 325. YCC 503.6. A means of operating the gate to allow access by emergency responders must be provided. If a key box is proposed, it can be

obtained through the local fire district. The applicants shall ensure that the emergency access gate is located 20 feet from the edge of the right-of-way.

(20) The applicants shall sign a covenant for the development stating that they have been advised that the proposed manufactured homes do not meet the 500-foot mineral resource setback and that, with the reduced setback, they will be subject to increased levels of noise, dust, smoke, odors, spray drift and other undesirable effects resulting from normal practices and activities. Verification of the recorded covenant shall be submitted to the Yakima County Planning Division.

(21) All overflow parking proposed for Phase 1 shall be in place prior to finalization. The parking spaces shall comply with applicable local, state, and federal standards regarding accessible parking for disabled persons (YCC 19.22.050 and RCW 19.27.031). The applicants shall build all overflow parking areas to the standards outlined in YCC 19.22.070, as follows:

(a) Parking facilities 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.

(b) 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) 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.

(d) The perimeter of a parking 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.

(e) 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.

(f) Signs or markers located on the parking lot surface shall be used as necessary to ensure safe and efficient use of the parking lot (such as signs providing direction for incoming/outgoing traffic).

(g) All accessible parking spaces shall be marked and signed in compliance with the currently adopted International Building Code.

(h) Lighting shall be provided to illuminate any off-street parking or loading space used at night. Lighting shall be directed to reflect away from adjacent and abutting properties and comply with YCC 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.

(i) Parking facilities must be landscaped under the standards listed in Chapter 19.21 and as follows:

(i) Parking lots within Urban Growth Areas shall be landscaped a minimum 10% of the total area used for parking spaces and maneuvering to and from those spaces.

(ii) A standard of one shade tree shall be planted for every 14 parking stalls within Urban Growth Areas. Such shade trees shall be provided in-between parking stalls such that no more than 14 continuous single-row parking stalls will exist within the parking lot.

(iii) Landscaping shall consist of combinations of trees, shrubs, and groundcover with careful consideration to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

(iv) Landscaping shall be located within the parking area, such as in-between parking spaces or in parking “islands,” or around the perimeter of the parking lot.

(j) 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 YCC 19.22 and the approved site plan.

(k) Off-street parking facilities shall meet the requirements of YCC Table 19.22-3.

(22) The applicants shall meet any and all requirements, including necessary improvements, from the Yakima County Utilities Division regarding connection of Phase 1 to the Terrace Heights Water System. Verification that this has been done must be submitted to the Yakima County Planning Division. Contact the Yakima County Utilities Division at (509) 574-2300 for additional information.

(23) The applicants shall meet any and all requirements, including necessary improvements, of the Terrace Heights Sewer District regarding connection of Phase 1 to the Terrace Heights Sewer System. Documentation from the Terrace Heights Sewer District shall be provided to the Planning Division indicating that the requirements for connection have been met.

(24) Final binding site plan approval is an administrative process. A final binding site plan drawn by a licensed surveyor or engineer for Phase 1 shall be submitted to the Yakima County Planning Division, with the applicable processing and recording fees, for review and filing. The final binding site plan and three copies shall be prepared on 18 inch by 24 inch Mylar® sheets, or other media acceptable to the County Auditor.

(25) The binding site plan for Phase 1 shall verify all required improvements have been completed or a surety bond has been posted in a form and amount acceptable to Yakima County for their completion. The final binding site plan shall be legibly drawn, printed or reproduced at a scale appropriate to show the necessary detail, which in no event shall be less than one inch to 100 feet, and containing at least:

(a) Delineation of all spaces and dimensions, square footage and unit setbacks for each space.

(b) Designation of the areas and locations of all easements, streets, roads, location of off-street parking for each unit, other parking areas, improvements, signage, utilities, building envelopes within each space, external setbacks, natural and human-made drainage ways, detention and stormwater treatment areas, fire hydrants, location and dimensions of permanent buildings and other structures, location of all survey monuments, and required open spaces and permanent irrigation system to maintain open space/recreational areas that would normally require irrigation.

(c) The location of all facilities, utilities, improvements and amenities such as pathways, sidewalks, and recreational facilities.

(d) An accurate legal description of the property.

(e) The parcel number, north arrow, and scale of the map.

(f) All property lines, their lengths and bearings.

(g) Inscriptions or supplemental documents setting forth the limitations and conditions of the use of the land, or of approval, prescribed by the Reviewing Official.

(h) The following statement: "The spaces contained in this park shall be for the purpose of lease of manufactured or mobile home sites only. The sale of lots without prior compliance with procedures governing the subdivision of land shall constitute a violation of state and/or local laws."

(i) Designation of the details of a sitescreening buffer strip along property perimeters, under Subsections 19.18.280(3)(j) and 19.21.030(2).

(j) Signature and date blocks for each of the following:

(i) Owner(s) of record of the subject property;

(ii) Notary public, attesting to the authenticity of the owner's signature;

(iii) Surveyor's signature(s) and seal;

(iv) Planning Director, County Engineer, County Treasurer or Deputy, and County Auditor or Recording Deputy, or authorized designees.

(26) All parties with an ownership interest in the property must sign the final binding site plan. All required signatures shall be in permanent black ink. If there are other owners (including contract sellers or purchasers, etc.) the applicants should first verify that they will also be willing to sign the final binding site plan.

(27) At the time the binding site plan is to be recorded all property taxes and special assessments shall be paid for the full year (RCW 84.56.345).

## **Phase 2 Conditions**

***The following conditions must be met prior to ground disturbance for Phase 2. Failure to comply with these conditions can result in the revocation of this permit.***

(28) Any ground disturbance over 100 cubic yards for Phase 2 will require a Grading & Excavation permit for the site prep to be conducted for Phase 2 on this parcel. The applicants shall apply for all Building and Fire Life Safety permits for the work and clubhouse proposed in Phase 2. All permits for the proposed structure must be issued, inspected, and finalized prior to occupancy. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at (509) 574-2300 for further information.

**The following conditions must be met prior to Phase 2 binding site plan finalization.**

(29) Prior to recording of the Phase 2 binding site plan, the access serving Phase 2 shall be constructed to the standards of YCC 19.23.050(6) and as stated below:

(a) A minimum of 24 feet of paved internal street is required for access to each unit.

(b) A professional engineer shall design the road, provide the specifications, engineering judgment and assumptions supporting the road design, test its construction, and certify it meets the following standards:

(i) All private roads shall be designed using the highest practical design speed with a minimum of 25 miles per hour.

(ii) The private road shall accommodate two-way traffic unless a design modification for one-way traffic is proposed and approved.

(iii) All private roads must meet the minimum fire apparatus access road requirements of YCC Title 13.

(c) The road shall meet AASHTO recommended design guidelines for development density, use and intensity that could be served by the road based on plan designation, zoning, public safety and natural hazards. In lieu of the applicants' engineer submitting a detailed analysis, the applicants' engineer will be required to certify that the project meets the minimum requirements contained in Table 19.23.050-1.

(d) Where private roads require a crossing of an existing natural stream or drainageway, the crossing shall comply with applicable Building Codes and the Critical Areas Ordinance or Shoreline Master Program.

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

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

(g) Hard surfacing shall be provided in Urban Growth Areas.

(30) The applicants shall ensure that a streetlight is provided at each street intersection within Phase 2 of the park.

(31) All streets for Phase 2 shall be named utilizing street signs consistent with Yakima County standards. The applicants shall submit an application for road naming to

County Roads and show the approved name on the face of the final binding site plan, prior to recording.

(32) Internal directional signs indicating unit/space numbers shall be placed on all street intersections within the park.

(33) Roads greater than 28 feet wide but less than 36 feet wide are allowed parking on one side of the road. "No Parking" signs are required to be posted in locations required by Yakima County (YCC 503.3, 503.4).

(34) All utilities for Phase 2, including irrigation and domestic water and sewer, shall be installed prior to finalization of Phase 2. All utilities, including electrical distribution, telephone, and cable TV, shall be installed underground.

(35) Fire hydrants for Phase 2 shall be established in accordance with the Fire Marshall's comments: "Fire hydrants are required. The average spacing between hydrants on a road that is not a dead end is 500 feet or as required by the water purveyor, whichever is more restrictive. IFC Table C102.1 & C103 Note: If the fire hydrants are not part of the public water system, they must be inspected, tested, and maintained on an annual basis and meet the requirements of NFPA 25."

(36) In accordance with the Fire Marshall's comments, fire flow is required. The minimum required fire flow is 1,000 gallons per minute for 1 hour (IFC Table B105.1(1)). The system must be able to support the required fire flow for any structures that are built or brought onto the site.

(37) The applicants shall ensure the Play Area requirements of YCC 19.18.280(3)(m) are met for Phase 2.

(38) An irrigation system shall be installed for maintenance of landscaping and recreational/open space areas of Phase 2 that would normally require irrigation.

(39) All overflow parking proposed for Phase 2 shall be in place prior to finalization. The parking spaces shall comply with applicable local, state, and federal standards regarding accessible parking for disabled persons (YCC 19.22.050 and RCW 19.27.031). The applicants shall build all overflow parking areas to the standards outlined in YCC 19.22.070, as follows:

(a) Parking facilities 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.

(b) 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) 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.

(d) The perimeter of a parking 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.

(e) 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.

(f) Signs or markers located on the parking lot surface shall be used as necessary to ensure safe and efficient use of the parking lot (such as signs providing direction for incoming/outgoing traffic).

(g) All accessible parking spaces shall be marked and signed in compliance with the currently adopted International Building Code.

(h) Lighting shall be provided to illuminate any off-street parking or loading space used at night. Lighting shall be directed to reflect away from adjacent and abutting properties and comply with YCC 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.

(i) Parking facilities must be landscaped under the standards listed in Chapter 19.21 and as follows:

(i) Parking lots within Urban Growth Areas shall be landscaped a minimum 10% of the total area used for parking spaces and maneuvering to and from those spaces.

(ii) A standard of one shade tree shall be planted for every 14 parking stalls within Urban Growth Areas. Such shade trees shall be provided in-between parking stalls such that no more than 14 continuous single-row parking stalls will exist within the parking lot.

(iii) Landscaping shall consist of combinations of trees, shrubs, and groundcover with careful consideration to eventual size and spread,

susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

(iv) Landscaping shall be located within the parking area, such as in-between parking spaces or in parking “islands,” or around the perimeter of the parking lot.

(j) 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 YCC 19.22 and the approved site plan.

(k) Off-street parking facilities shall meet the requirements of YCC Table 19.22-3.

(40) The applicants shall meet any and all requirements, including necessary improvements, from the Yakima County Utilities Division regarding connection of Phase 2 to the Terrace Heights Water System. Verification that this has been done must be submitted to the Yakima County Planning Division. Contact the Yakima County Utilities Division at (509) 574-2300 for additional information.

(41) The applicants shall meet any and all requirements, including necessary improvements, of the Terrace Heights Sewer District regarding connection of Phase 2 to the Terrace Heights Sewer System. Documentation from the Terrace Heights Sewer District shall be provided to the Planning Division indicating that the requirements for connection have been met.

(42) Final binding site plan approval is an administrative process. A final binding site plan drawn by a licensed surveyor or engineer for Phase 2 shall be submitted to the Yakima County Planning Division, with the applicable processing and recording fees, for review and filing. The final BSP and three copies shall be prepared on 18 inch by 24 inch Mylar® sheets, or other media acceptable to the County Auditor.

(43) The binding site plan for Phase 2 shall verify all required improvements have been completed or a surety bond has been posted in a form and amount acceptable to Yakima County for their completion. The final binding site plan shall be legibly drawn, printed or reproduced at a scale appropriate to show the necessary detail, which in no event shall be less than one inch to 100 feet, and containing at least:

(a) Delineation of all spaces and dimensions, square footage and unit setbacks for each space.

(b) Designation of the areas and locations of all easements, streets, roads, location of off-street parking for each unit, other parking areas, improvements,

signage, utilities, building envelopes within each space, external setbacks, natural and human-made drainage ways, detention and stormwater treatment areas, fire hydrants, location and dimensions of permanent buildings and other structures, location of all survey monuments, and required open spaces and permanent irrigation system to maintain open space/recreational areas that would normally require irrigation.

(c) The location of all facilities, utilities, improvements and amenities such as pathways, sidewalks, and recreational facilities.

(d) An accurate legal description of the property.

(e) The parcel number, north arrow, and scale of the map.

(f) All property lines, their lengths and bearings.

(g) Inscriptions or supplemental documents setting forth the limitations and conditions of the use of the land, or of approval, prescribed by the Reviewing Official.

(h) The following statement: "The spaces contained in this park shall be for the purpose of lease of manufactured or mobile home sites only. The sale of lots without prior compliance with procedures governing the subdivision of land shall constitute a violation of state and/or local laws."

(i) Designation of the details of a sitescreening buffer strip along property perimeters, under Subsections 19.18.280(3)(j) and 19.21.030(2).

(j) Signature and date blocks for each of the following:

(i) Owner(s) of record of the subject property;

(ii) Notary public, attesting to the authenticity of the owner's signature;

(iii) Surveyor's signature(s) and seal;

(iv) Planning Director, County Engineer, County Treasurer or Deputy, and County Auditor or Recording Deputy, or authorized designees

(44) All parties with an ownership interest in the property must sign the final binding site plan. All required signatures shall be in permanent black ink. If there are other owners (including contract sellers or purchasers, etc.) the applicants should first verify that they will also be willing to sign the final binding site plan.

(45) At the time the binding site plan is to be recorded all property taxes and special assessments shall be paid for the full year (RCW 84.56.345).

### **Phase 3 Conditions**

***The following conditions must be met prior to ground disturbance for Phase 3. Failure to comply with these conditions can result in the revocation of this permit.***

(46) Any ground disturbance over 100 cubic yards will require a Grading & Excavation permit for the site prep to be conducted in Phase 3. The applicants shall apply for all Building and Fire Life Safety permits for the work proposed in Phase 3. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at (509) 574-2300 for further information.

**The following conditions must be met prior to Phase 3 binding site plan finalization.**

(47) Prior to recording of the Phase 3 binding site plan, the access serving Phase 3 shall be constructed to the standards of YCC 19.23.050(6) and as stated below:

(a) A minimum of 24 feet of paved internal street is required for access to each unit.

(b) A professional engineer shall design the road, provide the specifications, engineering judgment and assumptions supporting the road design, test its construction, and certify it meets the following standards:

(i) All private roads shall be designed using the highest practical design speed with a minimum of 25 miles per hour.

(ii) The private road shall accommodate two-way traffic unless a design modification for one-way traffic is proposed and approved.

(iii) All private roads must meet the minimum fire apparatus access road requirements of YCC Title 13.

(c) The road shall meet AASHTO recommended design guidelines for development density, use and intensity that could be served by the road based on plan designation, zoning, public safety and natural hazards. In lieu of the applicants' engineer submitting a detailed analysis, the applicants' engineer will be required to certify that the project meets the minimum requirements contained in Table 19.23.050-1.

(d) Where private roads require a crossing of an existing natural stream or drainageway, the crossing shall comply with applicable Building Codes and the Critical Areas Ordinance or Shoreline Master Program.

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

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

(g) Hard surfacing shall be provided in Urban Growth Areas.

(48) The applicants shall ensure that a streetlight is provided at each street intersection within Phase 3 of the park.

(49) All streets for Phase 3 shall be named utilizing street signs consistent with Yakima County standards. The applicants shall submit an application for road naming to County Roads and show the approved name on the face of the final binding site plan, prior to recording.

(50) Internal directional signs indicating unit/space numbers shall be placed on all street intersections within the park.

(51) Roads greater than 28 feet wide but less than 36 feet wide are allowed parking on one side of the road. "No Parking" signs are required to be posted in locations required by Yakima County (YCC 503.3, 503.4).

(52) All utilities for Phase 3, including irrigation and domestic water and sewer, shall be installed prior to finalization of Phase 3. All utilities, including electrical distribution, telephone, and cable TV, shall be installed underground.

(53) Fire hydrants for Phase 3 shall be established in accordance with the Fire Marshall's comments: "Fire hydrants are required. The average spacing between hydrants on a road that is not a dead end is 500 feet or as required by the water purveyor, whichever is more restrictive. IFC Table C102.1 & C103 Note: If the fire hydrants are not part of the public water system, they must be inspected, tested, and maintained on an annual basis and meet the requirements of NFPA 25."

(54) In accordance with the Fire Marshall's comments, fire flow is required. The minimum required fire flow is 1,000 gallons per minute for 1 hour (IFC Table B105.1(1)). The system must be able to support the required fire flow for any structures that are built or brought onto the site.

(55) The applicants shall ensure the Play Area requirements of YCC 19.18.280(3)(m) are met for Phase 3.

(56) An irrigation system shall be installed for maintenance of landscaping and recreational/open space areas of Phase 3 that would normally require irrigation.

(57) All overflow parking proposed for Phase 3 shall be in place prior to finalization. The parking spaces shall comply with applicable local, state, and federal standards regarding accessible parking for disabled persons (YCC 19.22.050 and RCW 19.27.031). The applicants shall build all overflow parking areas to the standards outlined in YCC 19.22.070, as follows:

(a) Parking facilities 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.

(b) 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) 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.

(d) The perimeter of a parking 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.

(e) 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.

(f) Signs or markers located on the parking lot surface shall be used as necessary to ensure safe and efficient use of the parking lot (such as signs providing direction for incoming/outgoing traffic).

(g) All accessible parking spaces shall be marked and signed in compliance with the currently adopted International Building Code.

(h) Lighting shall be provided to illuminate any off-street parking or loading space used at night. Lighting shall be directed to reflect away from adjacent and abutting properties and comply with YCC 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.

(i) Parking facilities must be landscaped under the standards listed in Chapter 19.21 and as follows:

(i) Parking lots within Urban Growth Areas shall be landscaped a minimum 10% of the total area used for parking spaces and maneuvering to and from those spaces.

(ii) A standard of one shade tree shall be planted for every 14 parking stalls within Urban Growth Areas. Such shade trees shall be provided in-between parking stalls such that no more than 14 continuous single-row parking stalls will exist within the parking lot.

(iii) Landscaping shall consist of combinations of trees, shrubs, and groundcover with careful consideration to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

(iv) Landscaping shall be located within the parking area, such as in-between parking spaces or in parking "islands," or around the perimeter of the parking lot.

(j) 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 YCC 19.22 and the approved site plan.

(k) Off-street parking facilities shall meet the requirements of YCC Table 19.22-3.

(58) The applicants shall meet any and all requirements, including necessary improvements, from the Yakima County Utilities Division regarding connection of Phase 3 to the Terrace Heights Water System. Verification that this has been done must be submitted to the Yakima County Planning Division. Contact the Yakima County Utilities Division at (509) 574-2300 for additional information.

(59) The applicants shall meet any and all requirements, including necessary improvements, of the Terrace Heights Sewer District regarding connection of Phase 3 to the Terrace Heights Sewer System. Documentation from the Terrace Heights Sewer District shall be provided to the Planning Division indicating that the requirements for connection have been met.

(60) Final binding site plan approval is an administrative process. A final binding site plan drawn by a licensed surveyor or engineer for Phase 3 shall be submitted to the Yakima County Planning Division, with the applicable processing and recording fees, for review and

filings. The final binding site plan and three copies shall be prepared on 18 inch by 24 inch Mylar® sheets, or other media acceptable to the County Auditor.

(61) The binding site plan for Phase 3 shall verify all required improvements have been completed or a surety bond has been posted in a form and amount acceptable to Yakima County for their completion. The final BSP shall be legibly drawn, printed or reproduced at a scale appropriate to show the necessary detail, which in no event shall be less than one inch to 100 feet, and containing at least:

(a) Delineation of all spaces and dimensions, square footage and unit setbacks for each space.

(b) Designation of the areas and locations of all easements, streets, roads, location of off-street parking for each unit, other parking areas, improvements, signage, utilities, building envelopes within each space, external setbacks, natural and human-made drainage ways, detention and stormwater treatment areas, fire hydrants, location and dimensions of permanent buildings and other structures, location of all survey monuments, and required open spaces and permanent irrigation system to maintain open space/recreational areas that would normally require irrigation.

(c) The location of all facilities, utilities, improvements and amenities such as pathways, sidewalks, and recreational facilities.

(d) An accurate legal description of the property.

(e) The parcel number, north arrow, and scale of the map.

(f) All property lines, their lengths and bearings.

(g) Inscriptions or supplemental documents setting forth the limitations and conditions of the use of the land, or of approval, prescribed by the Reviewing Official.

(h) The following statement: "The spaces contained in this park shall be for the purpose of lease of manufactured or mobile home sites only. The sale of lots without prior compliance with procedures governing the subdivision of land shall constitute a violation of state and/or local laws."

(i) Designation of the details of a sitescreening buffer strip along property perimeters, under Subsections 19.18.280(3)(j) and 19.21.030(2).

(j) Signature and date blocks for each of the following:

(i) Owner(s) of record of the subject property;

(ii) Notary public, attesting to the authenticity of the owner's signature;

(iii) Surveyor's signature(s) and seal;

(iv) Planning Director, County Engineer, County Treasurer or Deputy, and County Auditor or Recording Deputy, or authorized designees.

(62) All parties with an ownership interest in the property must sign the final binding site plan. All required signatures shall be in permanent black ink. If there are other owners (including contract sellers or purchasers, etc.) the applicants should first verify that they will also be willing to sign the final binding site plan.

(63) At the time the binding site plan is to be recorded all property taxes and special assessments shall be paid for the full year (RCW 84.56.345).

### **Additional Conditions**

(64) The subject parcel is required to be addressed based on the primary access location. The applicants shall obtain a parcel address from County Roads prior to the issuance of any building permit for habitable, business or utility structures.

(65) The owners, their grantees and assignees in interest will abide by the Compliance, Extension, Expiration and Reinstatement requirements as outlined in YCC 16B.07.050. The applicants shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in this decision and any authorized extensions.

**The following notes must be placed on the face of the binding site plan for each phase by the surveyor:**

(66) The Bonneville Power Administration (BPA) imposes certain conditions on the portions of these lots encumbered by its high voltage transmission line Easement. BPA does not allow structures to be built within the Easement, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the Easement needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the Easement may be addressed to BPA Real Estate Field Services at (800) 282-3713.

(67) Natural Resources Conservation Service soils data, as depicted on the Web Soil Survey site, indicates the parcel has shallow depth to groundwater, shallow depth to hardpan, and/or poorly draining soils that may make compliance with requirements to retain runoff on

site difficult or limiting, depending on the amount and type of current and future site development and available engineering solutions.

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

(69) The owners shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site. The function of any natural drainageways must not be altered or impeded without a drainage easement and approval by Yakima County.

(70) None of the carports within the manufactured home park may be enclosed in any manner or used in a way that precludes parking of two vehicles within each carport.

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

(71) The applicants shall ensure that the following activities are avoided in the well control area of the neighboring community along the east property line which are set forth in the Supplement to Short Plat No. 94-102 recorded in Volume 1458 at pages 1243 and 1244, records of Yakima County, Washington as follows:

Any potential source of contamination, such as cesspools, sewers, privies, septic tanks, drain fields, manure piles, garbage of any kind or description, barns, chicken houses, rabbit hutches, piggens, or other enclosures or structures for the keeping or maintenance of fowls or animals, or storage of liquid or dry chemicals, herbicides, or insecticides.

(72) The applicants shall ensure that two paved off-street parking spaces are provided for each unit.

(73) Each phase of the manufactured home park shall be included within a binding site plan for that phase. Each phase shall be developed as an independent unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire binding site plan. Each phase shall be consistent with the overall site and drainage plan under YCC Chapter 12.10.

(74) The applicants shall ensure that manufactured home units are separated by a minimum of ten feet measured from the furthest extremity of each unit including stairways.

(75) Stormwater must be retained on site. The function of any natural drainageways must not be altered or impeded without a drainage easement and approval by Yakima County. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250.

(76) The applicants shall ensure that the individual personal garbage containers provided to each residence are stored in a location not in view of the street, such as the carport or behind the manufactured home. Individual personal garbage containers are to only be brought out to the street for collection.

(77) The applicants shall ensure that all common areas and facilities, including streets, walkways, utilities, landscaping, storage areas, open space and recreational areas are continuously maintained in good condition by the park owner or a designated homeowner's association and that the areas between the perimeter wall or fence and the property line of the manufactured home park are maintained free of weeds and litter.

(78) Development in conformity with the approved final binding site plan is binding. Deviation from any condition upon which approval was granted, or from any condition shown on the approved final binding site plan, shall constitute a violation of YCC Title 19 punishable and enforceable in the manner provided for in YCC 16B.11.050.

(79) Placement permits for the manufactured homes and building permits for the carports of a certain phase shall not be granted until after the final binding site plan for that phase has been recorded with the County Auditor.

(80) Placement permits are required for the manufactured homes and building permits are required for the carports in accordance with the codes in effect at the time of application therefor. Please contact the Building and Fire Safety Division at (509) 574-2300 for more information.

(81) The applicants shall ensure that the proposed structures meet the minimum setbacks of the underlying SR zoning district treating the spaces as if they were lots and of the approved variance as follows: Roza Hill Drive: 25 feet from the planned edge of the right-of-way; front of manufactured home: 10 feet from the access; front of carport: 10 feet from the access; side setback: 5 feet from the access and 5 feet from the interior line; rear setback: 10 feet from the access and 15 feet from the interior line.

(82) The applicants shall ensure that the dedicated vision clearance triangles of the 60-foot-wide unopened County right-of-way is maintained in accordance with YCC

19.10.040(7) and that vehicular access to the community well south of that entrance to the manufactured home park is not obstructed by the improvements to the unopened County right-of-way.

(83) The applicants shall ensure that any exterior lighting installed meets the requirements set forth in YCC 19.10.040(10).

(84) The applicants shall ensure that all necessary permits are obtained for any signs installed in the future.

**DATED** this 10<sup>th</sup> day of October, 2024.

  
Gary M. Cuillier  
Gary M. Cuillier, Hearing Examiner

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10/14/2024  
13 LABELS

## Karri Espinoza

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**From:** Karri Espinoza  
**Sent:** Monday, October 14, 2024 11:10 AM  
**To:** Tom Durant; crosepacoordinator@ecy.wa.gov; DAHP SEPA; elizabeth.torrey@dfw.wa.gov; janell.shah@dfw.wa.gov; scott.downes@dfw.wa.gov  
**Subject:** CUP2024-00002 - Hearing Examiner Decision  
**Attachments:** CUP2024-00002 - Hearing Examiner Decision.pdf

## Karri Espinoza

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FILE NO.: CUP2024-00002  
HEARING EXAMINER DECISION

**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 DECISION a true and correct copy of which is enclosed here-with; that a HEARING EXAMINER DECISION 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 9th day of October, 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 14th day of October, 2024.

  
\_\_\_\_\_  
Karri A. Espinoza  
Office Supervisor