



# Public Services

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VERN M. REDIFER, P.E. - Director

## YAKIMA COUNTY PLANNING DIVISION

### Type 2 Application - FINAL DECISION -

**PROJECT NAME:** Clevenger -- Retail Agricultural Tourist Operation (ATO)

**REVIEW PROCESS:** Type 2

**FILE NUMBER:** PRJ2016-00046 / CUP2016-00113 / SEP2016-00046

**PARCEL NUMBER(s):** 211117-32001

**ZONING:** Agriculture (AG)

**COMPREHENSIVE PLAN DESIGNATION:** Agricultural Resource

**PROPOSAL:** To establish a Retail Agricultural Tourist Operation (ATO).

**APPLICANT/OWNER:** Martin and Lori Clevenger  
3301 Lucy Lane  
Zillah, WA 98953

**AGENT:** same as owner

**PREPARED BY:** Dinah Reed, Senior Project Planner, Zoning and Subdivision

**DECISION:** Approved with the following conditions:

The following conditions must be obtained within three years of the date of this decision. Please note that this decision and time limit pertains to conditional authorization for the subject land use only and failure to comply with all conditions will result in the revocation of this permit. This Final Decision includes the following conditions and the findings as described.

1. The applicant must rectify any outstanding building permits and obtain any necessary new building permits from the Yakima County Building and Fire Safety Services Division. Please contact the Yakima County Public Services Department Building & Fire Safety Division at (509) 574-2300.
2. The applicant shall provide at least 50 gravel parking spaces, and ADA accessible parking spaces in accordance with RCW 19.27.031.5. The parking facilities shall be developed and maintained to rural standards in accordance with YCC 19.22.070.

3. Hours of operation for the event center shall typically occur on weekend days, Fridays and Saturdays 8 am to 11 pm, but may occur at other times and on other days as requested by customers of the event facility.
4. The applicant shall comply with the requirements of the State of Washington Department of Ecology with standards associated with groundwater withdrawal, as described in the attached comment letter dated March 8, 2017.
5. 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 in accordance with (YCC 19.10.040(10)).
6. Stormwater shall be retained on site and upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.130.
7. The owners, their grantees and assignees in interest shall meet the terms of Compliance, Extensions, Expiration, and Reinstatement requirements per YCC 16B.07.050. The applicant shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions.
8. The project shall not extend beyond that described in this application and associated site plan submitted with the application referenced as file number CUP2016-00113 / SEP2016-00046. Any future change(s) to this project shall be submitted to the Yakima County Planning Division for review and a decision based on County code.
9. **Time Limit:** The conditions of approval for this Conditional Use Permit must be completed within three (3) years of the date of the Hearing Examiner's decision. Extension of time for cause may be granted pursuant to Subsection 19.30.100(4)(c) of the Yakima County Zoning Ordinance.

## FINDINGS AND ANALYSIS

### Project Description

1. The proposal is to establish a Retail Agricultural Tourist Operation (ATO) on an 11.67 acre parcel that is within the AG zoning district. The parcel has over five acres in agricultural production of a Christmas tree farm grown for wholesale distribution. The parcel has existed as an event venue for weddings, family and class reunions and is subject to a County code enforcement violation (COD2016-00116). Approval of this application will rectify COD2016-00116.

Definition Title 19.01.070 - Agricultural Tourist Operation (ATO): "refers to a working farm, including an approved winery, distillery or brewery (domestic or micro) or any agricultural, horticultural, or agribusiness operation that is open to the public for the purposes of enjoyment, education, or active involvement in the activities of the farm or operation. These activities must be related to the agricultural products grown or produced on site and incidental to the primary operation on the site. This term includes farm tours, hayrides, corn mazes, pumpkin patches,

classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above and similar uses. The retail sales of agricultural related products is considered accessory and subordinate to the agricultural operation when the products sold are grown or produced on site.”

The primary agricultural use of the parcel is a nursery (Christmas tree farm) to harvest and sell on a wholesale basis (no retail sales). The farm covers over five (5) acres of the parcel. According to the site plan, the Christmas tree farm will be located on the southern portion of the parcel, south of the driveway.

The secondary use of the facility is an outdoor event center for weddings, and other events such as family or class reunions. According to the site plan, the area set aside for events encompasses an acre of land in the northwest corner of the parcel that includes a gravel surfaced parking area for 53 parking spaces, grassy lawn areas, a 18' x 20' pergola that serves as a staging/bar setup space, a 53' long/7' tall trellis, a 30' circular concrete stage area, and walkways. Additionally there is a portable building (12' x 16') used for storage of chairs, tables, and supplies for the operation of the special events.

Sanitary disposal is provided via a portable self-contained restroom trailer, and an ADA accessible porta-potty that is rented during the event season. Drinking water is not supplied by the property owners, but is brought in by those renting the facility for events. Food is not provided or sold by the property owners, but is provided by outside caterers for events.

The site is accessed by Lucy Lane, a 1,700 foot private driveway, which is off of Highland Road, a paved County Road.

The days and hours of the event venue will be primarily Fridays and Saturdays, anytime between 8 am – 11 pm, and events will be held seasonably, typically from May – October.

The parcel also includes a single-family residence where the property owners reside, which is served by an individual well and septic.

### **Zoning and Land Use**

2. The site is within the Agriculture (AG) zoning district, and within the Agriculture Resource designation of the Yakima County Comprehensive Plan (*Plan 2015*). “The purpose of the AG district is to preserve and maintain areas for the continued practice of agriculture by limiting the creation of small lots, permitting only those new uses that are compatible with agricultural activities, protection of agricultural lands of long-term commercial significance, and providing measures to notify and separate especially sensitive land uses from customary and innovative agricultural land management practices. The AG district implements the Comprehensive Plan that calls for the preservation of agricultural lands.”

Surrounding parcels to the north, south, east and west are in Agriculture production and large AG lots ranging from 25 – 70+ acres.

The Yakima County Comprehensive Plan (*Plan 2015*) Policy that supports a Retail ATO is stated in:

**Agricultural Resource Areas - Policy: LU-ER-AG 1.5** – “Allow for accessory uses, including non-agricultural uses that support, promote, or sustain agricultural operations and production. Such accessory uses may include bed & breakfasts, boarding houses, restaurants, event facilities and other amenities that are determined to support agriculturally related entrepreneurial efforts.”

### **Jurisdiction and Process**

3. The proposal is subject to the Unified Land Development Code Title 19 (Title 19). Table 19.14-1 of Allowable Land Uses designates a Retail Agricultural Tourist Operation as defined by Section 19.01.070 of Title 19 as a use requiring Type 2 review in the AG zoning district. Type 2 uses are generally allowed uses that must be reviewed by the Administrative Official and may be conditioned to ensure compatibility and compliance with the zoning district and the comprehensive plan, *Plan 2015* (YCC 19.30.030(2)).

### **Notice of Application**

4. A Notice of Application, Notice of Completeness and Notice of Environmental Review was mailed to adjoining property owners on February 27, 2017 with a comment period ending on March 13, 2017. Comments were received from one outside agency.

- State of Washington Department of Ecology –  
“WATER RESOURCES – Any ground water development proposal that will withdraw water in excess of 5,000 gallons per day for single or group domestic supply, or for industrial purposes, or for the irrigation of more than ½ acres of lawn or non-commercial garden will require a permit from the Department of Ecology. Any surface water diversion will require application to the Department of Ecology for a water right permit. If you have any questions or would like to respond to these Water Resource comments, please contact Jacquelyn Metcalfe at (509) 457-7148.”

*Staff finding: The applicant shall comply with the requirements of Ecology as stated in their attached comment letter.*

“SHORELAND/ENVIRONMENT ASSISTANCE – Proposed activities and recent clearing have encroached into potential wetland areas or their required buffers, as well as a potential stream area. A wetland delineation and a wetland rating should be done before site improvements are authorized. The wetland area and buffer may extend uphill from the obvious ponded wetland location. If planted in appropriate native plants, the pond area and the rest of the connected wetland area and buffer could be a focal point of natural beauty and a great asset to the wedding destination use. If you have any questions or would like to respond to these Shorelands/Environmental Assistance comments, please contact Catherine Reed at (509) 575-2626.”

*Staff finding: The water is likely from the irrigation canal and not from the regulated wetlands. A wetland delineation is not required, only suggested. If you have questions regarding these comments, please contact DOE at (509) 575-2626.*

### **Environmental Review**

4. A Final Determination of Non-Significance (DNS) was issued for a Retail ATO for SEP2016-046 on June 14, 2017.

**Agricultural Tourist Operation (ATO) General Requirements**

5. (YCC 19.18.060(3)) "All types of Agricultural Tourist Operations shall:

- a) Be consistent with the intent of this Section (19.18.060);

*Staff finding: The intent is that an ATO is considered to be an agricultural accessory use and a component of a strong agricultural economy. Section 19.18.060 intends to provide standards to ensure that the physical development of tourist operations and public education in farming areas enables business diversification that supports, promotes and sustains agricultural operations and production.*

- b) Be operated by the owner, operator, or occupant of the farming use;

*Staff finding: The ATO is operated by Martin and Lori Clevenger, owners of the parcel, the Christmas tree farm, and the event venue, and therefore meets this standard.*

- c) Comply with specific provisions applicable to the type of agricultural tourist operation in this Section;

*Staff finding: The event venue is an outdoor space (only) for hosting gatherings of an approximate maximum of 200 guests for special events, therefore is being reviewed as a Retail ATO, which requires a Type 2 review process to meet those standards.*

- d) Be subject to, and limited by the appropriate licensing standards of the Yakima Health District where food handling is required;

*Staff finding: The event center has mobile (temporary) food vendors as part of events. It is the responsibility of all mobile food vendors to obtain their own food handler permit from the Yakima Health District as well as an event permit from Yakima County Fire Life Safety Division. The applicant is not responsible for food vendor permitting. Additionally, the applicant has not proposed food handling or a restaurant associated with the event center, therefore meets this standard.*

- e) Be located on a farm consisting of one or more contiguous parcels with at least five producing acres in the crops used in the retail product;

*Staff finding: The subject parcel has a five (plus) acre Christmas tree farm which is used not only as a commercial production for wholesale sales, but for landscaping and added value to the event venue site, therefore meets this standard.*

- f) Locate and design ATO accessory facilities and permanent parking so they will not interfere with agricultural operations on the site of the proposed use or on nearby properties;

*Staff finding: The site plan submitted with the proposal shows that the parking area is in the northwest corner of the subject parcel located in close proximity and easy walking distance to the event venue, but does not interfere with the agricultural production area on the southern portion of the parcel, therefore meets this standard.*

- g) Not locate nonagricultural accessory uses and activities, including new buildings, parking or supportive uses, outside the general area already developed for building and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses;

*Staff finding: The entire event venue is located on the northwest portion of the parcel (west of the single-family residence and north of the Christmas tree farm) and comprises one acre of land that is not in agricultural production, therefore meets this standard.*

- h) Have adequate access from a county road consistent with the standards under Chapter 19.23. ATOs that share a private road must submit a road maintenance agreement at the time of application signed by all legal property owners or their designees. Without the road maintenance agreement the application will be considered incomplete; and

*Staff finding: The property is accessed by a private road (Lucy Lane) that meets Fire & Life Safety requirements and County Roads requirements.*

- i) Provide sufficient detail with applications proposing phased development of an ATO to enable the County, agencies and adjoining property owners to consider all aspects of the project at full build-out. Changes to an approved ATO that result in new uses that were not considered in the original approval are subject to the level of review for the requested change.”

*Staff finding: The applicant is not proposing phased development, therefore meets this standard.*

### **Retail ATOs**

6. (YCC 19.18.060(4)) Retail ATOs may include:

- a) Ancillary Entertainment/Special Events. Indoor event facilities where authorized, shall be no larger than 1,500 square feet.

*Staff finding: The event venue is proposed to only be outdoors. There are no indoor event spaces associated with the application, therefore meets this standard.*

- b) Food Service. The sale of food that is incidental or accessory to a permitted use or value-added food items produced from agricultural products grown on the applicant's farm may be provided. Food service may include sales of ancillary prepackaged foods or beverages that are not prepared on the premises for on-site consumption. Food service in the Retail ATO is subject to Level 1 Yakima

Health District licensing requirements. No food will be cooked to order, although a list of prepackaged foods may be posted. Food service exceeding Level 1 licensing requirements shall only be served by licensed food vendors to guests attending events. No interior seating will be dedicated solely to the purpose of food service in a Retail ATO.

*Staff finding: The applicant is not proposing a restaurant with this proposal, therefore meets this standard.*

- c) Commercial Uses. Accessory commercial retail uses shall offer for sale products or services produced on site and/or limited items promoting the ATO.

*Staff finding: The applicant is not proposing accessory commercial uses with this proposal, however the event venue will consequently advertise the Christmas tree farm to guests who attend events, meeting this standard.*

### **Development Standards**

5. The development standards that apply for all proposed projects are as follows:

- a) **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 finding: The proposal does not include any new structures. If new structures are proposed in the future, they shall comply with the standards of the AG zoning district and the development standards of YCC 19.10.040.*

- b) **Yards, Lots, Open Space and Off-Street Parking and Loading Spaces:** (YCC 19.10.040(2)(b)) “No part of a yard, other open space, off-street parking or loading space required in connection with any development for the purpose of complying with this Title, shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other development...”

*Staff Finding: This proposal does not include sharing of parking, open space or loading space with other uses or parcels.*

- c) **Access Required:** (YCC 19.10.040(3)) “When a proposed use requires access to a County roadway, the approach location shall be reviewed by the County Engineer.”

*Staff Finding: Yakima County Transportation Division commented: “The property is served by a private roadway (Lucy Ln) which feeds directly to an up-to-standards county roadway (Highland Dr). Because the primary roadway serving the property is privately maintained there would be no RAP requirements and because Highland Dr does not front the property directly and meets current County standards, no roadway improvements would be conditioned either. No immediately obvious transportation requirements would be conditioned as a result of a CUP on this property.” For any questions regarding roads please contact Jase Testerman with the Transportation Division at (509) 574-2300.*

- 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 Uses Table 19.14-1 within Chapter 19.14.”

*Staff Finding:* A Retail ATO is listed in the Allowable Land Use Table 19.14-1, as a Type 2 review process in the AG zoning district.

- e) **Building 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 Finding:* The applicant shall comply with YCC 19.10.040(5) if a building permit is required for any future use. For more information, please contact the Yakima County Building and Fire Safety Division at (509) 574-2300.

- f) **Setbacks, Easements and Right-of-Way:** (YCC 19.10.040(6)) “Chapter 19.12 lists the standard minimum setbacks of buildings or other structures and uses in the AG zoning district in Table 19.11.010-2.

*Staff Finding:* According to the proposal, no new structures are being proposed in this application.

- g) **Vision Clearance Triangles at Intersections and Driveways:** (YCC 19.10.040(7)) “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. 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 Finding:* The Vision Clearance Triangle does not apply to this proposal since the entrance to the parcel is a distance of 1,700 feet from the County road intersection and is not on the applicant’s parcel.

- h) **Maximum Lot Coverage and Building Height:** (YCC 19.11.040) Lot coverage is defined as “the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces” (YCC 19.01.070(12)). Building height is defined as “the vertical distance from grade plane to the average height of the highest roof surface” (YCC 19.01.070(2)).”

*Staff Finding:* According to Table 19.11.010-2, maximum lot coverage and maximum building height in the AG is not specified. The applicant is not proposing any new structures with this proposal.



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

*Staff Finding:* The applicant has an existing wood fence that is 6’ 3” in height. YCC 19.10.040(9)(C) states, “The maximum fence height is not specified for nonresidential uses in the RS districts, or for any use in the AG, FW, MIN, R/ELDP and Rural 10/5 districts, therefore the applicant complies with the fence height requirements of the zone in which they are in, AG.

- j) **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.”

*Staff Finding:* The applicant has exterior lighting features in the yard/event area. The applicant shall comply with the standards set forth in YCC 19.10.040(10).

- k) **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 Finding:* The parcel is not within a floodplain. Therefore a pre-application meeting is not required.

- l) **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.”

*Staff Finding:* Yakima County Water Resources commented, “If project will disturb more than one acre, then a stormwater site plan will be needed. Stormwater must be retained on site and upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.130. A Washington State Department of Ecology Construction Stormwater Permit may be required.

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

*Please contact Dianna Woods, with the Water Resources Division, at (509) 574-2300 for questions regarding soils and stormwater.*

**Calculation of Parking Standards** (YCC 19.22.050)

11. The parking standards in Table 19.22-1, Table of Off-Street Parking Standards are established as the parking standards for the uses indicated. The required number of parking spaces is determined by the square footage of the assembly areas:

- Yakima County Code requires 1 parking space per 4 seats (or 8 feet of bench length) for auditorium seating.

*Staff finding: The applicant's venue will accommodate approximately 200+ guests, which requires approximately 50 parking spaces. The applicant's site plan proposes 53 parking spaces which meets the requirement of this standard.*

**Construction and Maintenance of Parking Areas** (YCC 19.22.070)

12. Rural Standards - Parking facilities within all rural zones shall be surfaced with a minimum of screen gravel or crushed rock, or better.

Grading and Drainage – Parking areas shall be graded and drained so all surface water is disposed of on-site. Grading and drainage facilities shall be designed according to accepted engineering standards YCC Title 12.10 and the Stormwater Management Manual for Eastern Washington.

*Staff finding: The applicant shall comply with all requirements of YCC 19.22.070 as it pertains to construction and maintenance of a parking area.*

**Sitescreening and Landscaping** (YCC 19.21.010)

13. "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 finding: Table 19.21-1 under the Sitescreening and Landscaping chapter does not require landscaping in the Agriculture zoning district. The applicant has proposed sitescreening /landscaping of evergreens on the south side of the proposed parcel. Additional landscaping and sitescreening is not required.*

**Signs** (YCC 19.20.010)

14. "...Sign placement consistent with the character and intent of the zoning district; proper sign maintenance; elimination of visual clutter; and creative and innovative sign design..."

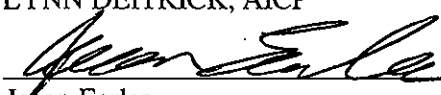
*Staff finding: The applicant proposes one (1) nine square foot sign that is three feet in height at the west side entrance to the parcel. The sign is proposed to be illuminated externally via solar power. Freestanding signs are permitted in the AG zoning district as an accessory to the permitted use (Table 19.20-1). According to Tables 19.20-2 and 3, one freestanding sign per street frontage that is a maximum of 32 square feet is allowed in the AG zoning district. The existing sign meets these requirements.*

**DECISION**

Based upon the above findings, the Yakima County Administrative Official hereby Conditionally Approves the application of Martin and Lori Clevenger for a Retail ATO, subject to the conditions listed above.

**Administrative Official:** LYNN DEITRICK, AICP

**Designee:**

  
Jason Earles  
Planning Section Manager, Subdivision/Zoning

**Date:**

6/16/17

**NOTICE OF APPEAL**

In accordance with Section 16B.09 of the Yakima County Code, any person of standing may appeal the Administrative Official's decision to the Yakima County Hearing Examiner. A notice of such appeal shall be filed in writing and delivered to the Planning Division on the 4th Floor of the Yakima County Courthouse, Yakima, Washington on or before 4:00 p.m., 6/23/17. The appeal shall be in writing, shall be accompanied by the filing fee, and shall include:

- A. The appellant's name, address, and telephone number.
- B. Appellant's statement establishing standing to initiate the appeal under Section 16B.09.020 of this Chapter;
- C. An identification of the specific proposal and specific actions, omissions, conditions or determinations for which appeal is sought;
- D. Appellant's statement of the particular grounds for the appeal, setting forth the principal points of appeal and addressing why the appellant believes the decision to be wrong; and
- E. The desired outcome or relief sought by the appellant.

If you have any questions regarding this decision or the appeal process, please contact Dinah Reed, Senior Project Planner, of our staff at (509) 574-2300.

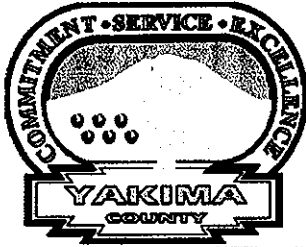
Attachments:

- A. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
- B. Application
- C. Narrative
- D. Site Plan
- E. Comment letter from the Department of Ecology dated March 8, 2017

CUP16-113\_Clevenger AG\_Retail-ATO\_dsr.docx

*Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, nation origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.*

*If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.*



# ***Compliance, Extension, Expiration and Reinstatement (YCC 16B.07.050)***

- (1) Compliance with Conditions and Safeguards of Project Permit. It is the affirmative duty of a project permit holder and the land owner (as applicant) to comply with any conditions made a part of the terms under which the approval of a project permit was granted as authorized by Yakima County Code. The applicant shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions. When the conditions of the project permit have been met within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the applicant shall provide a letter certifying that the conditions were met to the Administrative Official to document compliance.
  
- (2) Extension of Any Approved Project Permit. A valid project permit, other than a preliminary plat, may be extended one time only for up to one additional year by action of the Administrative Official.
  - (a) Requests for extensions shall be made in writing, shall be submitted to the Planning Division prior to the expiration date and shall be accompanied by the final approved site plan showing the location and size of any development or work already completed on the project. Such extension request shall present a timeline that identifies when each of the conditions of the decision has or will be completed and shall detail unique and special circumstances that prohibited the commencement or completion, or both, of the use authorized.
  - (b) The Administrative Official shall review the request without public notice or hearing and issue the decision within fourteen days from the receipt of the completed request. The Administrative Official may:
    - (i) Approve the extension based on a work schedule provided by the applicant to assure the work will be completed according to a modified schedule, or
    - (ii) Disapprove the extension.
  - (c) The Administrative Official shall mail the decision to the applicant and shall specify the decision as final unless appealed to the Hearing Examiner under the provisions of Chapter 16B.09 of this Title. Conditions of approval listed previously in the Notice of Decision issued pursuant to 16B.07.010 through 16B.07.030 of this Chapter may be appealed only according to the procedures and time periods specified in YCC 16B.09.010 and are not subject to appeal again following any decision or determination of the Administrative Official made under this Section 16B.07.050.

Attachment:     A

- (3) Failure to Complete Approved Permit Conditions within Specified Timeframe and Failure to Comply with Permit Decisions or Conditions.
- (a) Expiration. If compliance with the terms of the project permit approval has not occurred within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the project shall be considered expired by time limitation and the land use approval shall be null and void. Expiration of a project permit granted pursuant to Yakima County Code shall not be subject to appeal.
  - (b) Violations. A project permit issued or processed pursuant to any applicable Title listed in YCC 16B.01.020 will be deemed in violation of this Code if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted are not being maintained. Such violations of project permit approval shall be subject to Chapter 16B.11 and other remedies available to Yakima County under any applicable law to enforce conditions of permit approvals, remedy land use and code violations or abate those violations including without limitation YCC Title 13.
  - (c) Compliance agreement. The applicant and the County may enter into a compliance agreement to complete the required conditions subject to appropriate fees to compensate the County in preparing, recording and implementing the compliance agreement. On terms acceptable to the Administrative Official, in his or her sole discretion, the County may offer an extension of time to complete the required conditions of approval subject to appropriate fees to compensate the County in preparing, recording and implementing any such compliance agreement; provided, however, that no compliance agreement may be used in lieu of the permit process to remove or negotiate conditions of approval.
- (4) Reinstatement. Where a project permit has expired, the applicant may apply to have the permit reinstated and the work authorized by the original permit can be recommenced, provided the following are met:
- (a) The applicant submits a written request not more than sixty days after the original permit or authorized extension expired.
  - (b) The applicant provides a timeline for successful achievement of all conditions upon which the Administrative Official can agree.
  - (c) The codes under which the original permit was issued and other laws which are enforced by Yakima County have not been amended in any manner which affects the work authorized by the original permit.
  - (d) No changes have been made or will be made in the original plans and specifications for such work.
  - (e) The applicant submits a reinstatement fee. The fee for a reinstated permit shall be seventy percent of the amount required for a new project permit pursuant to YCC Title 20.
  - (f) Where the request for reinstatement does not comply with all of the preceding criteria in this Subsection, a new project permit application must be submitted and processed as a new project, at full permit fees.



# CONDITIONAL USE PERMIT FORM

FINAL  
Revised 10/1/15

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

REMOVED  
Public Services *AS*

DEC 29 2010

Please Answer the Following Questions (Please attach a separate sheet if needed):

Vern      Gary      Don      Lynn       
Dave      Lisa      Carmen     

1. Are you applying for a:  Type 1  Type 2  Type 3  Type 4
2. What is the proposed use, as listed in YCC Table 19.14-1? Ag Tourist operation (ATO) Retail
3. What is the size of the subject property? (Amount of acreage or square feet): 11.67
4. What is the size and use of structures currently located on the property? See Attached (NARRATIVE)
5. What is the size, height and use of structures proposed to be placed or constructed?
6. List other permits and approvals that will be required. Building permit / Sepa
7. Will the project be conducted entirely within a structure?  Yes  No  
If no, explain what outdoor activities would occur: Weddings, Family and Class Reunions
8. Total number of employees? owner operator
9. How many parking spaces are you proposing? Existing:      Proposed: 53 Surface Type: GRAVEL
10. Will you have a sign?  Yes (if yes, please answer the following questions.)  No
  - a. How many signs are proposed? 1
  - b. What is the square footage of the sign? 9 SQUARE FEET
  - c. What is the height of the sign? 3 FEET
  - d. Will the sign be illuminated?  Yes  No
  - e. If the sign is illuminated, how will it be illuminated?  Internally  Externally SOLAR POWER
  - f. Where will it be located? West Side entrance
11. What is the name of the road that the proposed/existing access is located on? Lucy Lane
  - a. Is the road a:  County Road  State Highway  Private Road  
If the road is a private road, is there an existing Road Maintenance Agreement?  Yes  No  
(If yes, please provide a copy)
  - b. Is the road constructed out of:  Pavement  Gravel  Dirt
  - c. How wide is the Right-of-Way/Easement? See Attached Easement copy
  - d. How wide is the surface of the road? 20 Feet wide
12. How will you manage storm water runoff? Just stays on property

Attachment: B

13. Fencing (If applicable check both)?  New  Existing

- a. Fence Material: WOOD
- b. Will the fence be view obscuring fence?  Yes  No
- c. Will you be placing barbed wire on the top of the fence?  Yes  No
- d. What is the total height of the fence (including the barbed wire if proposed)? 6 ft. / 3 ft.

14. Are you proposing any site screening or landscaping?  Yes  No

If yes, what type and what is the location? Evergreens / South Side of Proposed Site

15. What is the proposed source of irrigation water? ROZA

16. What are the days & hours of operation? Days: Friday / Saturday Hours: 8 AM - 11 PM

17. Will the operation be seasonal? If so list months of operation: YES - MAY - JUNE - JULY - AUGUST - SEPTEMBER - OCTOBER

18. Is any outdoor lighting proposed?  Yes  No YARD LIGHT AND LOW VOLTAGE

If yes, what is the proposed location(s)? Perimeter And Interior

19. What is the proposed source of domestic water?

- a.  Public Water: Name of provider: \_\_\_\_\_
- b.  Community Well: What is the well number: \_\_\_\_\_
- i. Where is the well located? \_\_\_\_\_
- ii. Is there an existing Well Maintenance Agreement?  Yes  No

(If yes, please provide a copy)

c.  Individual Well

20. What is the proposed method of sewage disposal?

- a.  Public Sewer: Name of provider: \_\_\_\_\_
- b.  Community Septic System: Where is the septic system located? \_\_\_\_\_
- c.  Individual Septic System
- d.  Other explain: Portable Restroom Trailer's, Rentals

SCANNED

DEC 30 2016

BY: PL



# AG TOURIST OPERATION FORM

FINAL  
Revised 10/1/15

Yakima County Public Services  
128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901  
(509) 574-2300 · 1-800 572-7354 · FAX (509) 574-2301 · [www.co.yakima.wa.us](http://www.co.yakima.wa.us)

Public Services (A)

DEC 29 2016

Please Answer the Following Questions: (attach sheet if needed)

Vern \_\_\_ Gary \_\_\_ Lisa \_\_\_ Lyn \_\_\_  
Dave \_\_\_ Lisa \_\_\_ Carmen \_\_\_

What Type of Agricultural Tourist Operation are you proposing?

- Retail
- Destination
- Resort

1. On the attached Narrative Form please describe the proposal in detail.
2. What is the principle farming activity that is taking place on the subject property(s)? At This Time we Grow Flowers / Trees / Shrubs For Sale
3. How many acres are currently in agricultural production? 11.67
4. How many acres will be used for nonagricultural accessory uses and activities? 1 Acre
5. Will there be food services?  Yes (if Yes answer the following questions)  No
  - a. Is the food grown on-site?  Yes  No
  - b. Will you sell pre-packaged foods?  Yes  No
  - c. Are you proposing a restaurant which will be open to the general public?  Yes  No
  - d. What are the days & hours of operation? Days: \_\_\_\_\_ Hours: \_\_\_\_\_
  - e. Will it be conducted inside or outside?  Inside, which structure? \_\_\_\_\_  Outside
  - f. Number of employees associated with food service: Full Time: \_\_\_\_\_ Part Time: \_\_\_\_\_
  - g. Have you obtained a food handlers license from the Yakima Health District?  Yes  No
6. Will there be educational services?  Yes (answer the following questions)  No
  - a. What aspect of the farm will be taught? \_\_\_\_\_
  - b. What is the maximum class size? \_\_\_\_\_ How many classes per day will be offered? \_\_\_\_\_
  - c. What are the days & hours of operation? Days: \_\_\_\_\_ Hours: \_\_\_\_\_
  - d. Will education services be conducted inside or outside?
    - Inside, which structure? \_\_\_\_\_
    - Outside
  - e. Number of employees associated with education: Full Time: \_\_\_\_\_ Part Time: \_\_\_\_\_
7. Will there be Ancillary Entertainment and/or Special Events?
  - Yes (answer the following questions)  No
  - a. List out the types of entertainment and/or special events that will be held at the facility: Weddings, Family and class reunions.



- b. What is the maximum number of guests? 230
- c. How many special events will be held per year? 20-23
- d. How many ancillary entertainment events will be held per year? NONE
- e. Will the events be conducted inside or outside?  Inside  Outside
- f. If the events are conducted inside, what is the maximum square footage? \_\_\_\_\_
- g. What are the days & hours of operation? Days: (2) Friday + Saturday Hours: 8:00 PM - 11:00 PM
- h. Number of employees associated with events: Full Time: OWNERS Part Time: \_\_\_\_\_
- i. What types of noise will be generated by the events? MUSIC
- j. At what time will the noises end? NO LATER THAN 11:00 PM
- k. Will site screening be installed to block headlights from cars as they leave the venue?  
 Yes  No: explain \_\_\_\_\_

8. Will there be other commercial accessory uses proposed?  Yes (answer the following questions)  No
- a. List out the other commercial accessory uses that will be held at the facility: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  - b. What are the days & hours of operation? Days: \_\_\_\_\_ Hours: \_\_\_\_\_
  - c. Number of employees associated with commercial uses: Full Time: \_\_\_\_\_ Part Time: \_\_\_\_\_
  - d. Are the products being sold produced on site?  Yes  No

- 9. Is the Ag. Tourist Operation being operated by the property owner?  Yes  No, Who? \_\_\_\_\_
- 10. Is the property accessed by a:  County Road  Private Road What is the surface type? GRAVEL
- 11. Will you be offering overnight lodging?  Yes  No How many guest rooms? \_\_\_\_\_
- 12. Are you proposing a gift shop?  Yes  No If Yes, what is the maximum square footage? \_\_\_\_\_
- 13. Are you proposing an art gallery?  Yes  No If Yes, what is the maximum square footage? \_\_\_\_\_

DEC 29 2016

Current owners of the property are Martin and Lori Clevenger. It is located at 3301 Lucy Lane, Zillah, Wa. It is 11.67 acres in size. We are seeking permission to change 1 acre of the property into type a type 2 Ag tourist operation for the purpose of renting it out for weddings, receptions, family reunions, etc. Currently we have a nursery license and are growing our own horticulture/floriculture supply, selling to the public.

Access to the property is from Highland Drive and down a privately maintained gravel driveway, considered Lucy Lane extension. Driveway runs North to South on the west edge of property line and turns right (East) down private drive to residence.

Currently 1 acre is planted in lawn grass, trees, shrubs, perennials and annual flowers. We are wanting to make an outdoor special event venue available for weddings, family reunions and class reunions, receptions, etc. Sitting within the 1acre plot is a pergola that's 9'5" tall x 18' wide and 20' length, that has sunshade across top and used as a staging/bar setup area. We will be requesting a building permit for this particular structure to bring to code. There is a trellis that is 53' long and 7' tall across the top of a 30' circular concrete stage area. There is parking on the North and West Edge of the venue site, for 58 vehicles (ea. 9' wide) that is on gravel.

South of the 1 Acre proposed venue area is the extended residential front yard used to grow the plantings used in the venue. Trees, evergreens, shrubs, perennials and annuals and sod used for dust control. Its approx. 1.5acres in size. Also has a trellis for watering and caring for hanging planted flowers/plants. It is 9'5" tall x 9' length.

We have our 40'x68' residence located as within the property on approx. 3/4 of an acre. Residence is surrounded by yard and landscape

Attachment: C

plantings of trees, shrubs, plants. A private well is also located behind residence for residential use only and not for public use.

There are 3 portable buildings located on the property and 1 permanent (besides the residence). The 1 permanent building (bldg.A on Site map) is used as a pump house/water house and is 8'x16'. 1 of 3 portable buildings (bldg.B) a 10'x20' and is used to store gardening material and yard tools. 2 of 3 (bldg. C) portable buildings is 12'x16' and stores chairs, tables, and supplies for the operation of the venue. 3 of 3 (bldg. D) portable buildings 12'x16' is also used for tools, yard supplies, irrigation storage supplies, planters and yard décor.

Buildings 2 & 3 sit on gravel and dirt. Building 4 sits on grass and gravel and has a cement walkway for dust control. None of these 4 buildings are habitable structures. No water, heat, etc.

We have purchased a portable (trailer) self-contained restroom trailer for public use, and rent an ADA accessible porta-potty during the venue season. They are pumped weekly by septic company. Restrooms have been approved and signed off on by the Yakima County Dept. of Health. NO drinking water is supplied by property, but is brought in by renters only. No food is provided nor sold by property owners, all that is supplied by renters via catering, or their own. NO cooking amenities on or at the proposed venue site. We do provide fire extinguishers and are checked monthly. Tents are not provided at this time, but are allowed requiring the correct licensing/permits from the county and inspections from fire marshals. Property lit with outside Yard lights, solar lights.

There is one metal sign (located in a planting bed by covered pergola) that is 3'x3'x3'. It is just stuck (by hand ) into the ground and lit by small solar lights.

The southern part of the property is untouched and open land at the moment. We are planning on raising evergreen trees and shrubs within the next few years to also sell to the public. Our irrigation pond is located at the very most southern part of property and is no way around the proposed venue site. It is used to irrigate the acreage via pump not pressure system. Also a type 5 stream comes from the North East corner of property and runs South West behind the irrigation pond. It does not have any interference with the proposed venue site.

Having ornamental firs, pines and spruce trees, etc.. growing on site will be helpful in both the following ways. They will help with the occasional landscape changes and additions on the venue site. On a wholesale basis growing both "living" trees as well as specimens to be cut and utilized for décor. Along with using around the venue area itself. The venue will be doing the "advertising" for the tree farm. Seeing the trees in all shapes and sizes and in true growing form. The pathway plantings showing the correct planting use {with other ornamental plants being used to show off the tree and how it will look in the customers own yard} and the size that they could actually grow up to be. What better way to show off our plantings and hard work, but by getting people to the very soil in which they are grown!!

The foot traffic of the people will truly be detrimental to the advertising of our farm, vendors and customers getting a firsthand look at the specimens that we will have to offer.

Thank You





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

March 8, 2017

Julia Loudon  
Yakima County Planning Division  
128 North 2nd Street  
4<sup>th</sup> Floor Courthouse  
Yakima, WA 98901

Re: SEP2016-046

Dear Ms. Loudon:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the development of an agricultural tourist operation, proposed by Marty and Lori Clevenger. We have reviewed the documents and have the following revised comments.

#### WATER RESOURCES

Any ground water development proposal that will withdraw water in excess of 5,000 gallons per day for single or group domestic supply, or for industrial purpose, or for the irrigation of more than ½ acre of lawn or non-commercial garden will require a permit from the Department of Ecology.

Any surface water diversion will require application to the Department of Ecology for a water right permit.

If you have any questions or would like to respond to these Water Resources comments, please contact **Jacquelyn Metcalfe** at (509) 457-7148 or email at [jacquelyn.metcalfe@ecy.wa.gov](mailto:jacquelyn.metcalfe@ecy.wa.gov).

#### SHORELANDS/ENVIRONMENTAL ASSISTANCE

Proposed activities and recent clearing have encroached into potential wetland areas or their required buffers, as well as a potential stream area. A wetland delineation and a wetland rating should be done before site improvements are authorized. The wetland area and buffer may extend uphill from the obvious ponded wetland location. If planted in appropriate native plants, the pond area and the rest of the connected wetland area and buffer could be a focal point of natural beauty and a great asset to the wedding destination use.

Attachment:   F

Ms. Loudon  
March 8, 2017  
Page 2

If you have any questions or would like to respond to these Shorelands/Environmental Assistance comments, please contact **Catherine Reed** at (509) 575-2616 or email at [catherine.reed@ecy.wa.gov](mailto:catherine.reed@ecy.wa.gov) .

Sincerely,



Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
(509) 575-2012  
[crosepacoordinator@ecy.wa.gov](mailto:crosepacoordinator@ecy.wa.gov)

6252revised