

SHORT SUBDIVISION AMENDMENT

Yakima County Public Services
128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901
(509) 574-2300 · 1-800 572-7354 · FAX (509) 574-2301 · www.co.yakima.wa.us

STAFF REPORT

RECORD NUMBER(S): SUB2018-00054

ASSIGNED PLANNER: Dinah Reed *DR*

PERMIT INFORMATION:

Project Name:	Denton Short Plat Amendment
Zoning Designation:	Agriculture (AG)
Future Land Use Designation:	Agricultural Resource
Subject Parcel Number(s):	201332-24401 and 201332-24402
Property Location:	411 and 451 East Duffield Road, Moxee, WA 98936
Property Owner:	Brent Eugene Denton
Mailing Address:	411 East Duffield Road, Moxee, WA 98936 Bradley T. and Holly K. Sharp 451 East Duffield Road, Moxee, WA 98936
Applicant/Agent:	Thomas F. Upton, Thomas F. Upton Surveying
Mailing Address:	P.O. Box 2514, Yakima, WA 98907
Project Description:	The proposal is to amend SUB1998-00129, AFN 7061357 to redefine the present boundary between two parcels in separate ownership to better conform with present building and farming activities.
Decision:	Approved with 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.

1. A new plat will be required with a survey of the new lot lines created by the altered short subdivision, and the title block of the new recorded map shall state "Amended Short Plat"
2. The altered short subdivision shall show all of the land on the original short plat and shall bear the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject short subdivision or portion to be altered within the original short subdivision.
3. The applicant shall work with the Yakima Health District to get the existing 2-party shared well approved, and provided verification to the Yakima County Planning Division prior to approval of the amended short plat.
4. The applicant shall apply for appropriate building permits for the manufactured home on parcel no. 201332-24401 with the Yakima County Building Division prior to the approval of the short plat amendment.

5. 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.

Based upon information supplied by the applicant 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

Location

1. Located on the north side of Duffield Road and approximately ¼ mile east of the intersection of Duffield Road and St. Hilaire Road, and approximately 1 ¼ mile east of the City of Moxee.

Project Description

2. The parent parcel 201332-24001 was divided to create two lots on June 4, 1998, under Auditor's File Number 7061357, SUB98-129. The applicant is proposing to amend the short plat to redefine the present boundary between the two parcels to better conform with present buildings and farming activities. Parcel 201332-24401 is presently 41.83 acres and is proposed to be 41.07 acres. Parcel 201332-24402 is presently 0.95 acres and is proposed to be 1.03 acres. Two water wells are on the property; a residential shared well serving both parcels is presently located on Lot 1 is to remain in service from its location on reconfigured Lot 2. The second well, on present Lot 2 is for non-residential purposes and will remain in service from its location on reconfigured Lot 1. Access for both lots is from Duffield Road.

Lot #	Lot Size	Land Use
1	41.07 acres	Residence and shop
2	1.03 acres	Residence

Zoning and Land Use

3. The subject property is located within the Agriculture (AG) zoning district. According to YCC 19.11.010(4)(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.

Staff Finding: The applicant is proposing to amend the short plat to make Lot 2 slightly larger to better conform with present buildings. Lot 2 is presently 0.95 acres, a non-conforming lot size. Increasing the lot to 1.03 acres will render Lot 2 conforming. No new lots are being created.

Jurisdiction and Process

4. The proposal is being reviewed as a Type 2 Short Subdivision Amendment, in accordance with YCC 19.34.040(8)(a & 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.

Environmental Review

5. 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.

Notice of Application

6. 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 December 6, 2018, with the comment period ending December 20, 2018. Comments were received Yakima County internal Divisions as follows:

Yakima County Building Division

The manufactured home was permitted (MHP 1981-23218) however it did not undergo its final inspections, and there is no record that the attached patio has permits. The applicant shall apply for new placement permits, and patio permit with the Building Division prior to the approval of the short plat amendment.

Staff Finding: The applicant shall apply for appropriate building permits for the manufactured home on parcel no. 201332-24401 with the Yakima County Building Division prior to the approval of the short plat amendment. Please contact the Building Division at (509) 574-2300.

Yakima County Water Resources Division

Stormwater must be retained on site. Natural drainageways must not be altered or impeded. Upland drainage must be conveyed through the property in accordance with criteria found at YCC 12.10.250. The drainageway requirements apply to the bottom of the swale/ditch running north-south on the east side of the parcels.

The 1998 drainage plat note is still appropriate for the amended plat. If the agricultural pond is large enough to be regulated by the Department of Ecology contact the WA State Dam Safety Office in Olympia for requirements.

Staff Finding: The applicant shall comply with the comments of the Water Resources Division.

Yakima County Health District

The existing water system is an unapproved 2-party shared well. It is recommended that this well be approved as a shared well prior to plat approval.

Staff Finding: The applicant shall work with the Yakima Health District to get the 2-party shared well approved, and provided verification to the Yakima County Planning Division prior to approval of the amended short plat.

Processing Timeframe

7. Application submitted: November 5, 2018
Application Determined Complete: December 3, 2018
Notice of Application: December 6, 2018

Short Plat Amendment Criteria

8. According to YCC 19.34.040(8), once a short plat has been recorded with the County Auditor, it can be altered or vacated in whole or in part, so long as it does not involve re-subdividing into more than four lots from the original short subdivision...for areas outside of Urban Growth Areas. (a)...A new plat will be required with a survey of any new lot lines created by the altered or vacated short subdivision. The title block of the new recorded map shall state "Amended Short Plat". (b) The altered or vacated short subdivision shall show all of the land on the original short plat and shall bear the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject short subdivision or portion to be altered within the original short subdivision as described in RCW 58.17.212 and 58.17.215 as shown by a current (i.e., within 60 days) title certificate.

Staff Finding: This proposal involves changing the location of Lot lines. A new plat will be required with a survey of the new lot lines created by the altered short subdivision, and the title block of the new recorded map shall state "Amended Short Plat". The altered short subdivision shall show all of the land on the original short plat and shall bear the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject short subdivision or portion to be altered within the original short subdivision.

Streets & Roads

9. The applicant is proposing Lots 1 and 2 continue to access from Duffield Road. Yakima County Transportation Division provided the following comment:

"The amendment of this plat does not change any factor of the previous subdivision. No transportation requirements are necessary for this project."

Staff Finding: There are no transportation requirements for this proposal.

DECISION

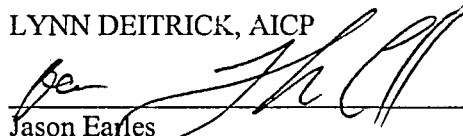
Based upon the above findings, the Yakima County Subdivision Administrator hereby finds that the proposed short subdivision amendment will make the appropriate provisions for the public health, safety and general welfare, as well as for (as applicable) open spaces, drainage ways, streets and roads, public ways, potable water supplies, sanitary disposal, schools and schoolgrounds, and safe walking conditions for students who walk to and from school. RCW 58.17.110.

The short subdivision amendment application of Brent Eugene Denton and Bradley T. and Holly K. Sharp. is hereby **APPROVED**, subject to the conditions listed above.

If you have any questions regarding this decision or the appeal process, please contact Dinah Reed, Senior Project Planner, at (509)574-2300.

Administrative Official: LYNN DEITRICK, AICP

Designee:



Jason Earles
Planning Section Manager / Zoning and Subdivision

Date:

01/02/19

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., 01/16/19. 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.

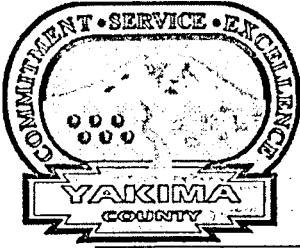
Attachments:

- A. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
- B. 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, national 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.



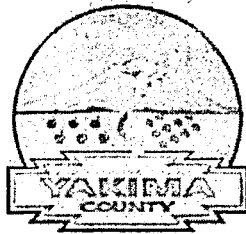
Compliance, Extension, Expiration and Reinstatement (YCC 16B.07.050)

- (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.



Division Comments

SUB2018-00054

DATE	STATUS	TASK	ACTION BY	STATUS	COMMENTS
11/7/2018		Address Review	Jase K Testerman	Comments Not Required	
11/7/2018		Building Review	Monica L Beltran	Complete w/Conditions	11/07/18 MLB No Flood Plains located on parcel. Manufactured Home permitted (MHP1981-23218) however No inspections, Needs new Placement Permit. Patio attached to MH, No permit located, requires Permit.
11/9/2018		Code Enforcement Review	Janna C Jackson	Comments Not Required	
11/30/2018		Current Planning Review	Dinah S Reed	Complete w/Conditions	
11/27/2018		Environmental Review	Byron J Gumz	Comments Not Required	
11/8/2018		Fire Review	Chris M Pedersen	Comments Not Required	
11/27/2018		Health Review	Ted J Silvestri	Complete w/Conditions	The existing water system is an unapproved 2-party shared well. It is recommended that this well be approved as a shared well prior to plat approval.
11/9/2018		Long Range Review	Noelle Madera	Comments Not Required	
11/9/2018		Transportation Review	Jamie D West	Complete	The amendment of this plat does not change any factor of the previous subdivision. No transportation requirements necessary for this project.
11/30/2018		Utility Review	Dinah S Reed	Comments Not Required	
11/30/2018		Utility Review	Dinah S Reed	Comments Not Required	
12/7/2018		Water Resources Review	Dianna L Woods	Complete w/Conditions	Stormwater must be retained on site. Natural drainageways must not be altered or impeded. Upland drainage must be conveyed through the property in accordance with criteria found at YCC 12.10.250. The drainageway requirements apply to the bottom of the swale/ditch running north-south on the east side of the parcels. The 1998 drainage plat note is still appropriate for the amended plat. If the agricultural pond is large enough to be regulated by the Department of Ecology contact the WA State Dam Safety Office in Olympia for requirements.
11/30/2018		Zoning/Sub Planning Review	Dinah S Reed	Complete w/Conditions	

Attachment: B