

**County of Yakima, Washington
Office of the Hearing Examiner**

In the Matter of Application for a Type 3 Conditional Use Permit by Shawn Beaman) **File No. CUP2021-00027**
)
) **Hearing Examiner Decision**
)
)
For an Expansion of a Private Outdoor Recreational Facility in the Agricultural Zoning District and a New Accessory Camping Use on the Property.)

I. INTRODUCTION.

Yakima County has received an application for Type 3 review from Shawn Beaman for the proposed expansion of a Private Outdoor Recreational Facility located on approximately 4 acres of a 29-acre parcel within the Agriculture (AG) Zoning District. A paintball facility was permitted on the site in 2005. Facility use areas were expanded and a Remote-Controlled (RC) vehicle track added in 2012. The size of the RC track enlarged in 2018. The current proposal would add additional types of recreational uses, provide for up to 30 overnight camping spots to be established for use during specific events as an accessory use, and establish a seasonal Halloween Event that uses the expanded facilities. A Halloween Event has been conducted on the property for the past several years based on the County’s event permitting process. A combined in-person and on-line streamed open record hearing on the application was conducted on September 16, 2021. A staff report and hearing exhibits were provided to the Hearing Examiner prior to the hearing. The County Planning Division was represented at the hearing by Byron Gumz. The applicant was represented by Bill Hordan of Hordan Planning Services. Public comment was received on the application both in writing and at the hearing.

II. SUMMARY OF DECISION.

Because the application to modify the existing Private Outdoor Recreational Facility is supported by evidence and analysis allowing favorable consideration of the application under the Unified Land Development Code (ULDC) 19.30.80, the application is approved, subject to conditions to assure compliance with the Yakima County Comprehensive Plan – Horizon 2040

and pertinent development criteria, standards, and regulations. Conditions of approval are set out in Section V below.

III. FINDINGS.

Based on the staff report and exhibits, comments on the record, statements at the open record hearing, and a review of the pertinent provisions of *Horizon 2040* (the Yakima County Comprehensive Plan) and the Yakima County Code, including the Unified Land Development Code (Title 19 YCC, otherwise referred to as the "ULDC"), the Hearing Examiner makes the Findings set out in this Section III. Any finding more properly determined to be a conclusion is deemed to be such.

1. **PROPERTY INFORMATION:**

Zoning Designation:	Agriculture (AG)
Future Land Use Designation:	Agricultural Resource
Subject Parcel Number:	171208-14002
Property Acreage:	28.92 Acres
Property Location:	15850 Ahtanum Road Yakima, WA 98903
Property Owner:	Shawn Beaman
Mailing Address:	15850 Ahtanum Road Yakima, WA 98903

2. **PROPERTY DESCRIPTION:**

The property is generally flat and is accessed from Ahtanum Road to the north. The property is bisected on the northern side by Bachelor Creek and its associated floodplain and floodway. The area on the north side of the stream has been developed as an Outdoor Recreational Facility, originally permitted in 2005 through a Type 3 CUP (CUP2005-00016) and modified in 2012 and 2018. Approximately 86,000 square feet of use area is dedicated to the Recreational Facility. Activities such as paintball and a Remote Controlled (RC) vehicle racing on the on-site track take place on the property, along with developments needed to facilitate those activities (obstacles, an abandoned home, an announcer's stand, etc.). Forty parking spaces have been provided for the outdoor recreational facility.

The area of the property south of the stream has been developed for residential and agricultural uses. Access to the southern portion of the property is via a ford across Bachelor Creek. A single-family residence, detached shop, and agricultural buildings are present.

3. PROJECT DESCRIPTION: The existing facility is proposed to generally remain in the same footprint as currently exists, plus expansion of recreation use on the southern portion of the property as part of an annual Halloween event. The initial approval in 2005 was specific to a paintball facility; the applicant seeks approval of an Private Outdoor Recreational Facility to allow the flexibility to allow several different activities. Those activities include paintball, archery tag, laser tag, archery target, airsoft, etc. The project will not include conversion of existing agricultural land to non-agricultural purposes.

The 2005 approval for the paintball facility specifically prohibited overnight camping. The Yakima County Unified Land Develop Code (YCC Title 19) has since been changed to allow for Overnight Camping Associated with a Recreational Use (YCC 19.18.135). Part of this proposal is to approve a special property use to allow for overnight camping associated with the facility during special occasional events, such as RC tournaments. The area for overnight camping is identified as the easterly most paintball field, on what is identified as the “tournament paintball field” on the site plan.

A seasonal “Halloween Event” is proposed on the south side of the property across Bachelor Creek from the current recreational development . All parking for event attendees is on the north side of the stream. Activities associated with the event include laser tag, battle balls, pallet maze, “paintball zombie shoot,” haunted house, etc. Since the event is associated with Halloween, the event is proposed to be conducted on weekends in late September/early October and continue through the end of October. In addition to the weekend activities, the event schedule would include up to three weekday events. Event parking associated with the Halloween Event is located on the easterly most paintball field on the northern portion of the property, on what is identified as the “tournament paintball field” on the site plan.

5. COMPREHENSIVE PLAN DESIGNATION, ZONING, AND LAND USE: The site is the designated as Agricultural Resource in the Yakima County Comprehensive Plan (*Horizon 2040*). LU-ER-AG 1.5 in *Horizon 2040* sets a policy of “[Allowing] for accessory uses, including non-agricultural accessory uses that support, promote, or sustain agricultural operations and production. Such accessory uses may include bed & breakfasts, boarding houses, restaurants, event facilities and other amenities that are determined to support agriculturally related entrepreneurial efforts.”

The site is within the Agriculture (AG) Zoning District. The purpose of the Agriculture (AG) district is to preserve and maintain areas for the continued practice of agriculture by limiting the creation of small lots, permitting only those new uses that are compatible with agricultural activities, protection of agricultural lands of long-term commercial significance, and providing measures to notify and separate especially sensitive land uses from customary and innovative agricultural land management practices.

Surrounding properties are all located within the AG Zoning District, with parcel sizes ranging from 1.5 acres to 65 acres. Nearby uses primarily consist of low-density residential development and agriculture.

6. HEARING EXAMINER JURISDICTION: Table 19.14 of Allowable Land Uses designates a Private Outdoor Recreational Facility, as defined by Section 19.01.070, as a use requiring Type 3 review in the Agriculture Zoning District. While existing and approved Type 3 uses can be modified through a Type-1 process, Modifications are not appropriate to establish a new use. In this instance, the applicant is wishing to establish overnight camping onsite, requiring the Type 3 review. Type 3 applications are quasi-judicial actions which require an open record hearing and approval or approval with conditions by the Hearing Examiner. The Examiner’s written decision constitutes the final decision.

7. ENVIRONMENTAL REVIEW: This application is subject to review under the State Environmental Policy Act (SEPA). The Yakima County SEPA Responsible Official conducted an environmental review of the application under County File Number SEP2021-00019. A Determination of Non-Significance was issued on August 24, 2021. No appeal of the DNS was filed.

8. NOTICE: An internal notice of project review was emailed to representatives of the Building and Fire Safety Division, the Water Resources Division, the Transportation Division, the Long-Range Planning Division, the Utilities Division, and the Yakima Health District. Comments are attached to the staff report and are addressed in the analysis of the application review criteria reported below. A combined Notice of Application, Notice of Completeness, Notice of Environmental Review, and Notice of Future Hearing was mailed to adjoining property owners on June 29, 2021, with a comment period ending on July 13, 2021. A notice of the Final SEPA with a Determination of Non-Significance (DNS) was issued and published on August 24, 2021.

Hearing notice was issued as follows:

- Notice of Hearing/Threshold Determination: July 26, 2021
- Publishing of hearing date in the Yakima Herald-Republic: July 26, 2021
- Issuance of Final Threshold Determination: August 24, 2021
- Posting of hearing notice on the property: August 31, 2021

10. COMMENTS: Comments from one group of neighbors and the Department of Ecology were received during the comment period. A comment letter from the Ahtanum Irrigation District was entered in the record at the hearing, and one supportive public comment was provided during the hearing. Neighbors Stan and Linda Emerick indicated that they own property to the west of the applicant and have several concerns.

- They will find paintballs in their fields and occasionally in bales of hay.
- Their eastern property line is lined with “discarded equipment and junk.”

- They also raise cattle throughout the year and have issues with Halloween Event potentially disrupting their cattle operations.
- The potential for overnight camping has too many variables.

Stray paintballs can be addressed through a condition requiring that recreational screening be installed along the western property line where paintball activities take place. Potential disruptions to cattle operations can be addressed by requiring Halloween Events to maintain a minimum distance of 100 feet from the property line. Overnight camping is regulated to limit the number of stays and duration of stays as discussed in the Review Criteria and Analysis section below. The “discarded equipment and junk” issue is outside of the scope of review of the proposed use. County planning staff have advised the Emericks to contact Yakima County Code Enforcement official regarding nuisance concerns from current property uses.

Department of Ecology comments addressed requirements concerning groundwater use in excess of the state water code exemption (5,000 gallons per day). The project does not contemplate developing any potable water supply using ground or surface water to support the recreational use of the property.

11. REVIEW CRITERIA AND ANALYSIS:

a. YCC ULDC 19.30.080(7) Application Review: The minimum criteria required to be considered under ULDC 19.30.080(7) are set out and analyzed in turn below.

i. The present and future needs of the community will be adequately served by the proposed development and the community as a whole will be benefited rather than injured. Subject to conditions of approval, there is no evidence that community harm will come from the proposal. Further, the proposal provides recreational opportunities to Yakima and surrounding areas, benefitting the community.

ii. The proposed use is compatible with neighborhood land uses, the goals, objectives and policies of the Comprehensive Plan, and the legislative intent of the zoning district. The proposal is compatible with neighborhood land uses and the AG zone when conditioned appropriately. Consistent the *Horizon 2040* policy noted in Section III.5, above, this use provides flexibility to the applicant to diversify his income and allow continued agricultural production on the property.

iii. The site of the proposed use is adequate in size and shape to accommodate the proposed use. The property is approximately 29 acres in size, and has sufficient room to accommodate the use, especially since the much of the use involves existing developed areas and the area to be used for the Halloween Event will be used in the fall with limited impacts on the agricultural use of the property. See ULDC 19.18.060(3)(f)

iv. All setbacks, spaces, walls and fences, parking, loading sitescreening, landscaping and other features required by the ULDC. A full review of compliance with the development regulations is included below.

v. The proposed use complies with other development and performance standards of the zoning district and the ULDC. A full review of compliance with the development regulations is included below.

vi. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. The Yakima County Transportation Division provided comments during internal review, noting that the Private Outdoor Recreational Facility itself does not impact the Level of Service Standard for Ahtanum Road. However, there is potential conflict to traffic flows during the Halloween Event, and that temporary traffic control measures should be implemented to avoid traffic violations. Any approval is appropriately conditioned accordingly.

vii. The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof. Conditions responding to the Emericks' concerns are discussed in III.10, above. As proposed and conditioned, the Private Outdoor Recreational Facility will not have a substantial adverse impact on abutting properties.

viii. In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the Comprehensive Plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties. No residential uses are proposed in association with this project.

ix. The development complies with all criteria in Chapter 19.18 applicable to the proposed use, unless otherwise administratively adjusted. ULDC 19.18.135 review criteria and findings are addressed in the next section.

b. YCC ULDC 19.18.135 Camping Accessory to Approved Recreational Uses

i. Usage Area. The area for such use is shown on the site plan submitted with the primary application and approved in the underlying land use. The location of the camping area has been identified on the site plan as the area of the existing tournament paintball field.

ii. Parking. Sufficient parking area is provided both for the accommodation use and the primary land use. The proposed camping is associated with RC racing events, which leave the paintball fields available for use as camp sites without impacting existing onsite parking.

iii. Land Use Rules. The area set aside for this purpose is subject to land-use and environmental requirements attendant to the underlying land-use decision. The area designated for camping is an area approved for paintball activities in 2005 and is located outside of critical areas and their buffers. The location is within the FEMA 100-year floodplain.

iv. Residential Buffer. Locations designated for recreational vehicles are separated from the nearest existing dwelling on any adjacent lot by a minimum distance of 300 feet, or by other equivalent mitigation, in order to mitigate noise created by generators used for electric power. The location of the camping area is approximately 600 feet to the nearest existing dwelling, exceeding this standard.

v. Temporary. It is temporary and directly related to a specific event held at that facility. The camping will be associated with specific events at the facility, typically RC racing events.

vi. Access. Access is appropriate, internal pedestrian and vehicular circulation is safe, and physical access to the site is determined to be acceptable by the Reviewing Official. The camping area and camp sites have been designed and located to allow for safe ingress and egress as well as pedestrian circulation. The Transportation Division reviewed the project and determined the Ahtanum Road is appropriate means of accessing the site during events.

vii. Stormwater. Stormwater is addressed on the site plan as per YCC Chapter 12.10 and appropriate provisions are made. All stormwater is proposed to be retained on site, and the site design allows for upland flow to convey through the property.

viii. Density. The number of units does not exceed that permitted with the underlying land use decision. The applicant is proposing 30 camping spaces, which will be the limit on the number of spaces capture as a condition of approval for this proposal.

ix. Self-contained. The camping unit or recreational vehicle is self-contained (no hook-ups). Recreational vehicles using the site for camping will be required to be self-contained.

x. Duration of Occupancy. Limited to no more than four consecutive nights and no more than 30 nights in any 12-month period. These limitations on the duration of stay are included in the conditions of approval.

xi. Unattended RVs. The RVs are not left unattended beyond the specific event associated with the recreational use. As a condition of approval unattended RVs beyond the time frame of the underlying event are prohibited.

xii. Operating Permits. Annual operating licenses or permits as required by the Yakima County Fire Marshal, the Building Official and/or the Yakima Health District are secured as provided in YCC 19.34.081. The applicant will be required to obtain all necessary permits from the Yakima County Building and Fire Safety Division as a condition of approval.

c. YCC ULDC 19.10.040 General Development Regulations applicability and analysis

The development standards that generally apply for the type of project being proposed are as follows:

i. Conformity with All Regulations Required: (YCC 19.10.040(1)) “Any development, structure, or part shall conform to all of the regulations specified in [Title 19 YCC] for the situation and zoning district in which they are located in order to be authorized, erected, constructed, reconstructed, moved or structurally altered.” Nothing in this decision will relieve the applicant or property owner from complying with the standards in the ULDC.

ii. Yards, Lots, Open Space and Off-Street Parking and Loading Spaces: (YCC 19.10.040(2)(a)) “Yards or lots created after the effective date of this Title shall meet at least the minimum requirements established by this Title and shall not be smaller than the minimum standards established in Chapters 19.10 through 19.18. The lot size, width, depth, shape and orientation shall be in accordance with the applicable zoning laws.” This proposal does not alter yard, lot, open space, off-street parking or loading space requirements in the ULDC.

iii. Access Required: (YCC 19.10.040(3)) “All new development shall have a minimum of 20 feet of lot frontage upon a public road or be served by an access easement conforming to the dimensional requirements of Sections 19.23.040 and 19.23.050 to provide for access to the development. The approach location shall be reviewed by the County Engineer for compliance with YCC Chapter 10.08. Approach connections to other public roads are subject to review by the applicable agency. Verification of legal access and a valid road approach permit shall be required prior to final approval of any permit granted under this Title.” The Transportation Division provided the following comments:

“There are no transportation concerns about extending the hours of operation to allow for overnight camping. No expected significant change in traffic volumes is expected on an annual daily average basis. No parking in the [public right-of-way] is permitted.

The seasonal events proposed in this application may have a temporary effect on the flow of traffic on Ahtanum Road. To address seasonal impacts, it is recommended that the applicant/owner be prepared to provide temporary traffic control that meets the standards found in the Manual on Uniform Traffic Control Devices. If placing temporary traffic

control devices in the right-of-way it is required that the applicant will need to obtain a [right-of-way] use permit with a proposed site-specific traffic control plan. Right-of-way use permits are temporary (up to six months).
..."

Effects on traffic flow are a matter of public interest and community well-being. It is therefore appropriate that approval of the proposed be subject to a condition that traffic control measures be in place during the duration of the Halloween Event. The control measures are required to meet the standards found in the Manual on Uniform Traffic Control Devices. Additionally, if the measures are placed within County Right of Way, a Right of Way use permit is required.

iv. Land Uses: (YCC 19.10.040(4)) "Uses allowed within a zoning district are listed as permitted, administrative or conditional uses in the Allowable Land Uses Table 19.14-1 within Chapter 19.14." Private Outdoor Recreational Facilities are identified in YCC Table 19.14-1 as Type-3 uses in the AG Zoning District. This proposal is being reviewed as a Type-3 use.

v. Building and Fire Safety Permits Required: (YCC 19.10.040(5)) "No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the Building Official under RCW 19.27 and YCC Title 13. No building permit shall be issued except in conformity with this Title." The Yakima County Building and Fire Safety Division had the following comments:

"All new structures and modifications to existing structures will require building permits. In addition, because there is 100yr floodplain and floodway on the parcel, a flood determination permit and review will be required to accompany each building permit."

"No RVs are allowed to be parked within the FEMA Floodway. Recreational vehicles can be placed temporarily within the 100yr floodplain provided they are fully licensed and ready for highway use or shall be placed on a site for less than 180 consecutive days."

No new structures are proposed with this review. The location of the camping area is located within the FEMA Floodplain and is an acceptable location for the proposed temporary use during RC racing events. The recommended conditions of approval require the applicant to obtain all necessary permits from the Building and Fire Safety Division.

vi. Setbacks, Easements and Right-of-Way: (YCC 19.10.040(6) & Table 19.11.010-2) Front setbacks from Ahtanum Road shall have a structural setback of 60 feet from the centerline (35 feet of planned Right of Way (ROW) plus 25 feet setback from the ROW). Buildings and structures in the AG Zoning District also have a 5-foot interior side setback and a

10-foot rear setback from property lines. There are no proposed structures associated with this proposal.

vii. Vision Clearance Triangles at Intersections and Driveways: (YCC 19.10.040(7)) “A vision clearance triangle shall be maintained at all driveways and curbcuts, and the intersection of an alley with a public street for vision and safety purposes. The vision clearance triangle shall measure 15 feet along the perpendicular street curb lines or pavement edge, or travel lane of the public street and 15 feet along the driveway or alley. The third side of the triangle shall be a straight line connecting the 15-foot sides described above. No sign or associated landscaping shall be placed within this triangle to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.” The maintenance of the Vision Clearance Triangle as described above is required as a condition of approval.

viii. Fences, Walls and Recreational Screens: (YCC 19.10.040(9)) The provisions of YCC 19.10.040(9) “shall govern the location and height of fences and walls, to allow access to properties by utility employees and emergency response personnel and to maintain good appearance of residential areas and visual access along residential streets and between lots.” A recreational screen functionally capable of preventing all paintballs or similar objects discharged during recreational activities from leaving the subject property must be installed along paintball fields or other areas where paintballs and other materials related to the recreational facility use have the potential to fall onto adjoining properties or Ahtanum Road.

ix. Exterior Lighting: (YCC 19.10.040(10)) “Exterior lighting is regulated to minimize light pollution to neighboring properties and encourage true-color, full-spectrum light rendition in projects. Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, fully shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles.” Figures 19.10.040-3 and -4 of the Yakima County Code contain examples of exterior lighting sources and fixtures. All existing and future outdoor lighting meet the design criteria set forth in YCC 19.10.040(10).

x. Floodplain Development: (YCC 19.10.040(11)) “A pre-application meeting and a Flood Hazard Permit application is required for all new development in floodplains in order to minimize and mitigate potential adverse impacts to property and infrastructure while reducing risks to public health and safety.” The staff report notes that an Early Assistance Meeting was held on April 20th, 2021. No additional development on site is proposed at this time.

xi. Stormwater Requirements: YCC 19.10.040(12) “is intended to ensure public and private development projects comply with the National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable.” Yakima County Water Resources provided the following comments:

“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.”

The proposal doesn't change the existing site development. All stormwater is naturally infiltrated on site. Natural drainageways are not altered under this proposal and upland flows are unimpeded as they flow through the property.

d. Chapter 19.20 ULDC-- Signs: There are no new signs proposed with this application.

e. Chapter 19.21 ULDC-- Sitescreening and Landscaping: According to YCC 19.21, no site screening or landscaping is required in the Agriculture Zoning District.

f. Chapter 19.22 ULDC--Parking and Loading: All off-street parking and vehicle storage must be in conformance with Chapter 19.22. Section 19.22.050(2) ULDC allows the Reviewing Official to make a determination on parking requirements for a proposed land use not listed in Table 19.22-2 based similarity to land uses listed in the table. The staff report indicates that the closest land use to an Outdoor Recreational Facility that is listed in Table 19.22-2 is “Automobile sales, retail nurseries, and other open sales and rental yards.” According to Table 19.22-2 “Automobile sales, retail nurseries, and other open sales and rental yards” requires one space for each of the first 1,000 square feet of gross floor area, up to 10,000 feet, plus four spaces, plus one space for each additional 10,000 feet of open floor space. The total use area for the Recreational Facility is approximately 86,000 square feet. Previous decisions for the existing facility required a total of 40 parking spaces, which have been developed. All parking spaces must be surfaced with screen gravel, crushed rock, or better. Dimensions of parking spaces are required to follow Table 19.22-3. Perpendicular parking spaces are required to be 9 feet in width and 19 feet in depth. The aisle widths for perpendicular parking are required to be 24 feet.

The parking standards within the current code would require a total of 22 parking spaces (14 spaces for the first 10,000 square feet and 8 spaces for the remaining 76,000 square feet). The staff report recommends that the approval be conditioned on compliance with current standards without objection from the applicant.

g. Chapter 19.25 ULDC--Sewer and Water: ULDC Table 19.25-1 and ULDC Table 19.25-2 specify sewer and water connection requirements for new structures in the AG zoning district. No new structures are proposed in this project.

IV. CONCLUSIONS.

1. The application materials, staff report, hearing exhibits and testimony at hearing include evidence and analysis that supports a conclusion that the proposed expanded outdoor recreation use and accessory camping sites, if appropriately conditioned, are consistent with ULDC 19.18.060, ULDC 19.18.135 and the general development standards in Title 19 YCC.

2. Except as otherwise expressly provided, a Reviewing Official is authorized by YCC 19.30.100 to impose conditions on an approval to assure compliance with Title 19 YCC and other relevant provisions of Yakima County Code. The Staff Report contains a set of proposed conditions that largely serve this purpose. Any approval appropriately includes those conditions, subject to adjustment based on the results of the open record hearing. Similarly, conditions that mitigate for material impacts identified in the Findings should also be included in the approval.

3. As part of project review, the reviewing official is to determine if a proposed project is consistent with Yakima County's applicable development regulations or, in the absence of applicable regulations, the adopted Yakima County Comprehensive Plan. Consistency should be determined in the project review process by considering factors found in applicable plans and regulations. Title 19 criteria for project review refers to standards set in *Horizon 2040* and specific development regulations. Compliance with those standard assures satisfaction of the mandate for consistency review in YCC 16B.06.020.

4. The Findings above and these Conclusions support a decision to approve the proposed expanded Agricultural Tourist Operation use and accessory camping use with conditions that provide for assurance of consistency with *Horizon 2040* and pertinent Yakima County Code requirements.

V. DECISION.

Based on the findings, analysis, and conclusions above, the Hearing Examiner APPROVES WITH CONDITIONS the application the Type 3 Conditional Use Permit for the additional uses proposed as part of the previously approved Private Outdoor Recreational Facility, which consists of utilizing the existing area for a variety of recreational activities, providing 30 camping site associated with recreational events, and conducting a seasonal Halloween Event, as described in application CUP2021-00027, subject to the following conditions:

1. The applicant shall apply for all necessary Building and Fire Life Safety permits for the proposed and existing structures. All permits for the proposed and existing structures must be issued, inspected, and finalized prior to occupancy or commencement of use. Please contact the Yakima County Public Services: Building and Fire Safety Division at (509) 574-2300.

2. The applicant shall provide at least twenty-two (22) parking spaces for the proposal. The parking space shall be established prior to occupancy or commencement of use. Off-street parking facilities shall meet the requirements of YCC Table 19.22-3.

3. The applicant shall ensure the parking area meets the standards outlined in YCC 19.22.070, as follows:

- a. Parking facilities shall be surfaced with a minimum of screened gravel or crushed rock, or better.
- b. Parking areas shall be graded and drained so all surface water is disposed of on-site. Grading and drainage facilities shall be designed according to accepted engineering standards, YCC Title 12.10 and the Stormwater Management Manual for Eastern Washington, which will require review by the Public Services Director or Designee.
- c. Lighting shall be provided to illuminate any off-street parking or loading space used at night.
- d. Lighting shall be directed to reflect away from adjacent and abutting properties and comply with YCC 19.10.040(10).

4. The Vision Clearview Triangle shall be maintained along the driveway and Ahtanum Road in accordance with YCC 19.10.040(7). No structures or visual obstructions are allowed within the triangle between the heights of 2.5 feet and 10 feet.

5. The property owner and their successors and assigns shall comply with the following Outdoor Recreational Facility Standards:

- a. Hours of operation are limited from 8am to 10pm.
- b. Recreational Screens shall be installed along the established paintball fields to prevent trespass of paintballs or other recreational equipment onto other properties or Ahtanum Road.

6. The property owners and their successors and assigns shall comply with the following Camping Accessory to an Approved Recreational Facility Standards:

- a. The number of camping spaces is limited to no more than 30.
- b. Camping is only permitted during events taking place at the facility and is limited to no more than four consecutive nights and no more than 30 nights in any 12-month period.
- c. Camping units or recreational vehicles are required to be self-contained. No utility hook ups are allowed.
- d. No camping units or recreational vehicles shall remain beyond the specific event requiring camping.

7. The property owners and their successors and assigns shall comply with the following Halloween Event Standards:

- a. Traffic control measures shall be in place during the duration of the event. The control measures shall meet the standards found in the Manual on Uniform Traffic Control Devices. If the measures are placed within County Right of Way, they shall obtain a Right of Way use permit.
- b. Individual activities associated with the Halloween Event shall be located a minimum of 100 feet from the westerly property line.
- c. Recreational screening shall be installed along property lines where use of paintballs is proposed. This screening shall be taken down upon completion of the Halloween Event.
- d. No Halloween Event activities shall result in the conversion of existing agricultural land on the subject property to non-agricultural uses as provided in ULDC 19.18.060(3)(g).

8. The owners, their grantees and assignees in interest will abide by the terms of YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement (Attachment A). 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 following are ongoing conditions that apply to the project for the life of the permitted use. Failure at any time to comply with these conditions can result in the revocation of this permit.

9. The project shall be completed in conformance with the project description and site plan submitted with the application referenced as file number CUP2021-00027/SEP2021-00019. Any changes may require a modification to this authorization. If changes are planned in the future, please contact the Yakima County Public Services: Planning Division at (509) 574-2300 for assistance with the permitting process.

10. Exterior lighting shall be directed downward and otherwise arranged, shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare into any adjacent residential use or interfere with the safe operation of motor vehicles. Figures 19.10.040-3 and -4 of the Yakima County Code contain examples of exterior lighting sources and fixtures.

11. The applicant shall ensure that the project will comply with all development standards as outlined in YCC 19.10.040 and YCC 19.20 as they pertain to setbacks and signs.

12. 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.

DATED THIS 1ST DAY OF OCTOBER 2021.



PATRICK D. SPURGIN
HEARING EXAMINER PRO TEMPORE

PATR