YAKIMA COUNTY PLANNING DIVISION
Type 1 Application
- FINAL DECISION -

PROJECT NAME:	Devon Newhouse – Cottonwood Estates, LLC addition to hop kiln/bailer
REVIEW PROCESS:	Type 1
FILE NUMBER:	PRJ2017-00138 / CUP2017-00023 / SEP2017-00012
PARCEL NUMBER:	220916-32003
ZONING:	Agriculture (AG)
FUTURE LAND USE DESIGNATION:	Agricultural Resource
PROPOSAL:	Type 1 application to construct a new 10,000 square foot metal building addition to an existing hop kiln, bailing, and dryer building for an existing hops processing facility.
OWNER:	Devon Newhouse Cottenwood Estates, LLC 2523 South Emerald Road Sunnyside, WA 98944
AGENT:	Michael Thelen Mountain States Construction Company 803 Scoon Road Sunnyside, WA 98944
PREPARED BY:	James Shields, Planning Technician, Zoning and Subdivision
DECISION:	Approved with the following conditions:

The following conditions must be obtained within <u>three</u> 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 shall submit for and obtain final approvals on all necessary Building & Fire Safety Division permits relevant to the construction of the proposed structure(s) prior to occupancy. Contact the Yakima County Public Services Department: Building & Fire Safety Division at (509) 574-2300.

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

2. The owners, their grantees and assignees in interest will abide by the terms of the Yakima County Code (YCC) 16B.07.050 – Compliance, Extension, Expiration and Reinstatement attached to this decision. 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.

3. The applicant shall provide at the minimum of twenty parking spaces.

4. All loading space created the completion of this proposal must conform to the standards described in YCC 19.22.060(3).

5. The project shall be completed in conformance with the project description and site plan submitted with the application referenced as file number CUP2017-00023. Any changes may require additional review. 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.

6. All measures in the Final Determination of Non-Significance for SEP2017-00012 are adopted as conditions of this decision.

7. 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. A Washington State Department of Ecology Construction Stormwater Permit may be required for new buildings.

8. 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.

9. Any future signs for this project shall conform to the regulations as set forth in YCC 19.20.

10. Any signs or landscaping placed in the vision triangle of the road approaches to public roads in the future shall not be placed within these triangles so as to impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.

Based upon information supplied by the applicant, a review of the Yakima County Comprehensive Plan (***Plan 2015***) and the Yakima County Code (YCC) (i.e. the Unified Land Development Code), the Administrator enters the following:

FINDINGS AND ANALYSIS

Location

1. The subject property (also referred to as the subject parcel), 2523 South Emerald Road (Parcel Number 220916-32003), is located approximately 0.5 miles south of Murray Road, on the east side of South Emerald Road, and is approximately 3.1 miles southwest of the city of Sunnyside, WA.

Project Description

2. The applicant is proposing to construct a new 10,000 square foot metal building addition to an existing hop kiln, dryer, and bailing building on a property that operates a hops farming/processing facility. The facility includes one main hops processing building that is a hop kiln, dryer, and bailing building (16,210 sq. ft.). This main hops processing facility will be receiving the 10,000 square foot addition. There are also four storage buildings that are part of the facility that are for agricultural equipment, maintenance, and storage (1600 sq, ft., 1500 sq. ft., 1500 sq. ft., and 2250 sq. ft.). There is also an existing mobile home on the subject parcel. The hop processing plant currently consists of several buildings totaling 23,060 square feet. Once the proposed addition is complete, the facility will have a total of 33,060 square feet of buildings. The 10,000 square foot (100'x100') addition will have four interior rooms, a cooler room, a dry storage room, a bailing room, and a room that will house a new truck bay for loading hop bails onto trucks. The hop kiln is in operation from August to October and hires up to 20 workers. During this time, the facility will be in operation 24 hours a day, 7 days a week. The addition is not expected to increase the number of employees and the amount of loading and unloading traffic is expected to be accommodated by the proposed and existing loading spaces.

Zoning and Land Use

3. Pursuant to the Yakima County Unified Land Development Code (Title 19), the subject property is located within the Agriculture (AG) zoning district. The Agriculture zoning district is intended to "preserve and maintain areas for the continued practice of agriculture by … permitting only those new uses that are compatible with agricultural activities" (YCC 19.11.010(1)(b)). In accordance with the Yakima County Comprehensive Plan (***Plan 2015***), the property is designated Agricultural Resource. The intent of Yakima County's Agricultural Resource land use category is to, in part, "continue to allow agriculturally-related industry on agricultural resource lands where such use requires an agricultural location" (***Plan 2015*** Goal LU-ER-AG 1.3).

   The 74.13-acre subject parcel currently contains a hop processing facility with several buildings and is also in agricultural production. Properties to the north, east, south, and west are also within the Agriculture zoning district. The subject parcel surrounds a smaller AG-zoned parcel that contains a single family residence and, according to the site plan, one of the farm storage buildings of the facility. The property to the west and south of the subject parcel are zoned Remote/Extremely Limited Development and are owned by the Washington State Department of Game. These parcels appear to contain natural uses with some agriculture uses. The neighboring parcels to the north and east are AG-zoned and in agricultural use.

Jurisdiction and Process

4. This proposal is being reviewed as an agriculturally-related industry. YCC 19.01.070(1) defines agriculturally-related industries as the following:

   "(1) Packing plants – may include, but are not limited to, the following activities: washing, sorting, crafting and other functional operations such as drying, field crushing or other preparation in which the chemical and physical composition of the agricultural product remains essentially unaltered.
   (2) Processing plants – may include, but are not limited to, those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product, including wineries.
   (3) Storage facilities – include bin storage lots, controlled atmosphere and cold storage warehouses, and warehouses for the storage of processed and/or packaged agricultural products. (This definition does not include processing activities or slaughter houses, animal reduction yards and tallow works.)"

   Table 19.14-1 lists agriculturally-related industries as Type 1 uses in the Agriculture zoning district. Type 1 uses are generally allowed uses, subject to review by the Administrative Official for

compliance with Title 19. Conditions may be attached to Type 1 permits to ensure compliance, as specified in YCC 19.30.090.

Environmental Review

5. Potential wetlands and the FEMA 100-year floodplain were identified as being located on the subject parcels west side. The proposed addition is taking place approximately 1180 feet to the north east of these critical areas, which is a distance that is greater than the critical area buffers described in Title 16C of the YCC. In addition, according to YCC 16.04.100(2)(b), the flexible State Environmental Policy Act (SEPA), a threshold for barns, loafing sheds, farm equipment storage building, produce storage or packing structure, or similar agricultural structure is "a maximum of 30,000 square feet for projects outside Urban Growth Areas". The addition will push the facility's total square footage over this threshold.

   Staff Finding: The following internal comments from the Environmental and Natural Resources Division Yakima County Public Services Department is related to this staff finding: "If the facilities after construction exceed 30,000 square feet, a SEPA review will be required. No CAO/SMP review required… SEPA checklist required with this project. New building will exceed SEPA threshold of 30,000 (see below). No new parking spaces proposed but would be good to identify current # of spaces." The hop processing plant currently consists of several buildings totaling 23,060 square feet. Once the proposed addition is complete, the facility will have a total of 33,060 square feet of buildings. A summary of the calculation is provided below.

   An existing hop kiln, dryer, and bailing building (16,210 sq. ft.)
   Four existing storage buildings (1600 sq, ft., 1500 sq. ft., 1500 sq. ft., and 2250 sq. ft.)
   New addition (10,000 sq. ft.)
   Existing Total = 23,060 square feet of building coverage.
   Total after addition = 33,060

   A SEPA (SEP2017-0012) review has been processed in conjunction with this application with Yakima County as the Lead Agency. A Final Determination of Non-Significance (DNS) is being issued with this decision.

Notice of Application

6. According to 16B.03.030(1)(a) of the YCC, "Type 1 applications involve ministerial actions and are exempt from public notice requirement". After the application was submitted, an internal notice of project review was emailed to representatives of the Transportation Division, the Building and Fire Safety Division, the Environmental and Natural Resources Planning Section, the Water Resources Division, the Utilities Division, and the Yakima Health District on March 7, 2017. Three internal comments were received from the Environmental and Natural Resources Planning Section, the Transportation Division, and the Water Resources Division and are addressed under Findings 5, 8(c), and 8(l) respectively. Copies of the comments are attached for further detail.

Review Criteria for Conditional Use Permits

7. In granting a permit for a Type 1 use, YCC 19.30.090(1) requires the Administrative Official to "review the submitted materials and other necessary information to determine that the proposed development complies with the standards and provisions of the zoning district in which it is located, the development standards and all other applicable sections of this Title, except when an Administrative Adjustment is granted or the proposed development is otherwise modified to the provisions of the Title". The Administrative Official must also determine that "adequate water, sewer, roads, and other infrastructure improvements exist, or will be provided, to serve the project consistent with the purpose of the zoning district" (YCC 19.30.090(1)(b)).

Staff Finding: As proposed by the applicant, the hop processing facility addition will comply with the standards of the Agriculture zoning district and the development standards of YCC 19.10.040 (listed in Section 8 of this decision), provided that the above conditions are met.

Development Standards

8. The development standards that generally apply for the type of project being proposed 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 proposed addition will comply with the standards of the Agriculture zoning district and the development standards of YCC 19.10.040, provided the above conditions are met.

b. **Yards, Lots, Open Space and Off-Street Parking and Loading Spaces:** (YCC 19.10.040(2)(b)) "No part of a yard, other 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 a part of a yard, open space, off-street parking or loading space similarly required for any other development, except as allowed Section 19.21.030 for consolidated perimeter plantings and Section 19.22.050 for shared parking areas."

Staff Finding: The applicant is not proposing to share yard, open space, or parking. Therefore, the application meets this provision.

c. **Access Required:** (YCC 19.10.040(3)) Verification of legal access and a valid road approach permit may be required prior to issuance of any permit granted pursuant to this title.

Staff Finding: The applicant is proposing to access South Emerald Road, a local access road of the Yakima County road system, through an existing private road being utilized by the hop processing facility. The Yakima County Transportation Division has indicated through the comment below that the applicant will need to obtain a Road Approach Permit (RAP).

"Per title 10.08.020 and 19.10.040 (3) the applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for all existing accesses to the county roadway system. The fact that the road approach application is in conjunction with a CUP must be disclosed by the applicant at the time of application. No future building permits can be issued without the completion and approval of a Road Approach Permit."

For questions regarding Road Approach Permits and access, please contact the Yakima County Transportation Division at (509) 574-2300.

d. **Land Uses:** (YCC 19.11.040(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: Agriculturally-related industries are classified as Type 1 uses in the Agriculture zoning district according to the Allowable Land Use Table 19.14-1.

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 obtain and finalize all necessary permits for the modification from the Yakima County Building and Fire Safety Division. 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 19.11 lists the standard minimum setbacks of buildings or other structures and uses in the Agriculture zoning district in Table 19.11.010-2. The private road that serves South Emerald Road is a private road less than 60 feet in width. Therefore, the required setback from East Euclid Road is 50 feet from the centerline. Interior side and rear setbacks for primary structures from adjoining lots shall be ten feet from the property line.

Staff Finding: Based on the provided site plan, the proposed building addition will be located more than 50 feet from the north property line (i.e. the front side of the property), and more than ten feet from all other property lines.

g. **Vision Clearance Triangles at Intersections and 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 impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets."

Staff Finding: According to recent aerial photos of the private road that provides access to the public road there are no objects in their respective vision triangles that would obscure vision clearance.

h. **Maximum Lot Coverage and Building Height:** (YCC 19.11.030-2) The maximum lot coverage is defined as "the percentage of the area of a lot covered by buildings, accessory structures, or 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" (YCC 19.01.070(2)).

Staff Finding: According to Table 19.11.010-2 of the YCC, maximum lot coverage is not specified in the Agriculture zoning district. Table 19.11.010-2 of the YCC also states that maximum building height in the Agriculture zoning district is not specified. However, height limitations may be imposed by building code.

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 indicated that the hop processing facility has an existing five-foot high, chain-link fence and is not proposing to add new fencing. If additional fencing is proposed in the future, it must meet the requirements of YCC 19.10.040(9). According to YCC

19.10.040(9)(a)(iii)(C) "the maximum fence height is not specified for … any use in the AG" zoning district. However, YCC 19.10.040(9)(a)(v) states that "all fences over seven feet in height shall meet YCC Title 13" and would require building permits from the Yakima County Building and Fire Safety Division.

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 indicated that the hop processing facility will have "wall packs" installed on the east and west ends of the proposed addition. This decision conditions that all exterior lighting shall meet the requirements as outlined above and 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 addition is not going to be constructed 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."

The Yakima County Water Resources Division provided the following comments:

"May not need a stormwater site plan at this time.

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."

Staff Finding: This decision conditions that all stormwater generated on the subject parcel be retained on site. Please contact the Yakima County Water Resources Division for questions regarding soils and stormwater at (509) 574-2300.

Signs

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

Staff Finding: The applicant is not proposing to install signs as a part of this project. If signs are added in the future, they will need to meet the requirements of YCC 19.20.

Parking and Loading Space

10. In regards to parking standards, the Reviewing Official "can make a determination to evaluate a proposed land use based closely on similar land uses listed in Table 19.22-1"(YCC19.22.050(2)).

    Staff Finding: Table 19.22-2 of the YCC establishes the minimum parking spaces required for motor-vehicles associated with agriculturally related industries and wholesale trade warehouses as a minimum of 1 space for each employee.

    The application material states that the hop processing facility has up to twenty employees during harvest season. These employees may work in shifts. There is an existing 20 regular parking spaces and one handicapped parking space demarcated on the site plan submitted with the subject application. Therefore, the subject parcel's existing parking accommodations for motor-vehicles meets the minimum parking requirements of the YCC

    YCC 19.22.060(3) requires off-street loading and unloading space for any use requiring loading and unloading from trucks and unloading from trucks and or other large vehicles. The required loading space shall be large enough to accommodate the maximum number and size of vehicles simultaneously loading or unloading in connection with the business being conducted in the building.

    Staff Finding: The applicant has indicated that the proposed and existing loading space is sufficient for the amount of loading traffic that occurs at the facility.

DECISION

Based upon the above findings, the Yakima County Administrative Official hereby Conditionally Approves the Type 1 Application for the construction of a 10,000 square foot building addition; subject to the conditions listed above.

Administrative Official: LYNN DEITRICK, AICP

_____

Designee: Jason Earles
Planning Section Manager, Subdivision/Zoning

Date: _____

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., _____. 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 James Shields, Planning Technician, of our staff at (509) 574-2300.

Attachments:
A. SEPA Threshold Determination dated April 20, 2017
B. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
C. General Application Form
D. Revised Conditional Use Permit Form
E. Revised Narrative
F. Revised Site Plan
G. Internal Comments

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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.