



Public Services

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LISA H. FREUND – Director

August 16, 2024:

TO: Neil & Stephanie Goeckner, Gerard Grandi & Parties of Record

FROM: Casey Dunbar, Planner I

RE: Hearing Examiner Decision – CUP2024-00011/ADU2024-00013

On, August 15, 2024, the Yakima County Hearing Examiner issued his decision on the expansion of a Concentrated Animal Feeding Operation (CAFO) for improvements & to place a future Accessory Dwelling Unit (ADU) in the R-10/5 Zoning District. The Examiner's recommendation is enclosed.

The Hearing Examiner decision may be appealed within 21 days from the date of mailing pursuant to the Yakima County Code Title 16B.09. If you have any questions on the decision or the appeal process, please contact Aaron M. Cohen at 574-2300.

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

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

August 15, 2024

In the Matter of an Application for a)	
Type 3 Review Submitted by:)	
)	
Neil & Stephanie Goeckner, Owners)	CUP2024-00011
By Gerard Grandi, their Agent)	ADU2024-00013
)	SEP2024-00007
)	
To Expand a Concentrated Animal)	
Feeding Operation with Certain Types)	
Of Improvements and to Place an)	
Accessory Dwelling Unit at 1161 Bus)	
Road within the Southwest Corner of)	
A Parcel in the R-10/5 Zoning District)	
East of Mabton & South of Grandview)	

A. Introduction. The preliminary background findings relative to the public hearing process conducted for this application to expand a Concentrated Animal Feeding Operation (CAFO) onto a 3-acre portion of a separate parcel by adding certain improvements without increasing the number of head of cattle at the operation and for a consolidated application to place an Accessory Dwelling Unit (ADU) on the parcel are as follows:

(1) The Hearing Examiner conducted an open record public hearing regarding this application on August 1, 2024.

(2) Aaron Cohen, Yakima County Planner III – Long Range, presented his detailed and thorough staff report recommending approval of the application subject to conditions.

(3) The manager for the applicants/property owners, Gerard Grandi, described the Horse Heavens Cattle Feeding operation that raises 3,000-3,500 head of cattle on the west side of Bus Road which would be expanded onto about 3 acres of a parcel across Bus Road by adding certain described improvements without increasing the number of cattle at the operation and also described an ADU that would be placed there. One of the owners, Neil Goeckner, indicated that Mr. Grandi covered all of the pertinent details in his testimony.

(4) This decision has been issued within ten business days of the open record public hearing held on August 1, 2024.

B. Summary of Decision. The Hearing Examiner approves this application for expansion of an existing Concentrated Animal Feeding Operation with new uses on a portion of a separate parcel and for placement of an Accessory Dwelling Unit on the parcel, subject to conditions.

C. Basis for Findings, Conclusions and Decision. Based upon a view of the site and surrounding area with no one else present on July 25, 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 1, 2024; 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 that are more properly considered to be conclusions shall be deemed to be such.

FINDINGS

I. Applicants/Property Owners/Agent. The applicants/property owners are Neil and Stephanie Goeckner, 19179 Red Bird Road, Lewiston, Idaho 83501. The agent for the applicants/property owners who submitted the application and testified at the public hearing is the manager for their Horse Heavens Cattle Feeders, Inc. operation, Gerard Grandi, 1070 Bus Road, Mabton, Washington 98935.

II. Location. The southwestern 3-acre portion of a 69.97-acre parcel at 1161 Bus Road is proposed to be used for expansion of an existing CAFO that is located across Bus Road to the west and it is also proposed to be used for the placement of an ADU. The 3-acre site is located at the northeastern corner of the Bus Road T intersection where Foxx Road enters from the west which is east of Mabton and south of Grandview. The proposal would be within the southwestern 3 acres of Yakima County Assessor's Parcel No. 230803-33002.

III. Hearing Examiner's Jurisdiction. This proposal is subject to the Yakima County Unified Land Development Code, Title 19 of the Yakima County Code (YCC). YCC Table 19.14-1 entitled Allowable Land Uses lists Concentrated Animal Feeding Operations (CAFOs) as Conditional Uses requiring Type 3 public hearing review in the Rural-10/5 (R-10/5) zoning district. Even though YCC Table 19.14-1 lists an Accessory Dwelling Unit (ADU) as a use requiring Type 2 administrative review in the R-10/5 zoning district, the applicants have chosen to consolidate the ADU application with the Type 3 CAFO expansion application to be reviewed under that higher level of review pursuant to YCC

16B.03.060. YCC 16B.03.030 provides that Type 3 review applications are quasi-judicial actions that require public notice and an open record hearing by the Hearing Examiner. The Hearing Examiner's written Decision constitutes the final decision which is appealable to Yakima County Superior Court. Public notice is provided for Type 3 review.

IV. Application. The main aspects of this proposal may be summarized in the following manner:

(1) On February 14, 2024, the Yakima County Public Services Department: Planning Division received a Conditional Use Permit (CUP) application for expansion of an existing CAFO. On May 28, 2024, the Yakima County Public Services Department: Planning Division received an application to also place an Accessory Dwelling Unit (ADU) on the parcel which the applicants opted to consolidate with the CAFO expansion Type 3 review application even though it would otherwise be subject to administrative review as a Type 2 use in the R-10/5 zoning district. Requested additional information was received by June 3, 2024. The application was deemed complete for processing on June 18, 2024.

(2) The history leading up to this application includes the fact that Parcel No. 230803-33002 where this CAFO expansion and an ADU would be located has been in its current form since the Yakima County Assessor's Office drew up their plat maps in the 1970s. Assessor's Office records indicate that an existing home on the parcel was built in 1920. Two early assistance conference (EAC) applications are associated with the property, both for the establishment of a concentrated animal feeding operation on the property. All other permits associated with the property (building, fire safety, land-use, public health) are associated with the development that is the subject of the Planning Division staff report.

(3) All developments under review within this proposal are within the southwestern corner of the Parcel No. 230803-33002. The applicants are seeking to expand some features of the Concentrated Animal Feeding Operation (CAFO) that is west of Bus Road on Parcel No. 230804-44003 onto Parcel No. 230803-33002 which is on the east and north side of Bus Road. The proposed expansion includes administrative offices and maintenance sheds for equipment. The only cattle expected to be on Parcel No. 230803-33002 would be those that will be transferred between feedlots. Any other structures associated with animals on Parcel

No. 230803-33002 are associated with the transfer of animals between feedlots or are associated with existing animals. Tanks with feed and feed supplements for the cows associated with the CAFO having a total capacity of 8,050 gallons would be stored on Parcel No. 230803-33002. The feed and feed supplements would also be mixed on that parcel. The applicants have indicated that 15 employees are to staff the offices and maintenance shops and 15 gravel parking spots are proposed for staff. A total of 9,829 square feet of buildings associated with the CAFO would be on the property once the proposed development is complete.

(4) The applicants are also seeking to place an Accessory Dwelling Unit (ADU) on the property. The existing primary residence is 2,458 square feet and the proposed ADU would be 1,800 square feet. The primary residence is proposed to be connected to a new two-party shared well that is shared with the offices for the CAFO. The proposed ADU is proposed to be connected to a new two-party shared well that is shared with the maintenance shop. Individual septic systems for both residences as well as for the offices and shops are proposed. All vehicles are expected to utilize approved road approaches.

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 Water Resources Division, the Transportation Division, the Utilities Division, the Code Enforcement Division and the Yakima Health District. Comments are addressed below in the findings of this decision.

(2) After the application was determined to be complete, a combined Notice of Application, Notice of Completeness, Notice of Environmental Review and Notice of Hearing was mailed to the owners of property within 300 feet of the site and to agencies having jurisdiction or interest in the proposal on June 18, 2024, with the comment period applicable only to the SEPA review ending on July 2, 2024. Written comments were received from two outside agencies during that comment period.

(3) The steps to process this consolidated application and the notices for the August 1, 2024, public hearing were as follows:

Applications submitted:	February 14, 2024 & May 28, 2024
Requested additional information received:	June 3, 2024
Mailing of Hearing Notice to the owners of property within 300 feet of the site and to interested public agencies:	June 18, 2024
Publishing of Hearing Notice in the Yakima Herald-Republic:	June 18, 2024
Publishing of Final SEPA DNS:	July 9, 2024
Posting of Hearing Notice on the property:	July 12, 2024

VI. Environmental Review. This proposal is subject to review under the State Environmental Policy Act (SEPA) since it is not considered exempt from the review process (WAC 197-11-800(1)(b)(iii)). The State Environmental Policy Act (SEPA) Responsible Official for Yakima County conducted a review of the SEPA application under the Planning Division File Number SEP2024-00007. A SEPA Determination of Non-Significance (DNS) was issued on July 9, 2024.

VII. Critical Areas. The proposal is not located within any wetlands or critical areas.

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

(1) The adjacent parcel to the west across Bus Road where the CAFO is located is within the Agriculture (AG) zoning district. The parcel where the CAFO expansion and the ADU are proposed on the east side of Bus Road is within the Rural Self-Sufficient (RSS) Comprehensive Plan designation and the Rural-10/5 (R-10/5) zoning district.

(2) The intent of the Rural Self-Sufficient Comprehensive Plan designation is to

provide “a broad choice of areas where an independent lifestyle can be sustained on acreage homesites. The Rural Self-Sufficient category is intended to maintain rural character by establishing lot sizes which will make feasible individual wells and septic systems on each parcel, and by minimizing conflicts with adjoining or nearby resource land uses through buffers and special setbacks that will permit farm, forestry and mineral resource uses to continue. Density incentives are provided to encourage development where fire protection services and hard surface roads are available. Rural Self-Sufficient category policies also provide for flexible parcel sizing or clustering to encourage development that more effectively uses the site to reduce infrastructure and service costs. These lands are generally found at the periphery of Urban Growth Areas and Rural Transitional areas separating designated farm or forest lands and the remote rural and developmentally constrained lands.” (Chapter 5, pages 45-46, of Horizon 2040). The proposal is consistent with Comprehensive Plan Goal LU-R 2 which is to recognize agriculture as an important economic activity within designated rural areas.

(3) The intent of the R-10/5 zoning district set forth in YCC 19.11.030(1)(b) is “to maintain rural character and provide density incentives to encourage development where fire protection services and access to roads with a paved or other hard surface are available.”

(4) The properties to the north are within the R-10/5 zoning district and contain single-family residences. Additionally, to the north is the City of Grandview’s sewage treatment facility. The properties to the west are within the Agriculture (AG) zoning district and contain commercial agricultural uses. The properties to the south are within the Rural/Extremely Limited Development Potential-40 (R/ELDP-40) zoning district and are vacant.

(5) The proposed CAFO expansion and the proposed ADU which would have fire protection services and be accessed by a paved road maintained by Yakima County are consistent with the Comprehensive Plan designation and with the intent of the R-10/5 zoning district provided that all of the conditions of approval are satisfied.

IX. Written Comments Received. The written comments relative to this proposal received from two outside agencies which were included as attachments to the Planning Division staff report may be summarized as follows:

Neil & Stephanie Goeckner, Owners,
To Expand a Concentrated Animal Feeding
Operation by Adding Improvements on a
Separate Parcel and to Add an Accessory
Dwelling Unit E. of Mabton, S. of Grandview
CUP2024-00011; ADU2024-00013; SEP2024-00007

(1) Washington State Department of Ecology (DOE): Prospective water users must obtain authorization from DOE before diverting surface water or withdrawing ground water with the exception of ground water withdrawals for a project up to 5,000 gallons per day for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology. If you have any questions or would like to respond to these Water Resources comments, please contact Nathan Longoria at (509) 907-1752 or email at Nathan.Longoria@ecy.wa.gov.

(2) Sunnyside Valley Irrigation District (SVID): SVID's Lateral MB 3.40 is a 27-inch diameter irrigation pipeline which conveys water through Parcel 230803-33002. In order to achieve the required 3-feet of cover over the lateral pipeline, the soil over the pipe is built up higher than the surrounding ground elevation. Regrading or removal of soil within the SVID easement is prohibited. SVID also provided a map on the second page showing the location of the lateral easement/right of way and indicating that the project location is outside of the lateral. In any event, any shifting, moving, regrading or removal of dirt of any kind within the SVID easement/right of way for Lateral MB 3.40 is not allowed.

X. Review Criteria for Type 3 Uses (YCC 19.30.080(7)). The minimum review criteria for consideration of Type 3 Conditional Uses are prescribed by YCC 19.30.080(7). The requisite written findings and conclusions which state specific reasons upon which this decision is based are similar to the 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. The agricultural use that will be accommodated by expanding the CAFO onto an adjacent parcel across Bus Road to the east so as to allow certain CAFO functions to be accomplished there and by adding an ADU in that location will adequately serve present and future needs of the community and benefit rather than injure the community by providing

support for an important agricultural operation that already exists nearby and by providing additional housing within the community.

(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 CAFO expansion and the addition of an ADU are compatible with neighborhood residential uses and City of Grandview sewage treatment facility uses to the north, the cattle operation to the west, the agricultural uses to the east and the vacant property to the south. The proposed uses will also be compatible with the Rural Self-Sufficient (RSS) Comprehensive Plan designation and the Rural-10/5 (R-10/5) zoning district classification so long as all of the criteria for Type 3 review approval of the uses are satisfied and the conditions of approval are satisfied and maintained.

(3) The site of the proposed use is adequate in size and shape to accommodate the proposed use. The parcel where the CAFO expansion and the ADU would be located is 69.97 acres in size according to the County Assessor's website information, but only about 3 acres of the parcel would be used for those purposes. A review of the site plan and the application documentation establishes the fact that the parcel is more than adequate in size and shape to accommodate the proposed uses.

(4) The proposed use will comply with all setbacks, spaces, walls and fences, parking, loading, sitescreeening, landscaping and other features required by this Title. The proposed uses will comply with these features in the following ways:

(a) Setbacks (YCC 19.10.040(6) & Table 19.11.030-2): Here a review of the site plan indicates that the structures will comply with all of the applicable structural setback requirements as follows:

<i>Setback Type</i>	<i>Required Structural Setback Distances from Stated Features</i>			
Front Setback:	50'	West	Planned Centerline of	Bus Road
Side Setback:	10'	North	Property Line	
Side Setback:	50'	South	Planned Centerline of	Bus Road
Rear Setback:	10'	East	Property Line	

(b) Fences, Walls and Recreational Screens (YCC 19.10.040(9) and YCC 19.30.080(7)(d)): 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. Here the application indicates that some portions of the proposed development are to be fenced with metal, non-view-obscuring fencing. The submitted site plan does not depict the area to be fenced, but YCC 19.10.040(9)(a)(iii)(C) indicates that the R-10/5 zoning district does not have a fence height requirement. The applicants are required to ensure that all fencing meets all of the current building codes, does not infringe on any utility easements, and does not infringe on the Vision Clearance Triangles required by YCC 19.10.040(7).

(c) Parking and Loading: In accordance with YCC 19.30.080(7)(d) the proposed development shall comply with the parking requirements of YCC 19.22.020. No off-street parking or loading spaces shall be placed, constructed, located, relocated or modified without first receiving a development permit from the Reviewing Official. 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 in YCC Table 19.22-2. Parking and loading requirements include the following:

(i) Calculation of Parking Standards (YCC 19.22.050): All parking areas shall comply with applicable local, state and federal standards regarding accessible parking for disabled persons. The applicants have indicated that there are to be 15 employees working at the site on Parcel No. 230803-33002 and have proposed placing 15 parking spaces at the site. Each home is required to provide two off-street parking spaces, for which there is space on the property. The determination of the Reviewing Official is that the proposed parking for the CAFO expansion is sufficient to serve the proposed development and that Parcel No. 230803-33002 can accommodate the required primary and secondary residence parking (for a total of 19 parking spaces reviewed under this proposal). All parking spaces must be installed in accordance with the requirements set forth in YCC Chapter 19.22.

(ii) Travel Ways (YCC 19.22.070): All vehicle travel ways are required to follow the standards stipulated in YCC 19.22.070. The depicted site plan shows gravel on all vehicle travel ways and parking lots, with one area to be concrete. Since Parcel No. 230803-33002 is within a rural zoning district, this

proposal must comply with rural standards set forth in YCC 19.22.070(1)(b) which states: “Rural Standards. Parking facilities within all other rural zones shall be surfaced with a minimum of screened gravel or crushed rock, or better, except that the Reviewing Official may require paving and/or landscaping of the parking facility when necessary to protect the public health or safety.” The applicants shall ensure all travel ways are installed prior to the issuance of Certificates of Occupancy for building permits and the commencement of the uses. Yakima County Code requires the parking and travel way areas in the R-5/10 zoning district to be a minimum of screened gravel or crushed rock or better (YCC 19.22.070(1)(b)). The applicants will be required to build the parking lot, driveways, travel ways, and parking aisles to the standards outlined in YCC 19.22.070 prior to the issuance of any Certificates of Occupancy as a condition of this decision.

(5) The proposed use complies with other development and performance standards of the zoning district and this Title. The proposed CAFO expansion and the proposed ADU satisfy this criterion for the following reasons:

(a) Conformity with All Regulations Required (YCC19.10.040(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.” Here the applicants must obtain all permits required by the Yakima County Public Services Department, the Yakima Health District, and any state or federal agencies as applicable, in addition to fulfilling all of the conditions required by this final decision of the Hearing Examiner.

(b) Yards, Lots, Open Space and Off-Street Parking and Loading Spaces (YCC 19.10.040(2)(a) and 19.30.080(7)(d)): “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. . . .” Minimum yard size is defined by the required setbacks, plus any open space requirements. Here this project as proposed will comply with the setback standards of YCC 19.11.030 and no new lots are proposed. The applicants are not proposing to share yard, open space, or parking with uses outside of the project area. Applicable off-street parking standards are discussed above.

(c) 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.” The County Roads Department provided the following initial comments on February 27, 2024:

“Conditions: 1. Apply for a road approach permit (RAP) for Parcel 230803-33002. Comments: RAP2002-00053 was issued for Parcel 230803-33002. This RAP was for one agricultural access. There are two agricultural accesses, one residential access and one shared access for this parcel. These need to be permitted. The applicants will need to apply for a road approach permit for Parcel 230803-33002. This parcel is currently an operating agricultural business. The proposed project will have minimal impact on the public roads. Yakima County Roads has no concerns with this project.”

Since then, RAP2024-00005 has been issued for all accesses on the property. This is indicated in the Transportation Division comments associated with ADU2024-00013. Additionally, as indicated in YCC 19.18.020(1)(c)(ii), the ADU and the primary residence must share the same approach unless the Roads Department allows for separate approaches. Any future approach changes for the ADU require a review by the Yakima County Roads Department. Therefore, no additional permit is required by the Roads Department at this time. All future developments require a review by the Yakima County Roads Department.

(d) 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 Use Table 19.14-1 within Chapter 19.14.” Here YCC Table 19.14-1 entitled Allowable Land Uses provides that a Concentrated Animal Feeding Operation use is considered a Type 3 use in the R-5/10 zoning district and an Accessory Dwelling Unit use is a Type 2 use in the R-5/10 zoning district which has been consolidated with the CAFO expansion application to both be reviewed under the Type 3 review process.

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

(i) “Based upon the information submitted, all new construction, modifications to existing structures and changes of building use and/or changes of building occupancy including the change of use for the existing dairy barn to break room and livestock processing 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. Building permits and Building Codes are based upon the building’s use and construction type. A complete building code compliance plan review will be performed when construction drawings are submitted for building permits.”

(ii) “Building permits are required for the proposed structures on the property. Currently, the following permits have been applied for and are deemed incomplete:

BLD2023-00717 - Ag Equipment Storage
BLD2024-00016 - Hickory Shed for Tack Room
BLD2024-00017 - Office
BLD2024-00018 - Ag Storage (Misc)
BLD2024-00110 - Truck Scale

Per applicants, cow shade/lean to be demolished - demo permit required. SFR was constructed in 1920 per Assessor site and database.”

(iii) “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. The

occupancy use of a building must meet the classification. When it does not, a change of use is required.”

Here the applicants are required to continue the building permit process for all building permits listed above and any other permits required by the Building & Fire Safety Division. All building, grading, demo, and fire safety permits must be applied for prior to the issuance of any permits. All building, grading, demo, and fire safety permits must be finalized and/or inspected prior to the issuance of any Certificate of Occupancy and commencement of use. For any questions regarding these comments, please contact the Building & Fire Safety Division at (509) 574-2300.

(f) Vision Clearance Triangles at Intersections and at Driveways (YCC 19.10.040(7)): “A vision clearance triangle shall be maintained at all driveways and curbcuts, and the intersection of an alley with a public street for vision and safety purposes. The vision clearance triangle shall measure 15 feet along the perpendicular street curb lines or pavement edge, or travel lane of the public street and 15 feet along the driveway or alley. The third side of the triangle shall be a straight line connecting the 15 foot sides described above. No sign or associated landscaping shall be placed within this triangle so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.” Here a review of the submitted site plan indicates that all required Vision Clearance Triangle (VCT) standards for driveways/curb cuts and intersections will be met. The applicants are required to ensure that compliance with VCT standards is continually maintained.

(g) Maximum Building Height and Lot Coverage (YCC 19.10.040(8) & Table 19.11.030-2): YCC 19.01.070(12) defines lot coverage as “the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces.” YCC 19.01.070(2) defines building height as “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. YCC 19.10.040(8)(a) states that chapters YCC 19.11 through YCC 19.18 list the maximum building and structure heights. In the R-10/5 zoning district, according to Table 19.11.030-2, the maximum building height is 35 feet and the maximum lot coverage is not specified. Here the maximum building height and the maximum lot coverage applicable to the R-5/10 zoning district will not be exceeded.

(h) 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.” Here the application indicates that there will be exterior lighting on the property over buildings and on the proposed ADU. The applicants are required to submit an exterior lighting plan to the Yakima County Planning Division depicting how all exterior lighting is to be shaded, shielded, and directed onto Parcel No. 230803-33002. The exterior lighting plan also must ensure that all requirements of YCC 19.10.040(10) are met and the plan is approved prior to the issuance of building permits.

(i) 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.” Here the Building and Fire Safety 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.”

Since the Yakima County Critical Areas maps indicate that the subject property is not within a floodplain, a pre-application meeting was not required for this proposal.

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

“Ongoing Conditions: I. Stormwater must be retained on site. II. Any natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC

12.10.250. Notes - Any new construction should be included in the existing Dairy Nutrient Management plan.”

Based on the comments from the Water Resources Division, all stormwaters must be retained on site, and natural drainageways cannot be altered or impeded without approval of the Water Resources Division. The Water Resources Division also provided additional comments indicating that a track-off plan is required to be submitted prior to the issuance of building permits for cattle which are related to the transfer station. All additional structures should be added into the existing Dairy Nutrient Management Plan.

(k) Signs (YCC Chapter 19.20): YCC 19.20.030(1) states that “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. Here the application indicates that there is to be a sign at the entrance of the property indicating that there is a truck crossing and that the property is a restricted feeding area. The applicants shall ensure that the sign meets all requirements for freestanding signs specified by Yakima County code which includes meeting building code requirements. Since Parcel No. 230803-33002 is within the R-10/5 zoning district, one freestanding sign is permitted along each street frontage; each sign can be up to 10 feet in height; each sign can be up to 32 square feet in sign area; each sign must meet all required setbacks; and each sign must meet and maintain vision clearance triangle requirements. Specific directional signs and other types of signs that are exempt from land use review, but not from building permit requirements, are described in YCC 19.20.040. If a sign is illuminated either internally or externally, it must meet the standards in YCC 19.20.095. Since a mockup of the sign was not provided with the application materials, the applicants must submit the design specifications of the sign to the Yakima County Planning Division which confirm that all applicable sign standards are met prior to the issuance of the building permit required for the sign.

(l) Sitescreening and Landscaping (YCC 19.21.030(7)(d)): YCC Chapter 19.21 provides that sitescreening requirements are not applicable to developments within the R-10/5 zoning district, and no comments were submitted to indicate that additional sitescreening mitigation is required for this proposal.

(m) Water and Sewer (YCC Tables 19.25-1 and 19.25-2): According to YCC Table 19.25-1, new structures in the R-10/5 zoning district have two options for domestic water in order of priority: existing public water system and individual well. According to YCC Table 19.25-2, new structures in the R-10/5 zoning district have two options for sewage disposal in order of priority: County sewer system and individual septic. Here as to the provision for water, the water rights involved in this development relate to two residential uses for the two houses and two commercial uses relating to the office and maintenance shop for the CAFO. Any other uses outside of this scope are not covered in this review and are subject to all Yakima County, state, and federal water usage laws. The applicants have indicated that the proposed ADU and existing residence will connect to two new two-party shared wells that are also connected to the office and maintenance shops. The Yakima Health District indicated the two proposed well sites have been approved. The applicants are proposing to utilize a Yakima County Water Right for both homes. Correspondence with the Yakima County Water Resources & Utilities Division indicates that the water right is available for all uses on the property. Here as to the provision for sewer, the applicants are proposing individual septic systems as necessary for the entire development for which the applicants must receive all required approvals from the Yakima Health District prior to the issuance of building permits.

(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 Yakima County Roads Department indicated that Bus Road is sufficient in width and surface to carry the expected traffic caused by the proposed developments.

(7) The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof. Even though Type 3 uses are generally not appropriate for the zoning district, they can be conditioned to minimize potential adverse effects. 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 agency comments did not oppose the proposal and no comments were received from any neighbors

or members of the public claiming that the proposal would have an adverse effect on their property. Since the portions of the parcel to the north and east of the 3-acre site are also zoned R-10/5 and used for similar uses, the property to the west is used for a CAFO that is to be expanded onto the site, and the property to the south is vacant, there is no evidence in the record suggesting that the proposed uses of the site will have a substantial adverse effect on abutting property or on the permitted use thereof. The SEPA Responsible Official who conducted SEPA review of the proposal with input from all interested agencies also found that the proposal would not have any likely significant adverse impact upon the environment.

(8) In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the Comprehensive Plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties. The application requests approval of the placement of a detached Accessory Dwelling Unit (ADU) within the 3-acre portion of Parcel No. 230803-33002. A detached ADU is a Type 2 use which is normally subject to Type 2 administrative review in the R-10/5 zoning district, but which has here been consolidated with the Type 3 review process for the expansion of the CAFO. YCC 19.18.020(1)(b)(iv) indicates that only one ADU is allowed per lot. As such, the proposed detached ADU is an additional housing unit allowed within the R-10/5 zoning district. However, with the addition of the ADU onto the parcel, the maximum density for residential units allowed on the parcel has been reached. Otherwise, due to the lack of a lot coverage limitation within the R-10/5 zoning district, the density of the uses proposed for the site is consistent with the public health, safety and general welfare for the development and for adjacent properties. Also, the expansion of the existing cattle operation is beneficial to the public health, safety and general welfare by providing the public with needed food, and the ADU is beneficial to the public health, safety and general welfare by providing the public with needed housing.

(9) The development complies with all criteria in Chapter 19.18 applicable to the proposed use, unless otherwise administratively adjusted. There are no criteria in YCC Chapter 19.18 applicable to the proposed expansion of the CAFO onto the site. The criteria in YCC Chapter 19.18 applicable to the proposed placement of an Accessory Dwelling Unit (ADU) on the site are addressed in the following section of this decision.

XI. Additional Review Criteria Applicable to an Accessory Dwelling Unit (YCC 19.18.020(1)). YCC 19.30.080(7)(i) states that a proposed Accessory Dwelling Unit (ADU) shall comply with YCC Chapter 19.18 which is intended to specify certain standards which under special circumstances may apply to or be required for approval of a proposed development. YCC 19.18.020(1) specifies the following criteria to be considered relative to an application for placement or construction of an ADU. The criteria apply to this application in the following ways:

(1) Parking requirements (YCC 19.18.020(1)(b)(i)). YCC 19.18.020(1)(b)(i) requires that off-street parking associated with an ADU and the primary residence shall be provided as required in YCC Chapter 19.22. No off-street parking or loading spaces shall be placed, constructed, located, relocated or modified without first receiving a development permit from the Reviewing Official. 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 in YCC Table 19.22-2. Parking and loading requirements include the following:

(i) Calculation of Parking Standards (YCC 19.22.050): All parking areas shall comply with applicable local, state and federal standards regarding accessible parking for disabled persons. Each home is required to provide 2 off-street parking spaces, for which there is space on the property. All parking spaces must be installed in accordance with the requirements stated in YCC Chapter 19.22.

(ii) Travel Ways (YCC 19.22.070): All vehicle travel ways are required to follow the standards stipulated in YCC 19.22.070. The depicted site plan shows gravel on all vehicle travel ways and parking lots, with one area to be concrete. Since Parcel No. 230803-33002 is within a rural zoning district, this proposal must comply with the rural requirements set forth in YCC 19.22.070(1)(b) which states: "Rural Standards. Parking facilities within all other rural zones shall be surfaced with a minimum of screened gravel or crushed rock, or better, except that the Reviewing Official may require paving and/or landscaping of the parking facility when necessary to protect the public health or safety." The applicants shall ensure all travel ways are installed prior to the issuance of any Certificate of Occupancy for building permits

and prior to the commencement of the use. Yakima County Code requires the parking and travel way areas in the R-5/10 zoning district to be a minimum of screened gravel or crushed rock or better (YCC 19.22.070(1)(b)). The applicants will be required to build the parking spaces and driveway of the ADU to the standards outlined in YCC 19.22.070 prior to the issuance of a Certificate of Occupancy as a condition of this decision.

(2) The ADU shall meet current standards of the residential building, mechanical, electrical and energy codes as required for single-family dwellings (YCC 19.18.020(1)(b)(ii)). The applicants have indicated that the proposed ADU is to be a manufactured home, which must meet the US Department of Housing and Urban Development standards. If the ADU is a stick-built home, the home must be built to the residential building, mechanical, electrical and energy codes and any other requirements of the Building & Fire Safety Division.

(3) The ADU shall have the same building setbacks as the primary structure (YCC 19.18.020(1)(b)(iii)). Here a review of the site plan indicates that the ADU will comply with all of the applicable structural setback requirements of YCC 19.10.040(6) and Table 19.11.030-2 as follows:

<i>Setback Type</i>	<i>Required Structural Setback Distances from Stated Features</i>			
Front Setback:	50'	West	Planned Centerline of	Bus Road
Side Setback:	10'	North	Property Line	
Side Setback:	50'	South	Planned Centerline of	Bus Road
Rear Setback:	10'	East	Property Line	

(4) A lot shall contain only one ADU (YCC 19.18.020(1)(b)(iv)). Parcel No. 230803-33002 currently contains one single-family residence. Even though this criterion will be met, the proposed ADU will be the only additional residence that can be allowed on the parcel.

(5) ADUs shall not be allowed on parcels containing a duplex, multi-family dwelling, or a commercial or industrial structure/use (YCC 19.18.020(1)(c)(i)). The parcel where the ADU will be located does not contain a duplex or a multi-family dwelling. Placement of the ADU on a portion of a large 69.97-acre parcel has not been found to be a violation of this provision.

(6) The ADU and the primary residence shall share a common driveway unless the two units are allowed to access different roads (YCC19.18.020(1)(c)(ii)). The Transportation Division comments associated with ADU2024-00013 indicate that RAP 2024-00005 has been issued for all accesses on the property. As indicated in YCC 19.18.020(1)(c)(ii), the ADU and the primary residence must share the same approach unless the Yakima County Roads Department allows for separate approaches. Any future approach changes for the ADU will require a review by the County Roads Department. No additional permit is required by the County Roads Department at this time, but all future developments require a review by the Yakima County Roads Department.

(7) A home business may be allowed, subject to Section 19.18.240, in either the ADU or the primary unit, but not both (YCC 19.18.020(1)(c)(iii)). A home business does not exist on the parcel, and one is not proposed at this time. If a home business is proposed in the future, this criterion will become applicable.

(8) The ADU's floor area shall be smaller than the primary residence (YCC 19.18.020(1)(c)(iv)). This criterion is satisfied because the submitted site plan indicates that the proposed ADU will be 1,800 square feet and the primary residence is 2,458 square feet.

(9) ADUs may be attached to or detached from the primary residence (YCC 19.18.020(1)(c)(v)(A)). This ADU is proposed to be detached from the primary residence.

(10) Potable Water: The ADU and the primary residence shall both connect to a public water system as defined in YCC 19.01.070 and shall meet Yakima Health District requirements (YCC 19.18.020(1)(c)(v)(B)). The applicants have indicated that the proposed ADU and existing residence will connect to two new two-party shared wells that are also connected to the office and maintenance shops. The Yakima Health District indicated that the two proposed well sites have been approved. The applicants are proposing to utilize a Yakima County Water Right for both homes. Correspondence with the Yakima County Water Resources & Utilities Division indicates that the water right is available for all uses on the property. The water systems are required to comply with Yakima Health District regulations.

(11) Sanitary disposal system: Within an Urban Growth Area, the primary residence and the ADU shall both be connected to a public sewer system as defined by YCC 19.01.070 and required in YCC Table 19.25-2 for two connections. Outside of the UGA, the requirements of YCC 19.25-2 for two connections shall apply. All sanitary

disposal systems must meet the Yakima Health District requirements (YCC 19.18.020(1)(c)(v)(C)). Since the subject property is outside of the UGA, the requirements of YCC 19.25-2 for two connections shall apply. The applicants indicate that individual septic systems are proposed for each residence which must comply with Yakima Health District requirements per YCC 19.18.020(1)(c)(v)(C).

(12) Elimination. The Reviewing Official retains the right with reasonable notice to withdraw occupancy approval if any of the requirements under Subsections (1)(b) and (c) of YCC 19.18.020 are violated (YCC 19.18.020(1)(c)(vi)). If the County withdraws occupancy, the property owner may either use the detached building only for an approved use or remove the structure from the premises (YCC 19.18.020(1)(c)(vi)(B)).

XII. Consistency of the Proposed Uses (YCC §16B.06.020). The proposed CAFO expansion and the proposed ADU will be consistent with development regulations and also with the Comprehensive Plan (*Horizon 2040*) in the following ways:

(1) The types of land uses permitted at the site: According to YCC Table 19.14-1 entitled Allowable Land Uses, a Concentrated Animal Feeding Operation is classified as a Type 3 use subject to Type 3 review in the R-10/5 zoning district, and an Accessory Dwelling Unit is classified as a Type 2 use subject to Type 2 administrative review in the R-10/5 zoning district except where, as here, it is consolidated for review with a Type 3 use. Since the criteria for approval are satisfied, the requested uses are permitted at the site.

(2) The level of development, such as units per acre, density of residential development or other measures of density: This proposal increases residential density to the extent that is allowed because one ADU is allowed on the parcel in addition to the primary residence and because an ADU is not included within the unit density calculations per YCC 19.18.020(1)(a). Furthermore, since there is no maximum lot coverage limitation in the R-10/5 zoning district and since the proposed uses will comply with the setback requirements for the R-10/5 zoning district, the density and level of development will be consistent with the Comprehensive Plan and with the development regulations of the R-10/5 zoning district.

(3) The availability and the adequacy of public facilities: A paved road that is

maintained by Yakima County, Bus Road, is available and adequate for access to the site. Additional infrastructure will be installed by the applicants as required for the proposed CAFO expansion and for the proposed ADU prior to the issuance of building permits or the issuance of any Certificate of Occupancy as applicable.

(4) The proposal's consistency with applicable development standards and the Comprehensive Plan: Since no adjustments or variances from applicable development standards are requested, the character of the proposal as conditioned will be consistent with applicable development standards and the Comprehensive Plan.

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 Permit in the Rural-10/5 (R-10/5) zoning district for the expansion of a CAFO and for the placement of an ADU under the circumstances prescribed by the zoning ordinance, which circumstances warrant approval of this application.

(2) A SEPA Declaration of Non-Significance (DNS) was issued for this proposal on July 9, 2024.

(3) All public notice requirements for the open record public hearing of August 1, 2024, have been satisfied.

(4) YCC 19.30.100(2)(d) authorizes the Hearing Examiner to impose conditions on an approval to assure compatibility of the development with existing neighboring land uses.

(5) 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 uses, if adequately conditioned, satisfy the criteria for approval set forth in YCC 19.30.080(7) and YCC 19.18.020(1).

(6) 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.

(7) YCC §16B.03.030(1)(c) and YCC Table 3-1 in YCC §16B.03.030(4) provide that the Hearing Examiner's written decision relative to a Type 3 process involving an open record 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 application for a Type 3 Conditional Use Permit to expand a Concentrated Animal Feeding Operation with additional uses and to place an Accessory Dwelling Unit on approximately 3 acres at the southwest corner of Parcel No. 230803-33002 owned by Neil and Stephanie Goeckner which is on the northeast corner of the Bus Road T intersection where Foxx Road enters from the west and which is east of Mabton and south of Grandview and is more particularly described in the staff report, the testimony at the public hearing, this decision and the documentation that is contained in the Yakima County Planning Division File Nos. CUP2024-00011, ADU2024-00013 and SEP2024-00007 is **APPROVED** subject to the following conditions:

The following conditions of approval must be completed within *three (3) years* of the date of this decision. Please note that this decision and time limit pertains to this conditional authorization for the subject land use only and failure to comply with all conditions will result in the revocation of this permit. The Hearing Examiner's Final Decision includes the following conditions and the above findings as described.

CAFO Conditions

The following conditions must be met prior to the issuance of Building Permits for the permitted CAFO expansion use, except for the sign. Failure to comply with these conditions can result in the revocation of this permit.

(1) The applicants shall apply for **all** Building and Fire Life Safety permits for the proposed structures, sign, and site preparation. **All** permits for the proposed structures, sign, and site preparation must be issued, inspected, and finalized prior to their occupancy or use.

(2) The property must be reviewed and approved by the Yakima Health District for septic suitability and/or drainfield replacement area(s). Please contact the Yakima Health District at (509) 249-6508 and submit a copy of the Yakima Health District's approval letter to the Planning Division.

(3) The applicants shall obtain all necessary permits from the Yakima Health District to connect the CAFO expansion uses to two new two-party shared wells. The applicants shall submit to the Planning Division documentation from the Yakima Health District indicating that the wells have been installed to that agency's satisfaction.

(4) The applicants shall submit an exterior lighting plan depicting how all exterior lighting is to be directed downward and otherwise arranged, 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 into any adjacent residential use or interfere with the safe operation of motor vehicles.

(5) The applicants shall submit to the Water Resources Division for approval a track-off plan for trucks entering the site from Bus Road and exiting the site onto Bus Road.

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

(6) The applicants shall submit the design specifications of the sign, ensuring that all applicable sign standards are met, to the Yakima County Planning Division.

The following conditions must be met prior to the issuance of a Certificate of Occupancy or Final Inspection for the permitted CAFO expansion use. Failure to comply with these conditions can result in the revocation of this permit.

(7) The applicants shall ensure that all Yakima County Water Resource Permit (WRS2024-00134) requirements are completed to the satisfaction of the Yakima County Utilities Division, the Yakima County Planning Division and the Yakima Health District.

(8) The applicants shall provide a minimum of 19 parking spaces. 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 the new parking spaces, driveways, travel ways, and parking aisles to the standards outlined in YCC 19.22.070 as follows:

(a) Parking facilities shall be surfaced with a minimum of screened gravel or crushed rock, or better. Any paved portion of the parking area shall be paved with two-inch-thick asphaltic surfacing on an aggregate base, or an equivalent surfacing acceptable to the Reviewing Official, to eliminate dust and/or mud.

(b) 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.

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

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

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

(9) All vehicle travel ways shall be installed to meet the requirements stated in YCC 19.22.070(1)(b).

(10) **All** permits for the proposed and existing structures must be issued, inspected, and finalized prior to occupancy. The applicants shall ensure that the project meets all

Americans with Disabilities (ADA) requirements. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at (509) 574-2300.

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

(11) The project shall be completed in conformance with the application materials (which include but are not limited to the site plan, narrative, forms and plans) submitted with the application referenced as file number CUP2024-00011. Any changes may require a modification to this authorization or result in the revocation of this permit. If changes are planned in the future, please contact the Yakima County Public Services Department: Planning Division at (509) 574-2300 for assistance with the permitting process.

(12) Exterior lighting shall be directed downward and otherwise arranged, 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 into any adjacent residential use or interfere with the safe operation of motor vehicles. This includes any exterior lighting associated with the sign.

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

(14) The applicants shall ensure that all Washington State Department of Ecology and United States Department of Agriculture permits are up-to-date.

(15) The applicants shall ensure that all structures adhere to the required Vision Clearance Triangle requirements set forth in YCC 19.10.040(7).

ADU Conditions

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

(16) The applicants shall apply for all Building and Fire Life Safety permits for the proposed and existing structures.

(17) The structure for the ADU shall meet the current standards of the residential, building, mechanical, electrical and energy codes as required for a single-family dwelling. If it will be a manufactured home, it will be required to meet the US Department of Housing and Urban Development standards.

(18) The property must be reviewed and approved by the Yakima Health District for septic suitability and/or drainfield replacement area(s). Please contact the Yakima Health District at (509) 249-6508 and submit a copy of the Yakima Health District's approval letter to the Planning Division.

(19) The applicants shall obtain all necessary permits from the Yakima Health District to connect the ADU to a new two-party shared well. The applicants shall submit to the Planning Division documentation indicating that the well providing water for the ADU has been installed to the Yakima Health District's satisfaction.

The following conditions must be met prior to the issuance of a Certificate of Occupancy or Final Inspection for the ADU. Failure to comply with these conditions can result in the revocation of this permit.

(20) The applicants shall ensure that all Yakima County Water Resource Permit requirements per WRS2024-00134 are completed to the satisfaction of the Yakima County Utilities Division, the Yakima County Planning Division and the Yakima Health District.

(21) The applicants shall provide a minimum of 4 parking spaces, 2 parking spaces for the ADU and 2 parking spaces for the primary residence. 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 new parking spaces, driveways, travel ways and parking aisles to the standards outlined in YCC 19.22.070, as follows:

(a) Parking facilities shall be surfaced with a minimum of screened gravel or crushed rock, or better. Any paved portion of the parking area shall be paved with two-inch-thick asphaltic surfacing on an aggregate base, or an equivalent surfacing acceptable to the Reviewing Official, to eliminate dust and/or mud.

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

(22) The ADU shall be smaller than the primary residence.

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

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

(24) The project shall be completed in conformance with the application materials (which include but are not limited to the site plan, narrative, forms and plans) submitted with the application referenced as file number ADU2024-00013. Any changes may require a modification to this authorization or result in the revocation of this permit. If changes are planned in the future, please contact the Yakima County Public Services Department: Planning Division at (509) 574-2300 for assistance with the permitting process.

(25) Exterior lighting shall be directed downward and otherwise arranged, 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 into any adjacent residential use or interfere with the safe operation of motor vehicles. This includes any exterior lighting associated with the sign.


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

(27) The applicants shall ensure that all structures adhere to the required Vision Clearance Triangle requirements set forth in YCC 19.10.040(7).

(28) The Reviewing Official retains the right with reasonable notice to withdraw occupancy approval if any of the requirements set forth in YCC 19.18.020(1)(b) or YCC 19.18.020(1)(c) are violated. If the County withdraws occupancy, the property owner may either use the detached building only for an approved use or remove the structure from the premises.

(29) No additional approaches for the ADU shall be established without the approval of the Yakima County Roads Department.

DATED this 15th day of August, 2024.


Gary M. Cullier, Hearing Examiner

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CUP2024-00011/ADU2024-00013 Hearing Examiner Decision

Casey Dunbar <Casey.Dunbar@co.yakima.wa.us>

Fri 8/16/2024 9:21 AM

To: Thomas Carroll <thomas.carroll@co.yakima.wa.us>; Jason Earles <jason.earles@co.yakima.wa.us>; Lisa Freund <lisa.freund@co.yakima.wa.us>; Monica Beltran <monica.beltran@co.yakima.wa.us>; Karri Espinoza <Karri.Espinoza@co.yakima.wa.us>; pferolito@yakimaherald.com <pferolito@yakimaherald.com>; jdonofrio@yakimaherald.com <jdonofrio@yakimaherald.com>; crosepacoordinator@ecy.wa.gov <crosepacoordinator@ecy.wa.gov>

📎 1 attachments (1 MB)

CUP2024-00011-ADU2024-00013 Hearing Examiner Decision.pdf;

Casey Dunbar
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If you are wanting to submit any documentation related to an existing application, check the status of an existing application, or are wanting to submit a new application for review please visit the Public Services online permitting portal at <https://yakimacountypermits.us/CitizenAccess/Default.aspx>. Please note, not all Planning applications can be applied for on-line. If the application type you are wishing to apply for does not appear as an option then you can either e-mail your application materials to Planning_Info@co.yakima.wa.us or you can come into the Public Services Department office and meet with a staff member. Public Services Department office hours are Monday – Friday from 8:00 am – 4:00 pm and we are located on the 4th floor of the Yakima County Courthouse at 128 N. 2nd Street, Yakima, WA 98901.

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FILE NO.: CUP2024-00011/ADU2024-00013
HEARING EXAMINER DECISION

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

I, Casey Dunbar, 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 and agencies 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 16th day of August, 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 16th day of August, 2024.


Casey Dunbar
Planner I