



# 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

YAKIMA COUNTY PLANNING DIVISION  
**Preliminary Short Subdivision (Amendment)**  
- FINAL DECISION -

**PROJECT NAME:** JP Morgan-Arreola Preliminary Short Subdivision

**FILE NUMBER:** SUB2018-00034

**REVIEW PROCESS:** Type 2

**PROPERTY OWNER:** JP Morgan Chase, c/o Anglin, Flewelling, Rasmussen Campbell & Trytten, LLP

**MAILING ADDRESS:** 701 Pike Street, Suite 1560  
Seattle, WA 98101


**AGENT:** Tom Durant  
Durant Development Services, Inc.  
P.O. Box 1723  
Yakima, WA 98907

**ZONING DISTRICT:** Agriculture (AG)

**FUTURE LAND USE DESIGNATION:** Agriculture Resource

**SUBJECT PARCEL NUMBER:** 191122-34401

**PROPERTY LOCATION:** 1441 Progressive Road, on the north side of Progressive Road, approximately ¼ mile east of the intersection of Progressive Road and Campbell Road, and approximately 1 mile south of the City of Wapato, WA.

**ASSIGNED PLANNER:**  Dinah Reed, Senior Project Planner

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

This proposal is an amendment to a Preliminary Short Plat Decision issued under File No. SUB2018-00002. All amended Findings and Conditions are in ***bold italics***. All other Findings and Conditions remain unchanged. Language and Conditions that have been removed from SUB2018-00002 are included in the staff report in strikethrough format.

*This amendment proposes to disconnect the existing house on proposed Lot 2 from the existing shared well and other alterations per County requirements to render the building a non-residential structure. Any future residence on Lot 2 would be required to install a separate*

*individual well. The existing well will only serve Lot 1 as an individual well. Additionally, Conditions #6 and #8 will be deleted. Condition #7 will be removed since the existing residences were connected to a water source prior to January 1, 2018. If a residence is established on Lot 2, it will be required to provide a water right permit from the Yakama Nation to install a new individual well. Conditions #9 and #10 will be deleted. Additionally, notes required under Conditions #19 and #20 will be modified.*

#### **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 (RAP) from the Yakima County Transportation Division for the non-permitted existing access to the county roadway system, as a Condition of Approval.
3. The applicant shall obtain new address permits from the Yakima County Transportation Division for Lots 1 and 2.
4. All prior dedications of right-of-way, deeds, and grants shall be shown on the face of the final short plat.

#### **Sewage**

5. Since Lot 1 is not greater than 2.5 acres in size, a Yakima Health District septic review is required prior to final short plat approval (YCC 19.34.060(5)). Please provide verification from the Yakima Health District to the Yakima County Planning Division prior to short plat approval.

#### **Water**

- ~~6. A two party shared well has been allowed for this short subdivision. The applicant shall demonstrate that the two party shared water system will provide an adequate source of potable water for the proposed development by submitting verification from the Yakima Health District to the Yakima County Planning Division prior to short plat approval.~~
- ~~7. The applicant is required to submit a Yakima County Water Resource Checklist showing how they have a water right for either the existing two party shared well or if necessary, a new shared two party well. 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) and will apply to Lots 1, 2 and 3 cumulatively.~~
- ~~8. The applicant shall comply with the conditions of the Yakima Health District regarding the approval of the two party shared well. This requires a well covenant to be filed with the short~~

~~plat. The covenant must be submitted to the Yakima County Planning Division prior to the finalization of the short subdivision.~~

- ~~9. 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 as a Water User's Agreement and must meet the Yakima County Auditor's recording requirements. The document must be submitted to the Yakima County Planning Division prior to the finalization of the short subdivision with the appropriate recording fees.~~
- ~~10. Shared well 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.~~
- 11. Lot 3 is currently served with an individual well and may continue to be served by an individual well.*
- 12. An individual well has been allowed for Lot 1 by disconnecting the residence on Lot 2 from the existing shared well between Lots 1 and 2.*
- 13. A new 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 a 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:*
    - i. 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; and*
    - ii. 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.*

### 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.

### Misc

15. 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.

16. 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).
17. 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.
18. 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)).
19. The project shall be completed in conformance with the project description and site plan submitted with the application referenced as file number SUB2018-00002. 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.
20. 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:**

- ~~21. Lots 1 and 2 are served domestic water via a shared 2 party well. Lots 1 and 3 is are served domestic water via existing individual wells and may continue to be served from individual wells. Individual wells are not approved for Lots 1 and 2.~~
22. ***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 Resources 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.***

23. Purchaser(s) and lessee(s) are hereby notified that Lot 2 and Lot 3 within this short plat are is subject to Yakima Health District (YHD) standards for installation of on-site sewage disposal. The lot ~~was were~~ not evaluated by YHD prior to plat approval. Permits or approvals from YHD must be obtained before sewage system development is begun.
24. Lots 1, 2 and 3 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.
25. 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.
26. 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 three-lot subdivision. The subject property currently has three dwellings and a fourth unoccupied “cabin” that will be demolished. An existing manufactured home was placed on the site in the spring of 1974 and is still occupied by its original residents which will be subdivided onto a 1-acre lot, Lot 1. There is an existing manufactured home placed in 2001 which will be subdivided onto a 3-acre lot (Lot 3). There is an existing site built home built in 1935 *which will be disconnected from the shared well on proposed Lot 2, and will also be decommissioned as a dwelling per Yakima County Building requirements to be located on proposed Lot 2.* ~~and subdivided onto the remaining parcel, Lot 2.~~ *An existing manufactured home will be located on proposed Lot 1 and will continue to be served domestic water via the shared well on Lot 2 as an individual well.* ~~An existing 2-party shared well currently serves proposed Lots 1 and 2 with the well located on Lot 2.~~ Lot 3 is served by an individual well. Lots 1, 2 and 3 are served sanitary disposal by individual septic systems. Access for all three lots is directly from Progressive Road.

Lot #	Lot Size	Land Use
1	1.0 acre	Single family residence, existing shared well with Lot 2, individual septic system, and cabin (to be removed)
2	20.73 +/- acres	Home built in 1935, outbuildings existing shared well with Lot 1, individual septic system – <i>to be decommissioned as a dwelling per Yakima County Building requirements, and disconnected from shared well located on Lot 2.</i>
3	3.0 acres	Existing Manufactured Home, individual well and septic system

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.

*Staff Finding: The applicant is proposing to divide the 24.73 acre parcel into three (3) parcels. 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(4) therefore, the Reviewing Official may approve a small 1-3 acre lot around the existing residences. The property is within the AG zoning district, the following plat notes are required (YCC 19.18.205):*

- *Lots 1, 2 and 3 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. There were no identified designated critical areas that would be affected by this proposal.
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~~, **June 21, 2018** with the comment period ending ~~March 1, 2018~~ **July 5, 2018**. **No comments from external agencies were received.** ~~Comments were received from State of WA Department of Ecology, and a neighboring property owner.~~

**State of WA Department of Ecology –**

Ecology made the following comments in summary. See the attached letter for full comments: “The actual subdivision of the parcel will not result in impacts; however, future building on the parcel could produce impacts to wetland and wetland buffer habitats.”

*Staff Finding: The applicant shall comply with the comments provided by Ecology. See Attachment B.*

**Neighboring Property Owner –**

“Commented that they would like to acquire a portion of Lot 2 to expand their current property that abuts the subject parcel.”

*Staff Finding: The neighboring property owner’s comment is not a comment that requires a staff finding from Yakima County Planning, but is a civil matter between the applicant and the neighboring property owner.*

5. **Processing Timeframe:**

Application submitted: ~~January 12, 2018~~ **May 30, 2018**

Application Determined Complete: ~~February 15, 2018~~ **June 19, 2018**

Notice of Application: ~~February 15, 2018~~ **June 21, 2018**

6. **Streets and Roads:** The applicants are proposing to use the existing access from Progressive Road. The Yakima County Transportation Division provided the following comments:

“(Per RCW 36.86.010, Title 19.23.045) PROGRESSIVE RD is classified as Fc 8.

The existing access to the west was recorded under RAP01-00155 but there is no recorded permit for the east access. Per title 10.08.020 and 19.10.040 (3) and RCW 36.75.130 the applicant shall obtain a RAP from the Yakima County Transportation Division for the non-permitted existing accesses to the county roadway system. The fact that the road approach application is in conjunction with a SUB must be disclosed by the applicant at the time of application. No future building permits can be issued without the completion and approval of a RAP.

As the subdivision will be segregating existing residencies, no increase to current traffic volumes is projected and therefore no frontage improvements will be required.”

“Existing address will be retained with proposed Lot 3, Lot 1 & 2 will require new address permits.”

***There is no alteration to the property's current traffic impacts so no frontage mitigation will be required. However, there are no current Road Approach permits on record so all existing accesses will need to be recorded with Road approach permits (an individual permit for each proposed lot).***

*Staff Finding: The applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for the non-permitted existing access to the county roadway system, as a Condition of Approval, and shall obtain new address permits for Lots 1 and 2. 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: According to the Yakima County Critical Areas maps, a potential wetland is located in the northwest corner but is not affected by this short plat. The Yakima County Water Resources Division provided the following comments regarding soils and stormwater runoff:

“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. Because new construction is not proposed for this subdivision County stormwater plans and construction permits are not required. This parcel doesn’t appear to have natural drainageways except the one identified on the site plan. Additional drainageway easements are not required.”

*Staff Finding: All stormwater generated within the plat shall be retained on site. Upland drainage, if any, must be conveyed through the property in accordance with criteria found in YCC 12.10.130. Contact the Water Resources Division at (509)574-2300 for more information regarding soils and surface water run-off.*

9. Potable Water Supplies: The existing site-built house (1965) on proposed Lot 2 will be disconnected from the shared well and decommissioned as a dwelling per Yakima County Building requirements. The ~~three~~ **two remaining** existing residences (**manufactured home on proposed Lot 1 and manufactured home on proposed Lot 3**) propose potable water from existing sources. Lot 1 ~~and 2~~ proposes water from an existing shared 2-party well **located on Lot 2**, and Lot 3 is proposed potable water from an existing individual well on Lot 3. **The applicant proposes an individual well to serve Lot 2 at the time of development.**

*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 Yakima Health District provided a comment letter January 10, 2018 and stated “the well at 1441 Progressive Road is an existing shared well. The Yakima Health District has no record of this well being approved as a 2-party shared well. Our review of the supplied information shows the existing shared well does not meet the Yakima Health District’s criteria for a 2-party shared well because of the existence of potential sources of contamination inside of the 100 foot sanitary control area (two houses, two outbuildings, outbuildings on the neighbor’s property). The existing well at 1601 Progressive Road does meet the criteria for an individual well serving one single family residence.”*

**“Lot 1 needs to be reviewed for on-site septic system replacement areas. If the usage of the existing, unapproved two-party well is downgraded to serving only one connection then 2-party well approval would not be necessary as it no longer meets the regulatory criteria.”**



*~~Staff Finding: The applicant shall work with the Yakima Health District to either have the existing shared 2-party well approved or drill a new 2-party shared well to serve Lots 1 and 2. If a new well is drilled, the applicant shall apply for a water right with the Yakima County Public Services Division.~~*

*~~If the applicant is required to drill a new 2-party shared well, it should be noted that WA State Department of Ecology regulates domestic well withdrawal. Any ground water withdrawals in excess of 5,000 gallons per day or for the irrigation of more than 1/2 acre of lawn or noncommercial garden will require a permit from the Department of Ecology (RCW 90.44.050) and will apply to Lots 1 and 2 cumulatively.~~*

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

*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. Since Lot 1 is less than 2.5 acres in size, a Yakima Health District septic review is required prior to final short plat approval (YCC 19.34.060(5)).*

11. Schools & Schoolgrounds/Safe Walking Conditions: The property is located in the Wapato 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)):

The property described hereon is wholly or in part within the boundaries of the Wapato 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.

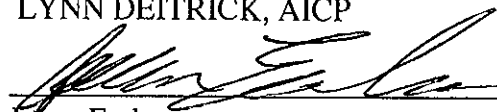
*Staff Finding: Irrigation distribution facilities shall be provided as required under RCW 58.17.310 and YCC 19.34.070(2)(d)). A statement shall be placed on the face of the short plat evidencing that the subdivision lies within the boundaries of an irrigation district and that irrigation water rights-of-way 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.*

### 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:**

August 3, 2018

### 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 17, 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

SUB18-034 AG JP Morgan PlatAmendment to SUB18-02 dsr1 jweFINAL.docx

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

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



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

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

Attachment:   A

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



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: Wapato Irrigation

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:  
(Check all that apply and depict on site plan)

Ponds

Lakes

Streams/Rivers

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)*

What is the file number of the Pre-Application meeting? EAC \_\_\_\_\_

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) \_\_\_\_\_ and \_\_\_\_\_

The well is:  Existing  Proposed on Lot/Parcel Number: \_\_\_\_\_

***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



## Project Narrative

### Preliminary Short Plat Amendment

#### Arreola Short Plat

This is an application to amend the short subdivision approved on March 26, 2018 under Yakima County File Number SUB 2018-00002 and to request amendment of the decision. The application is being made under the provisions to amend preliminary short subdivision, YCC 19.34.040(5). As proposed for amendment, the existing house on Lot 2 of the proposed short plat will be disconnected from the existing shared wall and other alterations per County requirements to render the building a non-residential structure. Any future residence on Lot 2 would be required to install a separate individual well. The existing well would then serve only proposed Lot 1 as an individual well, rather than a two-party well.

Part of the amendment is deletion of Conditions '6' and '8' from the March 26, 2018 decision because with disconnection of the house the well on Lot 1 is not a two-party shared well. Condition '7' should be removed based on acknowledgement of Planning staff that a Water Resource Checklist is not required as a matter of policy for lots with existing residences. If a residence is established on Lot 2 in the future, it will have to get a water right permit from the Yakama Nation to install a new individual well. Conditions '9' and '10' should be deleted because the deletion of Conditions '6' and '8' moots them.

In addition, the notes required by Conditions 19 and 20 should be modified because they are believed to be misleading or erroneous. Condition 19 would not apply as written at this site within the exterior boundaries of the Yakama Nation. Condition 20 as written is misleading because the on-site sewage disposal system on Lot 3 was evaluated by the Yakima Health District *prior* to plat approval. It was not evaluated *as a part of* plat approval.

Approval of Lot 2 with future development of an individual well conforms to the availability criteria of YCC 19.25 as follows:

1. Assuming that disconnection of the house on Lot 2 and its conversion it to non-residential use renders the lot "vacant", it would be subject to the availability criteria of YCC 19.25.030 by YCC 19.25.020(2)(a).
2. Since Lot 1 is not "vacant" (i.e., it contains a legally existing structure requiring sewer and potable water service) and regional sewer system and area-wide public water system are not available, it is not subject to the availability criteria according to YCC 19.25.020(2)(b) because it is not in an urban growth area, Rural Settlement zone or a cluster development.
3. Under the availability criteria of YCC 19.25.030(2), a public water supply system or a Group A or B water system is not available because no such system is located 200 feet

or less from the boundaries of the property, no agency is requiring connection to a system regardless of distance and a service connection is not otherwise provided.

4. A two-party shared public water system is not available under the availability criteria of YCC 19.25.040(2)(c)(ii) because documentation for the two-party well proposed in the original application shows that it hasn't been approved by the agency with jurisdiction and probably cannot be approved. It is our belief that the same conclusion would be reached in this location for a Group B system in respect to the availability criteria of YCC 19.25.040(2)(b)(iii).
5. Under the criteria of YCC 19.25.040(2)(d), an individual well is required when Group A or B public water systems or two-party shared water systems are not available or otherwise required. Individual wells are also identified as an option for domestic water supply by Table 19.25-1 in resource areas, including Agricultural zoned lands. It will have to be available at the time of development as documented by the approval by the agency with development. Until such time as it is approved, Lot 2 is a usable lot in the Agricultural zone as a farmable parcel of land.

There are slight modifications in the configuration of Lots 1 and 2 from the original application in order to get the well on Lot 1 since with the house on Lot 2 being decommissioned, it will be only for use by the owners or residents of Lot 1. The well is now located approximately 5 feet from the house and this modification would place it on the property line with the easement shown in the original application being retained to give Lot 1 property owners full access to the well. The property line has also been shifted to 5 feet from a second accessory building to the north. This is to help provide additional area that may be needed for drainfield reserve area approval.

The revised site plan shows the east side property line being shifted five feet to the east, conforming to the side setback standard for accessory buildings. This is not substantial a change and it is not inconsistent with the other conditions of the March 26, 2018 preliminary approval decision.

Lot 2  
23.73 acres +/-

Lot 1  
1.0 Acre +/-

Access Drive to Home on 191122-31401

Irrigation Drain

Irrigation

Cabin

Drainfield

Well Easement

Well

Res.

Drainfield

Septic Tank

Septic Tank

Residence

*to be taken out of residential use*

Survey Corner

Survey Corner

Approach

30'

Approach

Progressive Road

Owner: JP Morgan Chase  
Applicant: Ted & Emily Arreola  
Prepared by Durant Development Services, Inc.  
PO Box 1723 (509) 248-4156  
Yakima, WA 98907  
December 29, 2017 Revised: May 10, 2018



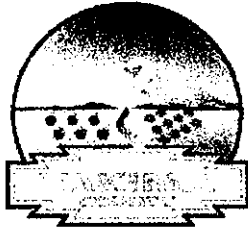
Parcel Number: 191122-34401



Scale 1" = 50'

2 of 2

Attachment:   F



## Division Comments

### SUB2018-00034

DATE	STATUS	TASK ▲	ACTION BY	STATUS	COMMENTS
5/31/2018		Address Review	Jase K Testerman	Complete	all existing homes have assigned addresses and will retain respective address.
6/19/2018		Building Review	Dinah S Reed	Comments Not Received	
6/1/2018		Code Enforcement Review	Janna C Jackson	Complete w/Conditions	COD2005-00127 OCHOA/ Stop work issued by GH for illegally placed DWMH/ looking further into , MHP01-125 was issued for same parcel, different home. Site plans indicated that there were 3 farms shed, which are actually dwelling units. One site built home, mobile home and shed. Total 5 dwellings on one parcel. ...reviewed 6.3.2010
6/13/2018		Current Planning Review	Dinah S Reed	Complete w/Conditions	
6/19/2018		Environmental Review	Dinah S Reed	Comments Not Received	
6/19/2018		Fire Review	Dinah S Reed	Comments Not Received	
6/14/2018		Health Review	Riley W Moore	Complete	Lots 1 needs to be reviewed for on-site septic system replacement areas. If the usage of the existing, unapproved two-party well is downgraded to serving only one connection then 2-party well approval would not be necessary as it no longer meets the regulatory criteria.
6/1/2018		Long Range Review	Noelle Madera	Comments Not Required	
5/31/2018		Transportation Review	Jase K Testerman	Complete w/Conditions	There is no alteration to the property's current traffic impacts so no frontage mitigation will be required. However there are no current Road Approach permits on record so all existing accesses will need to be recorded with Road approach permits ( an individual permit for each proposed lot).
6/19/2018		Utility Review	Dinah S Reed	Comments Not Required	
6/13/2018		Water Resources Review	Dianna L Woods	Complete w/Conditions	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. Because new construction is not proposed for this subdivision County stormwater plans and construction permits are not required. This parcel doesn't appear to have natural drainageways except the one identified on the site plan. Additional drainageway easements are not required. Required plat note: * 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.
6/13/2018		Zoning/Sub Planning Review	Dinah S Reed	Complete w/Conditions	

Attachment: 9