



# Public Services

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

VERN M. REDIFER, P.E. - Director

DATE: August 8, 2018

TO: Laura Guizar, Sunnyside Valley Irrigation District, Washington State Department of Ecology, and Washington State Department of Transportation

FROM: Yakima County Public Services Department: Planning Division

SUBJ: File Number SUB2018-00030/WET2018-00008, Guizar Preliminary Short Subdivision Notice of Decision

**This notice is issued pursuant to Yakima County Code Chapter 16B.07 and RCW 36.70B.130**

**Decision made on project permits:** The Yakima County Subdivision Administrator hereby **Approves** the requested two-lot short subdivision subject to conditions. The Findings and Decision can be viewed online at [www.yakimap.com/permits/](http://www.yakimap.com/permits/) or you can view a copy of the Decision at the Planning Division on the 4th floor of the Courthouse. Parcel no. 220925-14009.

### Appeal procedures:

In accordance with Title 16B, Chapter 16B.09 of the Yakima County Code, any person of standing pursuant to 16B.09.020 may appeal the Administrative Official's decision to the Yakima County Hearing Examiner. A notice of such appeal must be filed in writing and delivered to the Planning Division on the 4<sup>th</sup> Floor of the Yakima County Courthouse, Yakima, Washington **on or before 4:00 p.m., August 22, 2018**. The filing of an appeal does not stay the effectiveness or effective date of any enforcement action or decision of violation including cancellations and revocations of permits or approvals. The appeal must be in writing, using the appropriate forms, accompanied by the appeal fee, and contain the following information:

- 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 are a person with a disability who needs any accommodation in order to participate in this program, hearing or service, you may be entitled to receive certain assistance at no cost to you. Please contact the ADA Coordinator at Yakima County no later than five (5) working days prior to the date service is needed.

Yakima County ADA Coordinator  
128 N. 2nd Street, Room B27  
Yakima, WA 98901  
(509) 574-2210

7-1-1 or 1-800-833-6384 (Washington Relay Services for deaf and hard of hearing)

If you have any questions on this proposal, please call **Tua Vang**, at (509) 574-2300 or 1-800-572-7354 ext. 2300.

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## PRELIMINARY SHORT SUBDIVISION DECISION

Yakima County Public Services

128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901  
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### STAFF REPORT

RECORD NUMBER(S): SUB2018-00030/WET2018-00008

ASSIGNED PLANNER: Tua Vang

### PERMIT INFORMATION:

Project Name:	Guizar Preliminary Short Subdivision
Zoning Designation:	Agriculture (AG)
Future Land Use Designation:	Agricultural Resource
Subject Parcel Number(s):	220925-14009
Property Location:	The subject property is located on the west side of Sunnyside Mabton Road, approximately 490 feet from the Sunnyside Mabton Road and Charvette Road intersection, and approximately 1.2 miles northwest from the city of Mabton.
Property Owner:	Laura Guizar
Mailing Address:	6751 Sunnyside Mabton Road Mabton, WA 98935
Applicant/Agent:	Same as owner.
Mailing Address:	Same as above.
Project Description:	Short Subdivision to create a 11.81 acre lot and a 2.52 acre lot.
Decision:	Approved with Conditions

**DECISION: Preliminary Short Subdivision Approval** with the following conditions:

#### **A. CONDITIONS (NEXT STEPS):**

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

#### **Roads:**

1. Prior to the recording of the final short plat a private shared driveway easement shall be established to provide Lots 1 and 2 access to State Highway 241 (SR 241). 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. Contact the Building and Fire Safety Division at (509) 574-2300 for specifications of the travel surface standards.
2. 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 and 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.

3. Prior to the recording of the final short plat, the applicant shall obtain a Road Approach Permit (RAP) from the Washington State Department of Transportation for ingress and egress to SR 241. Please contact Mark Kaiser of the WSDOT – South Central Region Office at (509) 577-1668 to update the permit.
4. All prior dedications of right-of-way, deeds, and grants shall be shown on the face of the final short plat.

**Sewage:**

5. Lot(s) 1 and 2 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)).
6. However, if Lot(s) 1 is 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:**

7. Lot 1 is currently served with an individual well and may continue to be served by an individual well.
8. An individual well has been allowed for Lot 2, the applicant shall demonstrate the following, at the time of development on Lot 2: (YCC 19.25.040(2)(d))
  - A. An authorization for groundwater withdrawal from the appropriate agency with jurisdiction has been obtained;
  - B. Each individual well will provide an adequate source of potable water for the proposed development including:
    1. A water quality analysis report from the Yakima Health District or a State of Washington certified laboratory indicating compliance with the State Board of Health and locally adopted standards for domestic water; and
    2. A water quantity report from a well driller, pump supplier, or other qualified person. The report must be in the form of an industry standard pump test, bailer test or air test for wells or a flow test for springs. The test must assure that a minimum quantity of 350 gallons per day is available for each dwelling unit.
  - C. The individual well has or will be designed in accordance with well siting and contamination standards as determined by the appropriate agency with jurisdiction.

In accordance with YCC 12.08.390, the applicant shall apply for a Yakima County Water Resource System (YCWRS) for the individual domestic well permit with the Yakima County Utility Division. The well shall be installed to meet all requirements of the YCWRS domestic well permit at the time that the applicant applies for a Building Permit.

9. The development of this land limits the owner(s) of Lots 1 and 2, 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. 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 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. Lots \_\_\_\_\_, in whole or in part, are not entitled to irrigation water under the operating rules and regulations of the district.

**Critical Areas/Shorelines:**

11. In accordance with YCC 19.34.070(2)(e) 100-year floodplains and floodways wholly or in part within an identified special flood hazard area shall be delineated on the face of the plat, or if the entire property is within the 100-year floodplain, contain a statement of fact. Identify on each lot partly within a special flood hazard area the minimum building area of 5,000 square feet outside of the 100-year floodplain, except public utility tracts, and public highway tracts.

**Misc:**

12. 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.

13. 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.
14. 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).
15. 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.
16. 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 (YCC 19.34.070(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)).
17. 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:**

18. In accordance with YCC 19.18.205(2)(a) Lot(s) 1 and 2 borders an agriculture resource designated land. New residences and other "Especially Sensitive Land Uses" are subject to a 150-foot setback from the adjoining agriculture resource designated land, unless reduced as provided by the Yakima County Code.
19. In accordance with YCC 19.18.205(4) Lot(s) 1 and 2 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.
20. 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.

21. The owner(s) of Lot(s) 1 and 2 shown hereon, their grantees and assignees in interest, hereby covenant and agree to participate in the maintenance of the private shared driveway serving this short plat and to join in an owners' or road maintenance association designed to provide for their perpetual maintenance.
22. No direct residential access for Lot 2 will be permitted to SR 241 except via the approved common road approach access easement, unless otherwise approved by the Washington State Department of Transportation.
23. Purchaser(s) and lessee(s) are hereby notified that Lot 2 within this short plat is subject to the individual well requirements of YCC 19.25.040(2)(d) for installation of domestic water supply systems. Prior to the issuance of building permits, the applicant(s) shall submit an authorization for a groundwater withdrawal, a Yakima County Water Resource System Domestic Well Permit, a water quality analysis report, a water quantity report, and documentation showing that the well has been designed in accordance with well siting and contamination standards. In accordance with YCC 19.34.070(2)(c)(xiv), it is the responsibility of future owners to provide the intended source of potable water, consistent with the type of water system intended in this approval and in compliance with all laws governing its installation and operation.
24. Lot 2 of this short plat has been required to use an individual well as permitted by the Yakima County Utility Division for an Yakima County Water Resource System Domestic Well Permit. The owners shown hereon, their grantees and assignees in interest, hereby covenant and agree to adhere to the requirements of the Yakima County Water Resource System Domestic Well Permit.
25. The development of this land limits the owner(s) of Lot(s) 1 and 2, 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.
26. Purchaser(s) and lessee(s) are hereby notified that Lot(s) 1 and 2 within this short plat are subject to Yakima Health District (YHD) standards for installation of on-site sewage disposal. The lots were not evaluated by YHD prior to plat approval. Permits or approvals from YHD must be obtained before sewage system development is begun.
27. Portions of this division of land lie within the one-hundred-year floodplain of the Yakima River as defined by the Federal Emergency Management Agency (FEMA) as part of the National Flood Insurance Program (NFIP) as per Flood Insurance Rate Map panel 53077C2257D, effective date November 18, 2009. Special flood hazard development standards will apply to that area of the lot lying within the 100-year floodplain subject to the NFIP as implemented by YCC Title 13 and YCC Chapters 16A.05 and 16C.05, Critical Areas and/or 16D.05, Shoreline Master Program. This information is subject to change. Specific floodplain information may be obtained from the Yakima County Public Services Department.
28. The lots, or portions thereof, within this division of land are subject to the Yakima County Regional Shoreline Master Program (YCC Title 16D). Special development

standards may apply and permits may be required for certain types of development. Shorelines management information may be obtained from the Yakima County Planning Division.

29. Portions of this property are subject to the Yakima County Critical Areas Ordinance (YCC Title 16C). Special development standards may apply and permits may be required for certain types of development. Please contact the Yakima County Public Services Department: Planning Division prior to commencing any grading or development activities on these properties.
30. Natural Resources Conservation Service soils data, as depicted by the Yakima County GIS Department, indicates the parcel has shallow depth to groundwater, shallow depth to hardpan, and/or poorly draining soils that may make compliance with requirements to retain runoff on site difficult or limiting, depending on the amount and type of current and future site development and available engineering solutions.
31. 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.
32. 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.

#### **B. FINDINGS AND ANALYSIS:**

Based upon the information supplied by the applicant, 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 findings and analysis:

1. **Project Description:** The applicant is proposing to divide the 14.33 acre parcel into two lots. The Short Subdivision (Rural) application and legend of the site plan identifies Lot 1 as the small lot and approximately 2.52 acres in size to include the existing residence, yard, and outbuildings. However, the site plan identifies Lot 1 as 2.33 acres in size and also contradicts the lot dimensions shown as 330' by 333'. Based on this information, staff will assume the applicant is requesting a small lot of 2.52 acres in size. If the applicant is requesting a smaller lot than 2.52 acres, the applicant must comply with Condition 6 above in this decision. Lot 2 is proposed to be 11.81 acres in size and undeveloped. The existing residence on Lot 1 will be served by the existing well and individual on-site septic system. At the time of development, an individual well and individual on-site septic system is proposed for Lot 2. Access is proposed via a private shared driveway from SR241 on Lot 1.

<b>Lot #</b>	<b>Lot Size</b>	<b>Land Use</b>
1	2.52 acres	Single-family dwelling, well and septic
2	11.81 acres	Vacant land in agriculture production

*Staff Finding: The applicant will comply with either Sewage Condition 5 or 6 above in this decision when finalizing the sizes of Lots 1 and 2.*



2. Zoning and Land Use: The subject property is located within the Agricultural (AG) zoning district. According to YCC Title 19.11.010(3)(a), lots in the AG zoning district that are greater than three acres may be subdivided to create one small 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.

*Staff Finding: According to Yakima County Public records, the property has not been subdivided within the last 15 years. The Yakima County Assessor's office shows that the residence on the subject parcel was constructed in 1925. The proposal meets the requirements of 19.11.010(3)(a) therefore, the Reviewing official may approve a small 1-3 acre lot around the existing residence and create a vacant lot. The property is within the AG zoning district, the following plat notes are required (YCC 19.18.205):*

*Lots 1 and 2 borders an agriculture resource designated land. New residences and other "Especially Sensitive Land Uses" are subject to a 150-foot setback from the adjoining agriculture resource designated land, unless reduced as provided by the Yakima County Code.*

*Lots 1 and 2 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.*

3. Jurisdiction and Process: The proposal is being reviewed as a Type 2 Preliminary Short Subdivision application, in accordance with YCC 19.34.040(3)(b). YCC 19.30.100(1) allows the Reviewing Official to impose conditions of approval on any development to ensure that the proposal meets the standards and criteria for approval. YCC 16B.03.030(1)(b) states that Type 2 applications are administrative actions which may generate public interest, therefore public notice must 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.
5. Critical Areas / Shoreline Review: According to the Yakima County GIS Critical Areas and Shorelines maps, the subject parcel is entirely in the FEMA 100-year floodplain that includes a potential wetland. The property is located approximately 1,600 feet north of the Yakima River and partially covered by the Conservancy Shoreline Jurisdiction which extends 200 feet from the existing floodway and channel migration zone. The subject parcel is separated from the Yakima River by a 74.60-acre parcel owned by the Washington Department of Fish and Wildlife (WDFW). The Environmental and Natural Resource Planning Section provided the following comments:

*"Property in question is located within Shoreline Jurisdiction of the Yakima River. A Shoreline Substantial Development permit is required."*

*Staff Finding: Under YCC 16B.03.060, the applicant has selected to apply for an Optional Consolidated Permit Review Process with WET2018-00008 and will be issued concurrently. WET2018-00008 requires the applicant to meet the requirements of 16D and obtain all necessary permits from the Yakima County Building and Fire Safety Division. The decision also conditions that future developments proposed within the Shoreline jurisdiction will require a Shoreline review to ensure impacts are avoided and mitigated.*

*The following plat notes shall be placed on the face of the short plat:*

*Portions of this division of land lie within the one-hundred-year floodplain of the Yakima River as defined by the Federal Emergency Management Agency (FEMA) as part of the National Flood Insurance Program (NFIP) as per Flood Insurance Rate Map panel 53077C2257D, effective date November 18, 2009. Special flood hazard development standards will apply to that area of the lot lying within the 100-year floodplain subject to the NFIP as implemented by YCC Title 13 and YCC Chapters 16A.05 and 16C.05, Critical Areas and/or 16D.05, Shoreline Master Program. This information is subject to change. Specific floodplain information may be obtained from the Yakima County Public Services Department.*

*The lots, or portions thereof, within this division of land are subject to the Yakima County Regional Shoreline Master Program (YCC Title 16D). Special development standards may apply and permits may be required for certain types of development. Shorelines management information may be obtained from the Yakima County Planning Division.*

*Portions of this property are subject to the Yakima County Critical Areas Ordinance (YCC Title 16C). Special development standards may apply and permits may be required for certain types of development. Please contact the Yakima County Public Services Department: Planning Division prior to commencing any grading or development activities on these properties.*

6. **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, and the Yakima Health District. Comments were received from the Building and Fire Safety Division, Water Resources Division, Yakima Health District, Transportation Division, Environmental and Natural Resource Planning Section, and Code Enforcement. Internal comments, except Code Enforcement comments (see below), are provided and addressed in Section (8) - "Decision Criteria and Review for Short Subdivision Applications" (YCC 19.34.040(4)(a)).

**Code Enforcement:**

"Will need to verify structures have been demo'd and RV's are no longer occupied."

*Staff Finding: Yakima County records show that there are no open code violations for the subject property. A demo permit was issued by the Building Division for COD2017-00169 on 10/13/2017 and case was closed.*

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 June 7, 2018, with the comment period ending July 9, 2018. Three external comments were received from the Sunnyside Valley Irrigation District, State of Washington Department of Ecology, and Washington State Department of Transportation. Comment letters are provided and addressed below.

**Sunnyside Valley Irrigation District:**

1. "Irrigation distribution facilities and private easements must be provided to all new lots pursuant to RCW 58.17.310. Access for plats and/or subdivisions will not be allowed on SVID operation and maintenance roads. **Land owner must purchase a 2" flowmeter at the cost of \$5,000 to serve newly created parcels.**
2. Buildings will not be allowed within SVID easements or rights-of-way.
3. Obstructions will not be allowed within SVID easements or rights-of-ways without permits.
4. All irrigation assessments must be paid in full prior to SVID approval.
5. Refer to [www.SVID.org](http://www.SVID.org) (under the 'Resources for Landowners' tab) for the list of general requirements for plat approval by SVID
6. Please contact SVID for additional subdivision requirements and fees specific to this project.

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

*Staff Finding: The applicant shall comply with the comments provided by the SVID.*

**Washington State Department of Ecology:**

**WATER RESOURCES**

"It appears the parcel has only one home currently. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology. If the subdivision will result in a new use of water, mitigation will likely be required.

If you have any questions or would like to respond to these Water Resource comments, please contact Jolee Ramos at (509) 454-4173 or email at [jolee.ramos@ecy.wa.gov](mailto:jolee.ramos@ecy.wa.gov)."

*Staff Finding: The applicant shall comply with the comments provided by the Department of Ecology.*

**Washington State Department of Transportation:**

"We have reviewed the proposed short plat and have the following comment. The project is adjacent to State Highway 241 (SR 241). SR 241 is a Class 2 access managed highway with a posted speed limit of 55 miles per hour. The property has an existing approach approved for residential use. No new approaches to SR 241 will be allowed, a new permit for the existing approach will need to be obtained. Also, we require a restrictive note to be put on the plat indicating no direct access to SR 241 will be allowed for Lot 2. The property owner should contact Mark Kaiser of the WSDOT – South Central Region Office at (509) 577-1668 to update the permit.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding these comments, please contact Jacob Prilucik at (509) 577-1635."

*Staff Finding: The applicant shall comply with the comments provided by the WSDOT. The following plat note shall be placed on the face of the short plat:*

*No direct residential access for Lot 2 will be permitted to SR 241 except via the approved common road approach access easement, unless otherwise approved by the Washington State Department of Transportation.*

7. Processing Timeframe: In accordance with YCC 16B, the subject application has been processed as follows:

Application submitted: May 16, 2018

Application Determined Complete: June 6, 2018

Notice of Completeness and Notice of Application: June 7, 2018

8. Decision Criteria and Review for Short Subdivision Applications (YCC 19.34.040(4)(a)): The Administrative Official shall approve a preliminary short subdivision 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.

- a. Streets and Roads: The applicant is proposing to use the existing approach on Lot 1 from SR 241 for Lots 1 and 2. The Yakima County Transportation Division provided the following comments:

“Address will be retained on proposed Lot 1.”

“Property fronts on a State maintained Roadway and will not require any County Road Mitigation. However, the applicant will be required to contact WSDOT and provide the county with written verification that the WSDOT was consulted and any and all State requirements were satisfied before the final plat.”

*Staff Finding: The applicant submitted a copy of a completed “WSDOT Application for Access Connection” with their County subdivision application. The applicant shall comply with the comments provided by the Transportation Division. See the WSDOT comments above in Section (6) - “Notice of Application” above. The applicant shall also comply with the comments provided by the WSDOT.*

- b. 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.*

- c. Drainage Ways: The Yakima County Water Resources Division provided the following comments and has required the following plat notes:

“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. I recommend contacting the Building Official for floodplain requirements if future buildings are anticipated. A stormwater plan and drainage easement are NOT required for this short plat.

This parcel is entirely within the 100-year (1% annual chance) floodplain and it appears the shop or garage is partially mapped in the floodway. Residential structures in Washington State may not be rebuilt within floodways if they require more than 50% of their value in repairs from fires or floods and may not be improved beyond 50% of their value. Even though it appears the house is located outside the floodway, I encourage making the lot around the buildings larger than the standard one acre size to allow the owner flexibility for future building placement on the parcel. FEMA is planning to do a restudy of the floodplain maps in this area which may change the floodplain and floodway locations. The map restudy won't be started for several years while FEMA is finishing other mapping projects.

The NRCS Web Soil Survey has mapped most of the southeastern part of parcel as Fiander, drained, silt loam which has a depth to groundwater of 6 to 36 inches if artificial drains are installed. Without drains the groundwater in this soil will be even closer to the surface which could add increased cost for septic systems and house design. If a soil investigation confirms this soil type is present on the parcel, it would be another reason to allow a larger than typical parcel around the buildings.

The following plat notes are 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 A - Natural Resources Conservation Service soils data, as depicted by the Yakima County GIS Department, indicate the parcel has shallow depth to groundwater, shallow depth to hardpan, and/or poorly draining soils that may make compliance with requirements to retain runoff on site difficult or limiting, depending on the amount and type of current and future site development and available engineering solutions."

*Staff Finding: The above plat notes shall be placed on the face of the short plat. All stormwater generated within the plat shall be retained on site. Upland drainage, if any, must be conveyed through the property in accordance with the criteria found in YCC 12.10.250. Contact the Water Resources Division at (509) 574-2300 for more information regarding soils and surface water run-off.*

- d. Access to Mass Transit: The subject property is located outside of a mass transit service area and is therefore not required to provide access.

*Staff Finding: The parcel is not within a service area for a transit system. Future development of these lots may require mass transit.*

- e. Potable Water Supplies: An existing individual well is proposed to continue serving the residence on Lot 1. Lot 2 is proposed to be served domestic water from a new individual well. Yakima Health District provided the following comments:

"New property line appears to be within 100 feet of the existing well. YHD recommends a restricted covenant be recorded on the larger parcel to retain the safe control zone around the existing well."

*Staff Finding: The applicant shall comply with the comments provided by the YHD.*

In addition, the applicants supplied a letter from the Yakima Health District stating that the existing well cannot be approved as a 2-party shared well because of potential sources of contamination within the 100 foot sanitary control area (septic tank, house, etc.)

*Staff Finding: YCC 12.08.050 states that "All applicants for a building permit or other development permit requiring potable water must provide evidence of an adequate water supply to the county prior to the issuance of the permit. Applicants for a building permit to improve, repair, or replace a residential structure permitted prior to January 1, 2018 that is served by an existing permit exempt well are exempt from this requirement." Additionally, according to YCC Table 19.25-1, short subdivisions in the 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 Yakima Health District provided a letter stating that no public water systems are in the area (see Attachment G). Lot 2 will be allowed an individual well.*

*In accordance with YCC 12.08.390 "An applicant for a building permit or land use permit necessitating an adequate water supply determination where potable water is not available from an approved water purveyor may obtain a YCWRS domestic well permit for a permit exempt well as evidence of the legal availability of water up to 5,000 gallons per day, provided the applicant's property is an eligible property as defined in 12.08.400 and further provided that the well is an eligible well as defined in 12.08.410." In the application, the applicant has proposed to utilize an individual well on Lot 2 when it is to be developed. Lot 2 will utilize the YCWRS domestic well as their legal source of domestic water. When Lot 2 is developed, it shall obtain a YCWRS domestic well permit. Please contact the Yakima County Utility Division at (509) 574-2300 for the necessary applications.*

*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) for Lots 1 and 2 cumulatively as well as all further development of these lots.*

- f. Sanitary Disposal: The applicant is proposing to use an existing individual, on-site septic systems for Lot 1 and a proposed on-site septic system for Lot 2.

*Staff Finding: According to YCC Table 19.25-2, short subdivisions in the Agriculture (AG) 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. Each individual system shall be entirely contained on the same lot as a proposed dwelling that it is intended to serve or on another parcel on*

*which the owner possesses an easement interest for that purpose (YCC 19.25.040(1)(c)).*

*Note: Since Lot 1 may be less than 2.5 acres in size, a Yakima Health District septic review maybe required prior to the final short plat approval (19.34.060(5)).*

- g. Schools & Schoolgrounds/Safe Walking Conditions: The property is located within the Grandview 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.*

- h. Fire Prevention Services: The applicant is not proposing fire prevention techniques for this project. The Yakima County Fire Marshal's Office provided the following comments:

*"All new buildings will need to meet Building and Fire requirements."*

*Staff Finding: The applicant will comply with the comments provided by the Yakima County Fire Marshal's Office.*

- i. Irrigation Water Supplies: Based upon the Yakima County Public Services GIS maps, the subject property is located within the Sunnyside Valley Irrigation District. The SVID comments are provided and addressed in Section (6) - "Notice of Application."

*Staff Finding: Irrigation distribution facilities shall be provided as required under RCW 58.17.310 and YCC 19.34.070(2)(c). 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. As the subject parcel is within the Sunnyside Valley Irrigation District, the following acknowledgement is required on the short plat, in addition to the above referenced statement:*

*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. Lots \_\_\_\_\_, in whole or in part, are not entitled to irrigation water under the operating rules and regulations of the district.*

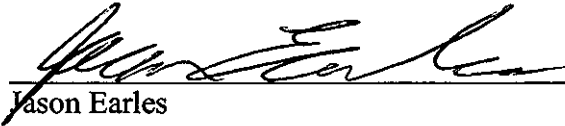
*If the irrigation district serves as its own treasurer, a certificate in accordance with YCC 19.34.070(2)(d)(iv) is required.*

**C. DECISION:**

Based upon the above findings, the Yakima County Subdivision Administrator hereby **APPROVES** the requested preliminary two lot short subdivision, subject to the conditions listed above. In accordance with YCC 19.34.040(4)(b) the preliminary short subdivision approval shall be considered the basis upon which the applicant may proceed with development of the short subdivision and preparation of the final short plat subject to all conditions of the preliminary short subdivision approval.

**Administrative Official:** LYNN DEITRICK, AICP

**Designee:**

  
\_\_\_\_\_  
Jason Earles  
Planning Section Manager / Current Planning

**Date:**

August 2, 2016

**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., August 22, 17. The appeal shall be in writing, shall be accompanied by the filing fee, and shall include:

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

**Attachments:**

- A. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
- B. Application
- C. Narrative
- D. Site Plan
- E. Yakima County Water Resource System – Property Eligibility Review
- F. Internal Comments
- G. Yakima Health District Letter
- H. Sunnyside Valley Irrigation District Letter
- I. Washington State Department of Ecology Letter
- J. Washington State Department of Transportation



*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.*