



Public Services

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VERN M. REDIFER, P.E. - Director

YAKIMA COUNTY PLANNING DIVISION
Preliminary Short Subdivision Application
- FINAL DECISION -

PROJECT NAME: Schademan 4 Lot Short Plat

FILE NUMBER: SUB2017-00040/PRJ2017-01277

REVIEW PROCESS: Type 2

PROPERTY OWNER: Nick Schademan **MAILING ADDRESS:** 6561 Van Belle Road
Sunnyside, WA 98944

APPLICANT/AGENT: Thomas Upton **MAILING ADDRESS:** PO Box 2514
Yakima, WA 98907

ZONING DISTRICT: Rural Transitional (RT)

FUTURE LAND USE DESIGNATION: Rural Transitional

SUBJECT PARCEL NUMBER(S): 221014-33405

PROPERTY LOCATION: 6561 Van Belle Road. Located on the north side of Van Belle Road, approximately 320 feet east of the intersection of Van Bell Road and Maple Grove Road, approximately 0.5 miles northwest of the City of Sunnyside.

ASSIGNED PLANNER: Jacob Clay 

DECISION: Preliminary Short Subdivision Approval with the following conditions:

A. CONDITIONS (NEXT STEPS):

The following conditions must be completed within Five years of the date of this decision prior to the finalization of the subject short subdivision. Please note that this decision, including the following conditions, findings, and time limit pertains to conditional authorization for the subject short subdivision only. Failure to comply with all conditions will result in the expiration of the decision.

Building:

1. The applicant shall submit for and obtain final approvals on all necessary Building & Fire Safety Division permits prior to recording of the final short plat. Contact the Yakima County Public Services Department: Building & Fire Safety Division at (509) 574-2300.

Roads:

2. Prior to the recording of the final short plat a private shared driveway easement shall be established to provide Lot 1, Lot 2, and Lot 3 access to Maple Grove Road. This easement shall be improved to meet the minimum travel surface and standards as required by the Building and Fire Safety Division. Drainage facilities shall be sufficient to prevent discharge onto any public roadway.
3. A covenant meeting the recording requirements of the Yakima County Auditor's Office shall be provided for the perpetual maintenance of the private shared driveway shall be submitted to the Yakima County Planning Division prior to finalization of the short subdivision. These covenants shall bind the owners within the development to financially participate in perpetual maintenance of the private shared driveway.
4. Prior to the recording of the final short plat the applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for access from Van Bell Road. Please contact the Transportation Division at (509) 574-2300. Future building permits cannot be issued until a RAP is issued for Lot 4.
5. All prior dedications of right-of-way, deeds, and grants shall be shown on the face of the final short plat.
6. The applicants shall dedicate an additional 5 feet of public right-of-way along the frontage of the Open Space portion of Lot 4 for a total of 35 feet of public right-of-way on the north side of the current Van Belle Road alignment.
7. An approved fire apparatus turnaround shall be constructed at the end of the private shared driveway and depicted on the final short plat. Contact the Building and Fire Safety Division at (509)574-2300 for further information on turnarounds.

Sewage:

8. Lot 4 will be greater than 2.5 acres in size, therefore a Yakima Health District septic review is not required prior to final plat approval. (YCC 19.34.060(5))
9. Lot 1, Lot 2, and Lot 3 are to be less than 2.5 acres in size and shall be reviewed by the Yakima Health District (YHD) prior to final short plat approval to verify that the proposed lot is adequate to accommodate an on-site sewage system and reserve area outside of any water supply protection zone. Proper certification to that fact shall be submitted to the Yakima County Planning Division. If the Yakima Health District waives this requirement for written verification, the following notice shall be placed on the Mylar:

Notice to Public: The Yakima Health District has waived the requirement to provide written verification that lots herein can accommodate an on-site sewage system.

Water:

10. Lot 1, Lot 2, Lot 3 and Lot 4 of the short subdivision shall be served domestic water via a community water system. The water system must be approved by the Washington State Department of Health and installed prior to the recording of the final short plat. Verification of approval from the Washington State Department of Health must be submitted to the Planning Division verifying that the water system was installed meeting the requirements of the state.
11. As a Group B water system has been allowed for this short subdivision, the applicant shall demonstrate that the water system will provide an adequate source of potable water for the proposed development.
12. The applicant shall form a Water Users Association that is responsible for the monitoring and maintenance of the approved water system. The documentation for the establishment of the Water Users Association shall be submitted with the final short plat and must meet the Yakima County Auditor's recording requirements. The documents must be submitted to the Yakima County Planning Division prior to the finalization of the short subdivision with the appropriate recording fees.
13. The applicant shall dedicate the community well to a state approved Satellite Management Agency (SMA) and verification that the well meets the SMAs requirements must be submitted to the Yakima County Planning Division prior to the recording of the final short plat.

Irrigation:

14. Irrigation easements and distribution facilities shall be provided as required under RCW 58.17.310 and YCC 19.34.070(2)(d)). A statement shall be placed on the face of the short plat evidencing that the subdivision lies within the boundaries of an irrigation district and that irrigation water rights-of-way may be imposed by said irrigation district under RCW 58.17.310. If the irrigation district serves as its own treasurer, a certificate in accordance with YCC 19.34.070(2)(d)(iv) is required. The following irrigation district acknowledgement shall also be placed on the face of the short plat (YCC 19.34.070(2)(d)(iii)):

The property described hereon is wholly or in part within the boundaries of the Sunnyside Valley Irrigation District. The irrigation easements and rights-of-way on this plat as required by Yakima County Code Title 19 (either currently existing irrigation easements or rights-of-way or newly created ones) are adequate to serve all lots located within this plat which are otherwise entitled to irrigation water under the operating rules and regulations of the district. The irrigation easements and rights-of-way are adequate to transmit irrigation water under the operating rules and regulations of the district. Lot 1, Lot 2, Lot 3, and Lot 4 in whole or in part, are not entitled to irrigation water under the operating rules and regulations of the district.

15. Irrigation easements and distribution facilities must be provided as specified by the Sunnyside Valley Irrigation District. Confirmation of the irrigation district's approval shall be in the form of a signature on the face of the final short plat with

the required irrigation district statement (YCC 19.34.070(2)(d) and RCW 58.17.310).

16. The parcel includes a broad swale with an SVID drain in the bottom of the natural drainage. Though it appears this drainage is contained on the adjacent parcel, if a portion of the drainage is located on the applicant's parcel, include it on the final plat.

Misc:

17. Utility easements in accordance with YCC 19.25.050 must be reserved for and granted to all utilities (and to their respective successors and assigns) and shall be shown on the face of the short plat.
18. Half of the total project site, 4.96 acres, shall be retained as open space on Lot 4. The open space area shall be specifically labeled on the final short plat.
19. A stormwater site plan is not required if this short subdivision disturbs less than one acre of ground, provided natural drainage easements are identified and recorded on the short plat. Otherwise, a stormwater site plan shall be submitted to the Planning Division and approved by the Water Resources Division, prior to recording the final survey.
20. At the time the final short plat is to be recorded all property taxes and special assessments must be paid for the full year (RCW 84.56.345)
21. Please be aware that all parties with an ownership interest in the property must sign the final short plat. All required signatures shall be in permanent black ink (YCC 19.34.070(2)(c)). If there are other owners (including contract sellers or purchasers, etc.) the applicant should first verify that they will also be willing to sign the final short plat.
22. The Final Short Subdivision Application shall consist of:
 - a. A survey of the final short plat meeting the requirements of YCC 19.34.070 and consisting of the original Mylar (or equivalent material, paper or other form acceptable to the County Auditor) and five paper copies (YCC19.34.070(4));
 - b. A current Subdivision Guarantee (title report), which cannot be more than 60 days old (YCC 19.30.060(8)); and
 - c. The final short plat recording fee (YCC 19.34.040(7)).
23. The owners, their grantees and assignees in interest will abide by the Compliance, Extension, Expiration and Reinstatement requirements as outlined in YCC 16B.07.050. The 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.

The short subdivided property will be subject to the following notes, which must be placed on the final short plat by the surveyor:

24. This short plat has created the maximum number of lots permitted for this property while located in the Rural Transitional zoning district.
25. In accordance with YCC 19.18.205(4) Lot 1, Lot 2, Lot 3, and Lot 4 are located within 500 feet of an agriculture resource designated land and may be subject to noise, dust, smoke, odors, traffic and the application of chemicals resulting from commonly accepted practices associated with nearby agriculture uses.
26. In accordance with YCC 19.34.035(3)(c)(i)(A) 4.96 acres of Lot 4 shall remain in open space until such time as the comprehensive plan designation is changed to allow increased development density.

Cluster Development:

27. In accordance with YCC 19.34.035(3)(c)(iii)(A) Cluster lots resulting from a division of land under this Title are not subject to special setbacks for especially sensitive land uses from the remainder parcel and other property zoned for commercial agriculture, forestry or surface mining uses, as described in YCC 19.18.205.
28. In accordance with YCC 19.34.035(3)(c)(iii)(B) further divisions beyond the density to which the subject lot is entitled, as of its configuration on May 21, 1997, are not allowed until the remainder lot is served with both regional sewer and area-wide water system, and, if applicable, included within an Urban Growth Area or if a comprehensive plan designation changes the allowable density.
29. The portion of Lot 4 designated as open space may contain commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential impacts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

Roads:

30. Yakima County has no responsibility to build, improve, maintain or otherwise service any private shared driveway for this short plat. Any right-of-way dedicated to the public by this short plat shall not be opened as a County road until such time as it is improved to County road standards and accepted as part of the County road system.
31. The owner(s) of Lot 1, Lot 2, Lot 3 and Lot 4 shown hereon, their grantees and assignees in interest, are obligated to participate in the maintenance of the private shared driveway serving this short plat as prescribed under the road maintenance agreement recorded under Yakima County Auditors File Number _____ providing for its perpetual maintenance.

Water:

32. Lot 1, Lot 2, Lot 3, and Lot 4 of this short plat have been required to use a community well for domestic water; no individual wells may be installed on any of

these lots. The owners shown hereon, their grantees and assignees in interest, hereby covenant and agree to participate in the maintenance of the public well serving their respective lot(s) and to join in an owners or well maintenance association designed to provide for its perpetual maintenance.

33. The development of this land limits the owner(s) of Lot 1, Lot 2, Lot 3, and Lot 4, as well as future divisions of these lots, to not exceed withdrawing more than 5,000 gallons per day from any existing and future wells. If the cumulative total of groundwater used for domestic use exceeds 5,000 gallons a day, a water right permit is required.

Sewer:

34. Purchaser(s) and lessee(s) are hereby notified that Lot 1, Lot 2, Lot 3, and Lot 4 within this short plat are subject to Yakima Health District (YHD) standards for installation of on-site sewage disposal and domestic water supply systems. The lots were not evaluated by YHD prior to plat approval. Permits or approvals from YHD must be obtained before sewage or water system development is begun.

Irrigation Districts:

35. The property described hereon is wholly or in part within the boundaries of the Sunnyside Valley Irrigation District. The irrigation easements and rights-of-way on this plat as required by Yakima County Code Title 19 (either currently existing irrigation easements or rights-of-way or newly created ones) are adequate to serve all lots located within this plat which are otherwise entitled to irrigation water under the operating rules and regulations of the district. The irrigation easements and rights-of-way are adequate to transmit irrigation water under the operating rules and regulations of the district. Lot 1, Lot 2, Lot 3 and Lot 4 in whole or in part, are not entitled to irrigation water under the operating rules and regulations of the district.

Misc:

36. The maximum grades for individual driveways that are 50 feet in length or less shall be 12%. The maximum grades for driveways 51 feet or greater shall be as identified for fire apparatus access roads in YCC Title 13. The grade shall be measured from the edge of road right-of-way or private access easement at the center of the driveway to the garage slab. If there is no garage then it shall be measured to the grade of the building as defined in the residential code of YCC Title 13.
37. The owners shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site. Any natural drainageways must not be altered or impeded.
38. Yakima County GIS contour information indicates the presence of drainageways on the parcel that may limit the amount and location of future development.
39. Yakima County has in place an urban and rural addressing system per YCC Chapter 13.26. Determination of street names and address numbers for developed

residential and commercial lots within this plat are at the discretion of the Yakima County Public Services Department upon issuance of an eligible building permit.

Based upon information supplied by the applicant, comments from public agencies and a review of the Yakima County Comprehensive Plan – *Horizon 2040* and Yakima County Code Title 19 (the Unified Land Development Code), the Subdivision Administrator enters the following:

B. FINDINGS AND ANALYSIS:

1. **Project Description:** The applicant is proposing to divide the 9.92 acre subject parcel into four lots. Lot 1 and Lot 2 are proposed to be 1 acre in size and are currently vacant. Lot 3 will be 1.11 acres in size and is currently vacant. Lot 4 will be 6.80 acres and contains an existing residence, various outbuildings, a well and drainfield. Lot 4 will contain 4.96 acres of open space. All lots are proposed to be served with individual septic systems. A Group B Water System has been proposed to serve all lots. Access to Lot 1, Lot 2, and Lot 3 will be via a private shared driveway from Maple Grove Road. Lot 4 will be accessed directly from Van Belle Road.

Lot #	Lot Size	Land Use
1	1.00 Acre	Vacant lot
2	1.00 Acre	Vacant lot
3	1.11 Acres	Vacant lot
4	6.80 Acres	Existing residence, outbuildings, drainfield, well and 4.96 acres of open space

2. **Zoning and Land Use:** The subject parcel is located within the Rural Transitional (RT) zoning district. The intent of the RT zoning district is to provide for rural development in areas near Urban Growth Area boundaries to encourage clustering, minimize public expenditures, and coordinate land uses with public infrastructure investment. YCC 19.11.030(4)(c) requires lot size and density requirements of the RT zoning district to be based on the size of the lot as it existed on May 21, 1997. According to YCC Table 19.11.030-1, a minimum lot area of one-third of an acre applies to newly created lots for Rural Transitional cluster developments on sites four acres or larger. The maximum allowed density on the total site is then one dwelling per two acres. If a project is not served by a community sewer system, the cluster development section of YCC 19.34.035 requires a cluster lot to be 1-3 acres in size and requires the remainder parcel to be 3 acres or half the total project site (whichever is greater).

Staff Finding: As of May 21, 1997 the subject parcel was 9.92 acres. The applicant is now proposing to divide the 9.92 acre parcel, and create two vacant 1 acre parcels, one vacant 1.11 acre parcel and one 6.80 acre parcel. With the 2 acre average lot size, a total of 4 lots is allowed from the original 9.92 acre parent lot. This would then allow for the subject parcel to be divided into 4 lots, provided 50% of the original lot (4.96 acres) is left in open space.

3. **Jurisdiction and Process:** The proposal is being reviewed as a Preliminary Short Subdivision application, a Type 2 application under YCC 19.34.040(3)(b). YCC 19.30.100(1) allows the Reviewing Official to require conditions for approval of Type 2 Administrative Uses. YCC 16B.03.030(1)(b) states Type 2 applications are administrative actions which may generate public interest. Public notice will be provided for Type 2 actions.

4. Environmental Review: The proposal was determined to be categorically exempt from State Environmental Policy Act (SEPA) environmental review. There were no identified designated critical areas that would be affected by this proposal.
5. Notice of Application: 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. Internal comments were received from the Transportation Division, the Building Division, Environmental Division, and the Water Resources Division. Comments were received from the Transportation Division, and the Water Resources Division. Internal comments are addressed in Section 8 and 10 respectively. Comments are attached to this decision for further review.

A combined Notice of Application, and Notice of Completeness were mailed to property owners within 300 feet of the property and to agencies having jurisdiction or interest in the proposal on January 10, 2018, with the comment period ending January 24, 2018. External comments were received from the Department of Ecology and Sunnyside Valley Irrigation District. Comment letters are summarized below and attached to this decision for further review.

Washington State Department of Ecology letter dated January 19, 2018: The Department of Ecology recommends that soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model toxics Control Act cleanup levels then potential buyers should be notified of their occurrence. A NPDES Construction Stormwater Permit may be required when developing vacant parcels.

Staff finding: If there are plans for future development that include substantial disturbance of the soils on the subject parcel, it is recommended that the applicant contact the Department of Ecology regarding soil testing. Please contact Lloyd Stevens, JR. at (509) 574-3991 with questions regarding the NPDES Construction Stormwater Permit.

Sunnyside Valley Irrigation District letter dated January 17, 2018: The Sunnyside Valley Irrigation District (SVID) had the following comments:

“Irrigation distribution facilities and easements must be provided pursuant to RCW 58.17.310. This parcel’s southern boundary borders SVID drain DR 35 which may require an easement agreement signed by the parcel owner.

Access for plants and/or subdivisions will not be allowed on SVID operation and maintenance roads.

Buildings will not be allowed within SVID easements or rights-of-way.

Obstructions will not be allowed within SVID easements or rights-of-way without permits.

All irrigation assessments must be paid in full prior to SVID approval.

Refer to www.SVID.org (under the ‘Resource for Landowners’ tab) for the list of general requirements for plat approval by SVID.

Please contact SVID for additional subdivision requirements and fees specific to this project.”

Staff Finding: This decision conditions that the applicant comply with SVID’s comments and concerns listed above. Please contact Rigo Diosdado at (509) 837-6980 or diosdador@SVID.org. A copy of the comment letter is attached for further detail.

6. Processing Timeframe:

Application Submitted: December 12, 2017
Application Determined Incomplete: December 28, 2017
Additional Information Received: January 3, 2018
Application Determined Complete: January 3, 2018
Notice of Application: January 10, 2018
Close of Public Comment Period: January 24, 2018

7. Decision Criteria and Review: The Administrative Official shall approve a preliminary short plat if the applicant has demonstrated the application complies with the approval criteria in Subsection 19.34.050(5)(a) or that the application can meet those criteria by complying with conditions of approval.

8. Streets and Roads: The applicant has proposed to access Lot 1, Lot 2 and Lot 3 from Maple Grove Road via a 25 foot wide private shared driveway. Lot 4 will be accessed directly from Van Belle Road. Maple Grove Road is a County hard surfaced roadway classified as a Rural Minor Collector road. County right-of-way is currently 70 feet along the front of the subject parcel. Van Belle Road is a County hard surfaced roadway classified as a Rural Major Collector roadway. County right-of-way is currently 60 feet along the front of the subject parcel. The Yakima County Transportation Division had the following comment:

- a) Per title 10.08.020 and 19.10.040 (3) and RCW 36.75.130 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 cannot be issued without the completion and approval of a Road Approach Permit.
- b) Van Belle Road is a Functional Class 07 Rural Major collector which requires a total of 70 Feet of R/W. Applicant Shall dedicate an additional 5' of right of way along the frontage the Open Space Lot. Dedication of 5' of R/W along the frontage of lot 4 may constitute as undue taking and therefore will not be required.
- c) Maple Grove Road is a Functional Class 8 Rural Minor Collector which require a total of 70' of R/W. R/W Deed: D-10919 shows that the R/W dedicated along the frontage of this development is sufficient (35') for this classification of road.
- d) Notes: Yakima County Transportation has no record of RAP for the existing residential access on lot. All other lots will require Road Approach Permits at the time of application of building permits on (Lots 1,2,3)

Staff finding: The private shared driveway will not have the potential to serve more than 4 lots therefore it may remain as a private shared driveway. The applicant shall apply for a Road Approach permit for access to the county maintained roadway. The applicant shall enter an agreement that bind owners within the development to financially participate in perpetual maintenance of the private shared driveway. The applicant shall provide 5 feet of right-of-way

along the frontage of the portion of the Open Space of Lot 4. If you have further questions please contact the Transportation Division at (509) 574-2300.

9. Open Spaces: The applicant has proposed 4.96 acres of open space on Lot 4.

Staff finding: Pursuant to YCC 19.34.035(3)(d), new lots subject to cluster development standards shall comply with the applicable lot size standards for clustered lots in the YCC Table 19.34.035-1. Site density in the RT zoning district is a maximum of one unit per 2.0 acres. Lot area in the RT zoning district is determined by the proposed sanitary disposal. When proposing a community sewer system a minimum lot area of 0.33 acres is allowed. If individual septic systems are proposed then a minimum lot area of 1.0 acre is allowed. The maximum lot area is 3.0 acres or less as determined by area of the remainder parcel. The remainder parcel that shall be maintained as open space shall be 3.0 acres or half the total project site, whichever is greater. The proposed lots will meet these requirements.

10. Drainage Ways and Critical Areas: No critical areas were found on the subject parcel. The Yakima County Water Resources Division had the following comment:

- a) 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. A Washington State Department of Ecology Construction Stormwater Permit may be required if more than one acre of ground is disturbed.
- b) The parcel includes a broad swale with an SVID drain in the bottom of the natural drainage. Though it appears this drainage is contained on the adjacent parcel, if a portion of the drainage is located on the applicant's parcel, include it on the final plat. This short plat as described will disturb less than one acre of ground so approval of a stormwater plan is not required. Contact Dianna Woods at 509-574-2300 for stormwater questions or if this parcel does include a portion of the natural drainage.

Staff finding: This decision conditions that all stormwater be retained on site. Please contact the Water Resources Division with any additional questions at (509) 574-2300.

11. Potable Water Supplies: The applicant's narrative indicates that if the Yakima Health District allows for the existing well to be a Group B Water System then it will be used to serve all four lots. The Yakima Health District provided a letter dated November 6, 2017 stating "the well site for the existing well also appears to be approvable as a source for a new group B system".

Staff finding: According to YCC Table 19.25-1, short subdivision in the RT zoning district are to connect to an existing public water system or a new public water system. A letter from the Yakima Health District states that the existing well may be able to be a Group B Water System. The applicant shall provide verification from the Washington State Department of Health that the well can be designated as a Group B water system prior to approval of the short plat.

12. Sanitary Disposal: The applicants are proposing to use individual, on-site septic systems for Lot 1, Lot 2, Lot 3 and Lot 4.

Staff finding: According to YCC Table 19.25-2, short subdivision in the RT zoning district are to connect to either a County sewer system or individual on-site septic systems. Connection

to a County system is required if the lots are located within the service area of a County sewer system. According to Yakima County Public Services information, a County sewer system is not available in this area. Therefore, the Reviewing Official has determined that individual on-site septic systems may be allowed for this subdivision. Lot 1, Lot 2 and Lot 3 are proposed to be smaller than 2.5 acres and therefore will require Yakima Health District septic review prior to final short plat approval. As long as Lot 4 is 2.5 acres in size or greater, a Yakima Health District septic review is not required prior to final short plat approval (YCC 19.34.060(5)).

13. Schools & Schoolgrounds/Safe Walking Conditions: The property is located in the Sunnyside School District. The applicants are not proposing sidewalks or walking paths for students who may want to walk to school.

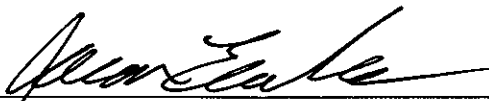
Staff finding: This area is served by the school bus route system. Children only have to walk from the house to the county road and the school bus either picks them up or drops them off.

C. DECISION:

Based upon the above findings, the Yakima County Subdivision Administrator hereby **APPROVES** the requested 4 lot short subdivision in the RT zoning district, subject to the conditions listed above.

Administrative Official: LYNN DEITRICK, AICP

Designee:



Jason Earles
Planning Section Manager / Current Planning

Date:

2/9/18

D. 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., 2/23/18. 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.

Attachments:

- A. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
- B. Short Plat Application
- C. Narrative
- D. Yakima Health District letter dated November 6, 2017
- E. Site Plan
- F. Sunnyside Valley Irrigation District letter dated January 17, 2018
- G. Department of Ecology letter dated January 19, 2018
- H. 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.



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.

Non-Clustering

b. Was your lot created prior to May 27, 1997? Yes No

If yes, are you proposing to use the 1.15 multiplication factor? Yes No

Rural Settlement (RS) – If the property is located within the RS zoning district please answer the following questions:

Which community is the property located in: _____

Highway/Tourist Commercial (HC)

Mining (MIN)

E. Do any of the lots have irrigation rights? Yes No District Name: SUNNYSIDE VALLEY IRRIGATION DISTRICT

F. Is this subdivision contiguous with another proposed subdivision? Yes No

G. Are there any of the following man made/natural features located on your property: None Known.
(Check all that apply and depict on site plan)

Ponds

Lakes

Streams/Rivers Undetermined Stream (Web Mapping)

Wetlands

Floodplain

Floodway

Steep Slopes (exceeds 10% grade)

Irrigation ditches/Canals

H. i. Will any of the lots be served by a: County public road Private Road Shared Driveway (4 or fewer lots)

(If served by a County public road or a private road please contact the Transportation Division for a Pre-Application meeting at (509)574-2300 before proceeding)

Owner met with County Staff circa 10/3/2017; No Formal

What is the file number of the Pre-Application meeting? EAC EAC considered necessary.

ii. If any of your lots will be served by an existing private road, is there a homeowner's or maintenance association that takes care of the road? Yes (please provide) No

I. What will be the source of domestic water for these lots? *(When individual wells are proposed the applicant shall provide documentation from the Yakima Health District verifying that neither an existing public water system and/or a new public water system is available for the subdivision. The documentation must be submitted with this application.)*

i. Public water supply (water system operated by a city, county, Nob Hill, etc.).

This water system will Serve Lots (Check all that apply): 1 2 3 4

Name of water provider: _____

ii. Expand the use of an existing community well to serve Lot(s): 1 2 3 4

Name or State ID# of the existing community water system: _____

The well is located on Parcel Number: _____

How many connections is the community well currently approved for? _____

iii. New community well, (3+ connections) certify an existing well or construct a new well.

The well is: Existing Proposed on Lot/Parcel Number: _____

The well will serve Lots: 1 2 3 4

Will the proposed community well serve any lots outside of the proposed short subdivision? Yes No

If Yes, which parcel number(s)? _____

iv. Shared, (2 party) well to serve lot(s) 1 and 4

The well is: Existing Proposed on Lot/Parcel Number: 3 (See Narrative)

Please Note: Individual wells can be proposed in the AG, FW, and MIN zoning districts. If in the R/ELDP or R-10/5 zoning districts then individual wells can only be proposed if all lots are 5 acres or greater in size and outside the service area of a County water system (YCC Table 19.25-1).

v. Existing individual wells will continue to service Lot(s): 1 2 3 4

vi. Proposed individual wells will serve Lot(s): 1 2 3 4

J. Which of the following methods of sewage disposal do you propose? *(When individual septic systems are proposed the applicant shall verify that a County sewer system is not available for the subdivision.)*

Public sewer for lots: 1 2 3 4

Existing individual, on-site septic systems for lots: 1 2 3 4

Proposed individual, on-site septic systems for lots: 1 2 3 4



NARRATIVE FORM

FINAL
Revised 10/01/15

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

The Narrative Form is designed to help you, the application review, interested agencies, and adjacent property owners to the proposal understand the scope of your project and how your project meets the legal requirements in the Yakima County Codes. You should refer to the appropriate sections of the ordinance when describing your proposal if applicable. You can obtain a copy of the ordinance in our office or access it on the internet at:

<http://codepublishing.com/wa/yakimacounty/>

Narrative Content: Please tell us the “who,, “what,, “where,, and “why,, of your proposal. A list of typical content is provided below. **Please do not limit your project’s description to just these items.** In order for us to conduct a timely review of your project please **be as detailed as possible.** Any missing/confusing information could result in the delay of our review.

Note: Not all content listed below will be pertinent to your proposal. These items are suggestions in order to help you draft your narrative.

Suggested Content:

- Describe the current use of the site including all existing structures with their dimensions, square footage and usage.
- Describe the proposed use in detail (including but not limited to the type of business and/or use, hours and days of operation, number of employees, number of people living on-site, maximum number of customers and/or guests, changes or additions to the driveways or other access points, the type of mitigation or adjustment requested).
- Describe which standards are proposed to be adjusted and justify why the standard needs to be adjusted.
- Describe any new or existing structures to be used as part of this proposal.
- Describe how the proposed use will be pertinent to the proposed/existing structures.
- Describe any parking facilities (number of spaces and surface type), landscaping, signage, and lighting that will be associated with your proposal.
- Describe your access to the property and the route of travel to the site.
- For commercial operations describe the travel ways that will be located onsite.
- Describe the timelines for completion of your proposal.

Please remember that your narrative must explain in detail the specifics of your proposal and any missing information may result in the need for future reviews. Your narrative can be typed and printed on a separate sheet of paper with “See Attached,, written below, or you may print out legibly your narrative on the lines provided.

SEE NEXT PAGE

Attachment: _____

The Objective is to Create a Four-Lot Short Plat of an RT Zoned Parcel. Utilizing Cluster Concept.

OPEN SPACE

Present Parcel Size of 9.92 Acres will Require Minimum Open Space Allocation of 4.96 Acres Which is Designated as a Portion of Lot 4. The "Buildable" Portion of Lot 4 (1.84 ac) Will Encompass an Existing Residence, Garage, Outbuildings and Septic Drainfield. The Residence on Lot 4 is Presently Served by a Well Situated on Proposed Lot 4.

ACCESS

Lot 4 Will be Accessed Direct to VanBelle Road. Lots 1, 2, and 3 Will Share a Private Drive Connecting to Maple Grove Road.

WATER

Yakima Health District Response Letter of November 6, 2017 States Tentatively, That the Existing Well on Lot 3 Could Conceivably, Be Acceptable to Serve as an Individual, Shared, or Group B System Source. It is the Applicants Intent to Allow This Well, if Qualified, to Serve as a Shared Source for Lots 1 and 4; With Lots 2 and 3 Served by a New Additional Shared Well on Lot 3, as a Condition of Approval, and Prior to Sale of Either Lot 2 or Lot 3. The Applicant Further Intends to Pursue a Group B System Utilizing the Existing Well. If this Well and Location is Ultimately Approved for the Group B System It Will Then Serve All Four Lots. As an Alternative, if the Existing Well Falls Approval as Either a Two-Pary Shared Well, or a Class B Source, a New Well (Well 2) Will be Provided.

Please use additional pages as needed



Yakima Health District
1210 Ahtanum Ridge Drive
Union Gap, Washington 98903
Phone (509) 575-4040

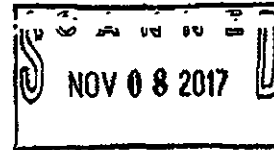
SUB 7-640
Public Services (S)

DEC 18 2017

Vern ___ Gary ___ Don ___ Lynn ___
Harold ___ Lisa ___ Carmen ___

November 6, 2017

Nick Schademan
6561 VanBelle Road
Sunnyside, WA 98944



RE: Wells and water systems for a future Yakima County Subdivision located at 6561 VanBelle Road, Sunnyside (parcel number 221014-33405).

Mr. Schademan:

The Yakima Health District has reviewed the above referenced application in regards to water systems that may be associated with this project according to the requirements in YCC 19.25.040. A site visit was not done as a part of this review. Our findings are presented below:

Group A Water Systems

We checked our files and the Washington State Department of Health community water system database (SENTRY). We did not find any existing Group A water systems within 200 feet of this development.

Group B Water Systems

We checked our files and the Washington State Department of Health community water system database (SENTRY). We found one existing Group B water system within 200 feet of this proposal. This system is located to the south, across VanBelle Road (Groen, John Water System; ID# 03511 L). The listed contact information for the Groen, John Water System is Paul Mortensen; 509-837-8239; 1135 Maple Grove Road, Sunnyside, WA 98944.

The well site for the existing well also appears to be approvable as a source for a new group B system.

2-Party Shared Wells

Our review of the supplied information shows an existing individual well serving the existing residence in this project. It appears that this well can be approved as a 2-Party Shared Well.

Individual Well(s)

The existing well at this site does meet the criteria for an individual well serving one single family residence (in addition to a shared well or a group B well).

Attachment: D

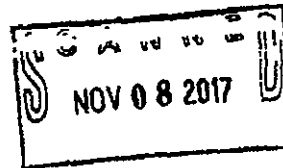
No review of water quantity or availability was done by the Yakima Health District. Our review of your water system does not confer or guarantee any right for you to withdraw or divert groundwater. Contact your local planning department or the Washington State Department of Ecology for more information about your legal rights to use groundwater.

If you have any questions, please call me at (509) 249-6562.

Sincerely,



Ted Silvestri, R.S.
Environmental Health Specialist

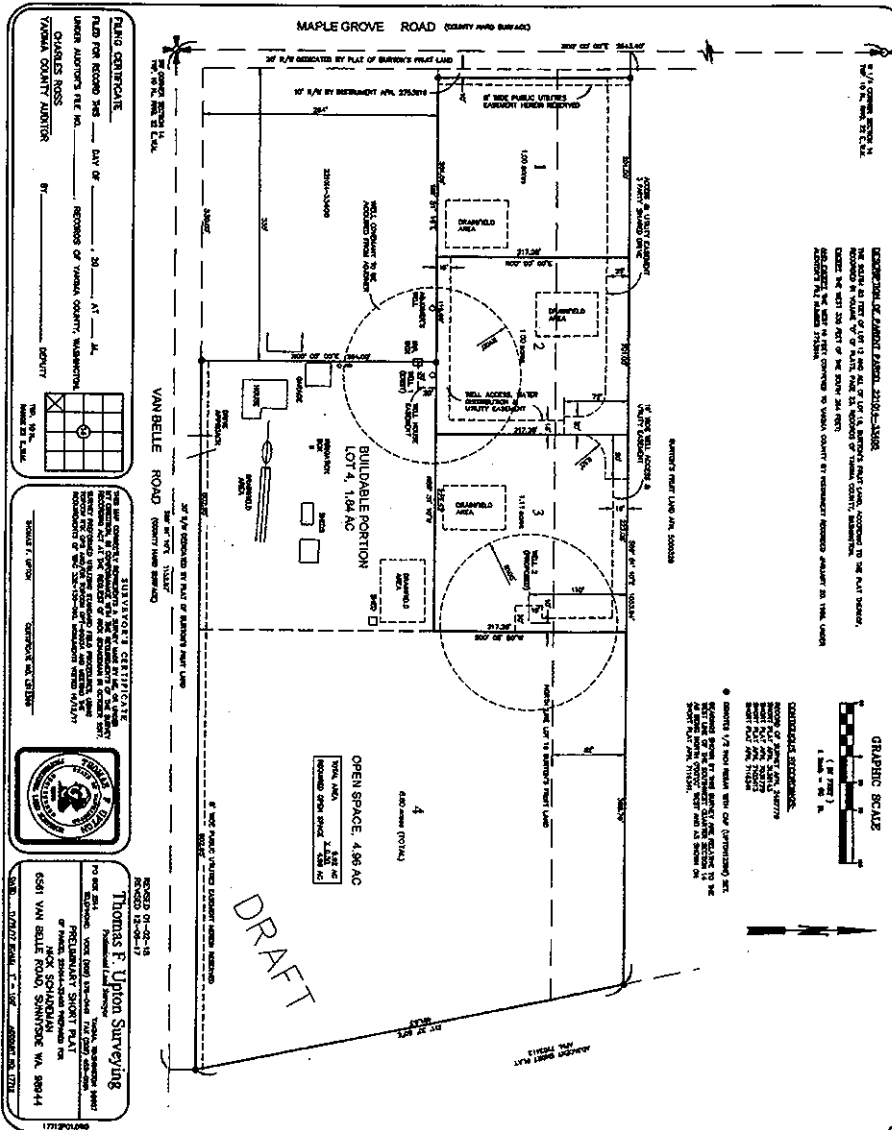


cc: Yakima County Planning

54817-240
Public Services (2)

JAN 03 2018

Vern Gary Don Lynn
Harold Lisa Cannon



Attachment: E



January 17, 2018

Public Services (CS)

JAN 19 2018

Yakima County Planning Division
128 North Second Street
Fourth Floor Courthouse
Yakima, WA 98901

Vern ___ Gary ___ Don ___ Lynn ___
Harold ___ Lisa ___ Carmen ___

RE: Short Plat No. **SUB 2017-00040**
Landowners: **Nick Shademan**
Parcel: **221014-33405**

Greetings:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comment:

1. Irrigation distribution facilities and easements must be provided pursuant to RCW 58.17.310. This parcel's southern boundary borders SVID drain DR 35 which may require an easement agreement signed by the parcel owner.
2. Access for plats and/or subdivisions will not be allowed on SVID operation and maintenance roads.
3. Buildings will not be allowed within SVID easements or rights-of-way.
4. Obstructions will not be allowed within SVID easements or rights-of-way without permits.
5. All irrigation assessments must be paid in full prior to SVID approval.
6. Refer to www.SVID.org (under the 'Resources for Landowners' tab) for the list of general requirements for plat approval by SVID.
7. Please contact SVID for additional subdivision requirements and fees specific to this project.

Thank you for the opportunity to comment on this proposed project. If you have any questions, please feel free to contact Rigo Diosdado at (509) 837-6980 or Diosdador@SVID.org.

Sincerely,

Ron C. Cowin, P.E.
Assistant Manager – Engineering

Attachment: F



54317-040
Public Services (x)

JAN 22 2018

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY Vern__ Gary__ Don__ Lynn__
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490 Harold__ Lisa__ Carmen__

January 19, 2018

Jacob Clay
Yakima County Planning Division
128 North 2nd Street
4th Floor Courthouse
Yakima, WA 98901

Re: SUB2017-00040

Dear Mr. Clay:

Thank you for the opportunity to comment on the short subdivision of 9.92 acres into 2 lots, proposed by Nick Schademan. We have reviewed the application and have the following comments.

TOXICS CLEAN-UP

Based upon the historical agricultural use of this land, there is a possibility the soil contains residual concentrations of pesticides. Ecology recommends that the soils be sampled and analyzed for lead and arsenic, and for organochlorine pesticides. If these contaminants are found at concentrations above the Model Toxics Control Act cleanup levels Ecology recommends that potential buyers be notified of their occurrence.

If you have any questions or would like to respond to these Toxics Clean-up comments, please contact Valerie Bound at (509) 454-7886 or email at valerie.bound@ecy.wa.gov.

WATER QUALITY

Dividing or platting of a piece of property is often the first step in a proposed development. An NPDES Construction Stormwater Permit may be required if a subsequent individual or common plan of development that has potential for stormwater discharge from a construction site with disturbed ground. Ground disturbance includes all utility placements and building or upgrading existing roads. The process requires going through SEPA, developing a stormwater pollution prevention plan, submitting an application and a 30 day public notice process. This may take 45-60 days. A permit and a stormwater plan are required prior to beginning ground-breaking activities. Please contact Lloyd Stevens, Jr. with the Department of Ecology, (509) 574-3991, with questions about this permit.

Sincerely,

Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012
crosepacordinator@ecy.wa.gov

Attachment:

Actions on Case SUB2017-00040 Parcel Number: 22101433405

(Schademan/Upton) 4 lot short plat in the RT zoning district using cluster provision. 2 two-party shared well, individual septic

Notice of Application Sent	Assigned To:	Done By:
Notice Due	Comment Ends	Notice sent

Address Creation/Verification	Assigned To:	Done By:
Date Received 12/12/2017	Date Due 12/15/2017	Date Done

Case Created	Assigned To:	Done By: JXC
		Date Created 12/12/2017

No Submittal Received	Assigned To:	Done By: JXC
		Date Created 12/12/2017

Utilities Issues	Assigned To:	Done By: JES
Date Routed 12/13/2017	Comment Required By 12/15/2017	Response Date 12/13/2017

No concerns.

Trans. Issues	Assigned To:	Done By: JDW
Date Routed 12/19/2017	Comment Required By 12/21/2017	Response Date 12/19/2017

1.) Per title 10.08.020 and 19.10.040 (3) and RCW 36.75.130 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 build permits cannot be issued without the completion and approval of a Road Approach Permit.

2.) Van Belle Road is a Functional Class 07 Rural Major collector which requires a total of 70 Feet of R/W. Applicant Shall dedicate an additional 5' of right of way along the frontage the Open Space Lot. Dedication of 5" of R/W along the frontage of lot 4 may constitute as undue taking and therefore will not be required.

3.) Maple Grove Road is a Functional Class 8 Rural Minor Collector which require a total of 70' of R/W. R/W Deed: D-10919 shows that the R/W dedicated along the frontage of this development is sufficient (35') for this classification of road.

Notes: Yakima County Transportation has no record of RAP for the existing residential access on lot. All other lots will require Road Approach Permits at the time of application of building permits on (Lots 1,2,3)

Attachment: H

Surface Water Issues

Assigned To:

Done By: DLW

Date Routed 12/22/2017

Comment Required By 12/24/2017

Response Date 12/22/2017

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. A Washington State Department of Ecology Construction Stormwater Permit may be required if more than one acre of ground is disturbed.

The parcel includes a broad swale with an SVID drain in the bottom of the natural drainage. Though it appears this drainage is contained on the adjacent parcel, if a portion of the drainage is located on the applicant's parcel, include it on the final plat. This short plat as described will disturb less than one acre of ground so approval of a stormwater plan is not required. Contact Dianna Woods at 509-574-2300 for stormwater questions or if this parcel does include a portion of the natural drainage.

Plat notes required:

General drainage: The owners shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site. Any natural drainageways must not be altered or impeded.

Water Resources Plat note B - Yakima County GIS contour information indicates the presence of drainageways on the parcel that may limit the amount and location of future development.

Incomp./Req. for Addtl. Info.

Assigned To:

Done By: JEP

Sent on

Due - 90 days 2/11/2018

Info. received

12/28/2017

PC Tracking

Assigned To:

Done By: JXC

Date Created 12/28/2017

Date Due

Finished

12/28/2017

NOI fwd to Admin, Lots 1 and 2 need to be 1 acre in size if to be served by an ind. Septic system. There is a code case with this parcel and the subdivision should have been double feed

Completeness Review Period

Assigned To:

Done By: JXC

Appl. received 12/12/2017

Review due 1/9/2018

Notice Sent

1/3/2018

PC Tracking

Assigned To:

Done By: JXC

Date Created 1/3/2018

Date Due

Finished

1/3/2018

received updated short plat from Tom Upton. Janna told me there is no longer an illegal occupied RV on the property and the code case is closed. The application is complete and will go out for NOC/NOA