



Public Services

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VERNA REDIFER, P.E. - Director

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

PROJECT NAME: Mahre 4 Lot Short Plat

FILE NUMBER: SUB2018-00005

REVIEW PROCESS: Short Subdivision

PROPERTY OWNER: James Mahre

MAILING ADDRESS: 15371 Summitview Ext. Yakima, WA 98908

APPLICANT/AGENT: Bill Hordan

ZONING DISTRICT: Agriculture (AG)

FUTURE LAND USE DESIGNATION: AG Resource

SUBJECT PARCEL NUMBER(S): 171321-23402

PROPERTY LOCATION: Located on the north side of Summitview Extension, and approximately 50 feet northeast from the intersection of Summitview Ext. and Mahre Road. Located approximately 4 miles west from the city of Yakima.

ASSIGNED PLANNER: Keelan McPhee

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.

Roads

2. The applicant shall obtain a Road Approach Permit(s) (RAPs) from the Yakima County Transportation Division for all existing and proposed accesses to Summitview Ext. For more information, please contact the Yakima County Transportation Division at (509)574-2300.

3. All prior dedications of right-of-way, deeds, and grants shall be shown on the face of the final short plat.

Sewage

4. Lots 2, 3 and 4 shall be reviewed for septic system replacement area. Please provide verification from the Yakima Health District to the Yakima County Planning Division prior to short plat approval.

Water

5. Lot 2 may continue to use the existing individual well located on Lot 2.
6. Lots 1, 3, and 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. In accordance with YCC 12.08.390, the applicant shall apply for a Yakima County Water Resource System (YCWRS) permit for Lot 1 to connect to the community well. The well shall be installed and meet all requirements of the YCWRS domestic well permit. Verification from the Yakima County Utility Division shall be submitted to the Planning Division prior to the recording of the final short plat.
7. The new community well requires a well covenant and a water user's agreement to be filed with the short plat. The documents must be submitted to the Yakima County Planning Division prior to the finalization of the short subdivision.
8. Utility easements must be established in accordance with YCC 19.25.050. The applicant will need to coordinate easement placement with their surveyor, the Yakima Health District, and any other agency with jurisdiction.
9. The development of this land limits the owner(s) of Lot 2, as well as future divisions of this lot, to not exceed withdrawing more than 5,000 gallons per day from any existing and future wells. Any ground water withdrawals in excess of 5,000 gallons per day or for the irrigation of more than ½ acre of lawn or noncommercial garden will require a permit from the Department of Ecology (RCW 90.44.050).

Irrigation

10. 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 Yakima-Tieton 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. Lots _____, in whole or in part, are not entitled to irrigation water under the operating rules and regulations of the district.

Misc

11. 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.
12. 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).
13. 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.
14. 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)).
15. The project shall be completed in conformance with the project description and site plan submitted with the application referenced as file number SUB2018-00005. 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.
16. 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:

17. Lot(s) 1, 3 and 4 of this short plat have been required to use a community well as permitted by the Yakima County Utility Division for an YWRCS domestic well. The owners shown hereon, their grantees and assignees in interest, hereby covenant and agree to adhere to the requirements of the YWRCS domestic well permit. Individual wells may not be installed on any of these lots.

18. On existing individual wells not requiring a YWRCS permit, any ground water withdrawals in excess of 5,000 gallons per day or for the irrigation of more than ½ acre of lawn or noncommercial garden require a permit from the Department of Ecology (RCW 90.44.050).
19. Purchaser(s) and lessee(s) are hereby notified that Lot 1 within this short plat is subject to Yakima Health District (YHD) standards for installation of on-site sewage disposal. The lot was not evaluated by YHD prior to plat approval. Permits or approvals from YHD must be obtained before new sewage system development is begun.
20. Lots 1, 2, 3 and 4 are located within 500 feet of agricultural resource designated land and may be subject to noise, dust, smoke, odors, traffic and the application of chemicals resulting from commonly accepted practices associate with nearby agricultural uses.
21. 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.
22. 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 proposes a four-lot short plat of a 9.76 acre parcel. The subject property currently has three dwellings and a fourth unoccupied “cabin” that will be demolished. One lot with an existing manufactured home, that was placed on the site in the spring of 1974 and is still occupied by its original residents, will be subdivided onto a 1.13-acre lot (Lot 2). One lot with an existing site built home built in 1935 will be subdivided onto a 1.19 acre (Lot 3). One lot will be created around an existing manufactured home placed in 2001, and will be 1.16-acres (Lot 4). The balance lot (Lot 1) will be 6.28 +/- acres and is vacant. Lot 2 is served by an existing individual well. An existing 2-party shared well currently serves Lots 3 and 4 with the well located on Lot 3, and is proposed to serve Lot 1. Lots 2, 3 and 4 are served sanitary disposal by individual septic systems. Access for all four lots is directly from Summitview Ext. Road.

Lot #	Lot Size	Land Use
1	6.28 acres	Vacant
2	1.13 acres	Pre-1974 Manufactured home; and a cabin to be demolished
3	1.19 acres	Existing residence constructed in 1934
4	1.16 acres	2001 Manufactured home

2. Zoning and Land Use: The subject property is located within the Agriculture (AG) zoning district. According to YCC 19.11.010(3) -

(a) lots in the AG zoning district that are greater than three acres may be subdivided to create a 1-3 acre lot around an existing residence, provided it has been at least 15 years since the lot was last divided and it has contained a lawfully existing residence for at least the last five years.

(b) Multiple Dwellings. A lot that has contained more than one lawfully established, habitable dwelling, as defined in YCC Title 13, since before October 1, 1974 may be divided to separate each such dwelling onto an individual lot, subject to the criteria of Subsection 19.11.010(3) and all other applicable requirements. The three existing homes on the property were built between 1930 and 1945.

Staff Finding: The applicant is proposing to divide the 9.76 acre parcel into four (4) lots. According to Yakima County Public Services records, the property has not been subdivided in the last 15 years. The proposal meets the requirements of YCC 19.11.010(3) therefore, the Reviewing Official may approve small lots around residences that have been on the parcel prior to October 1, 1974. Yakima County records and aerial photos show that all homes on the property, except for the 2001 manufactured home, existed prior to 1974. The property is within the AG zoning district, the following plat notes are required (YCC 19.18.205):

- *Lots 1, 2, 3 and 4 are located within 500 feet of agricultural 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 agricultural uses.*

3. Environmental Review: The proposal was determined to be categorically exempt from State Environmental Policy Act (SEPA) environmental review.

Staff Finding: There are no Critical Areas on the property, therefore no further environmental review is required.

4. Notice of Application: After the application was submitted, an internal notice of project review was emailed to representatives of the Building and Fire Safety Division, the Environmental and Natural Resources Planning Section, the Water Resources Division, the Transportation Division, the Utilities Division, the Assessor's Office, and the Yakima Health District.

Once the application was determined complete, 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 February 15, 2018, with the comment period ending March 8, 2018. Comments were received from State of WA Department of Ecology.

State of WA Department of Ecology –

The Department of Ecology submitted comments regarding water rights for residential uses. A short summary of their comments is below. Please see the attached Department of Ecology letter for information on water rights.

“The Department of Ecology encourages the development of public water supply systems, whether publicly or privately owned, to provide water to regional areas and developments. State Board of Health rules require every owner of a public water supply to obtain written approval from the Office of Drinking Water, Environmental Health Programs, prior to any construction or alteration of any public water system.”

Staff Finding: The applicant will be required to obtain written approval from the State Department of Health office of Drinking Water for the proposed community well prior to alteration of the well.

5. Processing Timeframe:

Application submitted: February 1, 2018

Application Determined Complete: February 21, 2018

Notice of Application: February 22, 2018

6. Streets and Roads:

The Transportation Division provided the following comments:

1. Per RCW 36.86.010, Title 19.23.045, Summitview Ext. is classified as an Fc 9, “Rural Access”.

2. Per title 10.08.020 and 19.10.040 (3), The applicant shall obtain Road Approach Permits (RAPs) from the Yakima County Transportation Division for all the existing unrecorded/permitted accesses to the county road system. Each newly created lot will require its own individual Road Approach Permit for all existing accesses that are encompass within their new boundaries. The fact that the road approach applications are in conjunction with a SUB must be disclosed by the applicant at the time of application. No future building permits will be issued without the completion and approval of a Road Approach Permit.

3. Summitview Ext is a Class 9 “Rural Access” roadway and meets current standards. No mitigation improvements will be required.

Staff Finding: The applicant shall obtain necessary Road Approach Permits (RAPs) from the Yakima County Transportation Division for all proposed and existing accesses to Summitview Ext. For more information, please contact the Yakima County Transportation Division at (509)574-2300.

7. Open Spaces: No open space areas are proposed for this short subdivision.

Staff Finding: This proposal is using the small lot provision of the Yakima County Code. This provision does not require the cluster development option to accomplish this short subdivision. Therefore, the Reviewing Official has determined that open space dedication is not required for this proposal.

8. Drainage Ways and Critical Areas: The Yakima County Water Resources Division did not comment regarding soils and stormwater runoff, however the standard plat notes apply:

Staff Finding: The following short plat notes are required:

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.

9. Potable Water Supplies: All lots and the three existing residences propose potable water from existing sources. Water for Lots 1, 3 and 4 are proposed to be served by an existing shared well on Lot 3, which currently serves Lots 3 and 4, which will be converted to a Group B community well. Lot 2 is currently served by an individual well, and will continue to use that well.

The Yakima Health District provided the following comment:

“The existing shared well must be approved by the Yakima Health District as a Group B water system.”

The applicant provided a signed form from the Water Resources Division stating that the proposal is within the Yakima County Water Resources System utility service area, as required in Ordinance 13-2017, which states, in part: “Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply.”

Staff Finding: According to YCC Table 19.25-1, short subdivisions in the Agriculture (AG) zoning district have three options for domestic water, in order of priority:

1. *An existing public water system;*
2. *A new public water system;*
3. *Individual wells*

The applicant has proposed to expand an existing shared well into a new community well which will serve as the legal source of domestic water for Lots 1, 3 and 4. Lots 3 and 4 are already served with water from a shared well. Lot 1 will be a new connection, thus necessitating a YCWRS permit. As a condition of approval, the applicant will be required to apply for and obtain an YCWRS domestic well permit from the Yakima County Utility Division and verification of the approval shall be submitted to the Planning Division prior to the recording of the final short plat. Please contact the Yakima County Utility Division at (509) 574-2300 for the necessary applications.

Based on Yakima Health District comments, the applicant shall obtain approval for a Group B water system for one of the existing wells, which will be converted into a Group B community well, prior to final short plat approval. The individual well on Lot 2 may continue to serve the existing home.

10. Sanitary Disposal: The applicants are proposing to use individual, on-site septic systems for Lots 2, 3 and 4. A new individual septic system is proposed for Lot 1.

The Yakima Health District provided the following comment: "Lots 2, 3, and 4 must be reviewed for on-site septic system replacement areas."

Staff Finding:

Individual septic systems are generally allowed within the Agricultural zone. The applicants must obtain approval from the Yakima Health District for on-site septic system replacement areas for Lots 2, 3 and 4. Approval for a septic system on Lot 1 will be required at the time of building permit.

11. Schools & Schoolgrounds/Safe Walking Conditions: The property is located in the West Valley 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.*

12. 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)):

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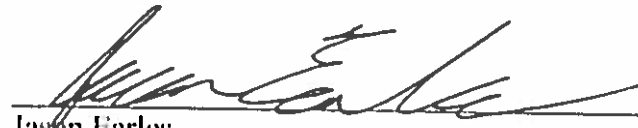
Staff Finding: *Irrigation distribution facilities shall be provided as required under RCW 58.17.310 and YCC 19.34.070(2)(d)).*

C. DECISION

Based upon the above findings, the Yakima County Subdivision Administrator hereby **APPROVES** the requested preliminary short subdivision, subject to the conditions listed above.

Administrative Official: LYNN DEITRICK, AICP

Designee:



Jason Earles
Planning Section Manager / Current Planning

Date:

05/02/18

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., 05/16/18. 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. State of WA Department of Ecology comment letter dated February 27, 2018.
- C. Yakima Health District Letter dated January 10, 2018.
- D. Application
- E. Narrative
- F. Site Plans
- 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.