

 <p>YAKIMA COUNTY WASHINGTON</p>	<p>COMPREHENSIVE PLAN MAP AMENDMENT</p> <p>CASE NUMBERS: LRN2021-00005 / SEP2020-00004</p> <p>STAFF REPORT DRAFTED BY: Phil Hoge</p> <p>For Planning Commission's Public Hearing – October 19, 2022</p> <p>Staff Recommendation to Planning Commission</p>
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Applicant/Agent:	Kent McHenry, Reclaim Company		
Property Owners:	Harvest View Estates LLC, Charlotte Caton, Kristoffer & Jessica Strutner		
Request:	Type of Amendment:	Comprehensive Plan Map Amendment	
	Land Use Designation	From:	Rural Self-Sufficient and Agricultural Resource
		To:	Rural Self-Sufficient and Agricultural Resource with Mineral Resource Overlay
	Zoning	From:	Rural-10/5 (R-10/5) and Agriculture (AG)
		To:	Rural-10/5 (R-10/5) and Agriculture (AG) (No Change)
Parcel No(s):	171401-11003, 171401-12001, 171401-13001, 171401-14001, 171401-21001, 171401-22003, 171401-24001, 171401-31001, 171401-34001, 171401-41001, 171401-42001, 171401-43001, 171401-44001, 171402-11003, 171535-41401, 171535-41402, 171535-41403, 171535-44404		
Site Size:	744.09 acres		
Location:	On the south side of Naches-Wenas Road, approximately two miles east of the Town of Naches.		

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A. SUMMARY OF RECOMMENDATIONS

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5 Staff recommends **Approval** of the requested comprehensive plan amendment to add the Mineral
6 Resource Overlay (MRO) to the 744-acre site, subject to considering additional information to be
7 provided by the public and agencies, particularly as relates to the adequacy of the access roads and
8 fire protection. This recommendation is made after evaluating the criteria established by YCC
9 16B.10.095(1) for reviewing and approving amendments to Yakima County's Comprehensive Plan
10 Policy Plan Maps.

11

12 Note: The proposed amendment and recommendation make no changes to the site's existing Rural
13 Self-Sufficient (RSS) and Agricultural Resource (AR) comprehensive plan designations and would also
14 make no changes to the site's existing zoning of Rural-10/5 (R-10/5) and Agriculture (AG).

15

B. SUMMARY OF REQUEST

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17 The applicants are requesting to change the comprehensive plan's Mineral Resource Overlay map
18 (**Horizon 2040's** Map 5.10.5-1) to add the MRO on the entire 744-acre site while retaining the current
19 underlying Land Use designations of RSS and AR. They are proposing no changes to the site's current
20 zoning. The proposal also includes not applying the 500-foot resource protection setback to adjacent
21

1 private properties that are not owned by the applicants. Instead, the 500-foot setback would be kept
2 on the applicant's properties in these areas. The applicants are requesting this change to allow mining
3 and sale of sands, gravels, and clean soils that are not contaminated with lead arsenate that was
4 applied as a pesticide in orchards during the early 1900's. The application states that these mineral
5 resources are present on the site in commercial quantities.

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7 C. SUBJECT PROPERTY HISTORY

8

9 The subject site was designated by the County's 1977 comprehensive plan as entirely Semi-Arid and
10 with an eastern portion also designated Agricultural. The 1997 comprehensive plan designated the
11 eastern half of the site (374 acres) Agricultural Resource (AR) and designated the western half (370
12 acres) Rural Self-Sufficient (RSS); and both designations have continued to today.

13 Prior to February 2000 the entire site was zoned Exclusive Agriculture (EA). In February 2000 the new
14 zoning ordinance rezoned the site to be consistent with and implement the 1997 comprehensive plan:
15 the ordinance rezoned the eastern half of the site from Exclusive Agriculture (EA) to Agriculture (AG)
16 and rezoned the western half of the site from Exclusive Agriculture (EA) to Valley Rural (VR). In May
17 2015, the new YCC Title 19 - Unified Land Development Code retained the AG zoning but changed the
18 VR zoning to Rural-10/5 (R-10/5). So today, the eastern half of the site (374 acres) is zoned AG and
19 the western half (370 acres) is zoned R-10/5.

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21 D. CURRENT COMP PLAN DESIGNATIONS, ZONING AND LAND USE

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23 The current Yakima County Comprehensive Plan - **Horizon 2040** designations, zoning, and land uses
24 for the subject property and adjoining parcels are indicated in the table below:

Location	Zoning	Comp Plan	Acres	# of Parcels	Land Use
Subject Property	AG R-10/5	AR RSS	744	18	Limited Purpose Landfill, Agriculture, vacant.
North of the subject property	R/ELDP AG	RR/ELDP AR	705	2	WA DNR grazing lease, RV resort condominium.
South of subject property	R-10/5 AG	RSS AR	225	3	WA DNR lieu land crop acreage lease, Agriculture, vacant.
East of subject property	AG	AR	1270	2	WA DNR grazing lease.
West of subject property	R/ELDP R-10/5 AG	RR/ELDP RSS AR	195	5	USA property, Agriculture, vacant.
Northeast of subject property	AG	AR	150	1	Agriculture, vacant.
Northwest of subject property	R-10/5	RSS	46	1	Agriculture, vacant.
Southeast of subject property	AG	AR	640	1	Agriculture, vacant.
Southwest of subject property	R-10/5 AG	RSS AR	80	2	Agriculture, vacant.

1 **E. INTENT OF PLAN DESIGNATIONS AND ZONES (CURRENT AND PROPOSED)**

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3 The Future Land Use Map of the Yakima County Comprehensive Plan (***Horizon 2040***) classifies the
4 lands under the county's land use jurisdiction into one of 11 designations. Some of these lands are
5 also designated with the Mineral Resource Overlay, which gives them two designations. Each
6 designation has a purpose statement that indicates the intent of the designation. The Purpose
7 statements for each of the three current and proposed designations on the subject property are
8 copied below.

9

10 Similarly, Yakima County's Unified Land Development Code (YCC 19) establishes the legislative intent
11 of each of the county's zoning districts. The intent of the two zoning districts that currently exist on
12 the subject property are also copied below.

13

14 It should be noted that the MRO is not technically a zoning district and has no explicit legislative intent
15 statement for zoning. However, the MRO does function like a zoning district because its existence on
16 particular lands expands the types of mining-related uses that may be permitted under Title 19.

17

- 18 • **Current Land Use Designation – Rural Self-Sufficient (RSS):**
19 ***Horizon 2040 Land Use Element – Section 5.9.6 (Rural Land Use Categories)***

20

21 **“Purpose**

22 The intent of the *Rural Self-Sufficient* land use category is to implement Growth Management Act
23 Planning Goals related to reducing sprawl, protecting the environment, and providing adequate
24 facilities and services commensurate with the density of development. The Rural Self-Sufficient
25 category provides a broad choice of areas within rural Yakima County where an independent and
26 private lifestyle can be sustained on acreage homesites. This category is intended to maintain
27 rural character by establishing lot sizes which will make feasible individual wells and septic
28 systems on each parcel, and by minimizing conflicts with adjoining or nearby resource land uses
29 through buffers and special setbacks that will permit farm, forestry and mineral resource uses to
30 continue. The category provides density incentives to encourage development where fire
31 protection services and hard-surfaced County Roads or State Routes are available. The Rural Self-
32 Sufficient category also provides for flexible parcel sizing or clustering to encourage development
33 that more effectively uses the site to reduce infrastructure and service costs. These lands are
34 generally found at the periphery of Urban Growth Areas and Rural Transitional areas separating
35 designated farm or forest lands and the remote rural and developmentally constrained lands.”

36

- 37 • **Current Land Use Designation – Agricultural Resource (AR):**
38 ***Horizon 2040 Land Use Element – Section 5.10.3 (Agricultural Resource Areas Land Use
39 Category)***

40

41 **“Purpose**

42 The intent of Yakima County's Agricultural Resource land use category is to implement the Growth
43 Management Act planning goal related to maintaining and enhancing natural resource-based
44 industries, which includes productive agricultural industries. This category is intended to preserve,
45 stabilize, and enhance the primary agricultural land base, which is being used for, or offers the
46 greatest potential for, continued production of agricultural products and harvesting. The
47 Agricultural Resource land use category carries out this goal by establishing a single agricultural

1 zone, allowing flexible parcel sizing on large lots, limiting small lot segregations, and establishing
2 a special exemption process to review potentially conflicting uses.
3

4 Yakima County's economic well-being depends upon a healthy agricultural environment. The
5 County has been ranked first statewide in terms of the value of all agricultural products sold; other
6 reports have listed the County in the top five and even number one nationally in production of
7 certain commodities. The Yakima County Unified Development Code (YCC Title 19) protects these
8 lands with the AG Zoning District.”
9

10 • **Proposed Land Use Designation – Mineral Resource Overlay (MRO):**
11 ***Horizon 2040 Land Use Element – Section 5.10.5 (Mineral Resource Areas Land Use Category)***

12 **“Purpose**

13 The intent of Yakima County's Mineral Resource Overlay land use category is to implement the
14 Growth Management Act planning goal related to maintaining and enhancing natural resource-
15 based industries, which includes commercially viable mineral resource industries. This category is
16 intended to identify, preserve and protect the mineral resource land base which is intended to be
17 used for, or offers the greatest potential for, the continued production of aggregate products such
18 as concrete or asphalt, while allowing the underlying land use to provide interim land use
19 direction until such time that mineral extraction is permitted. The Mineral Resource Overlay land
20 use category carries out this goal by establishing a Mining zone, which identifies review criteria,
21 allowed uses, lot sizes, standards of operations and provisions for revisions.
22

23 Yakima County's economic well-being depends upon the availability of mineral resource products
24 specifically sand, gravel and bedrock materials. To keep pace with the market demand it is
25 important for the residents and the economy of Yakima County that at least a fifty-year supply of
26 mineral resource areas be identified and protected with the Mineral Resource Overlay
27 designation. The locations of the Mineral Resource Sites are shown in Figures 5.10.5-1 and [5.10.5-
28 2].
29

30 **General Description**

31 Mineral resource lands are those lands primarily devoted to or important for the long-term
32 commercial production of mineral products. Areas designated as mineral resource lands comprise
33 the Mineral Resource Overlay. The Mineral Resource Overlay is a land use designation that
34 overlays an existing land use designation. The overlay designation provides protection from the
35 encroachment of competing land uses by applying a buffer that places restrictions on adjacent
36 properties. The existing or underlying land use designation is intended to remain in effect until
37 such time that the area is rezoned to Mining in anticipation of pending mining operations. At the
38 conclusion of all mining related operations the Mineral Resource Overlay designation is removed
39 and the property rezoned through the annual comprehensive plan amendment process. The
40 existing or underlying land use designation shall determine the appropriate zone.”
41

42 • **Current Zoning – Rural-10/5 (R-10/5):**
43 ***“YCC 19.11.030 Rural Districts (R/ELDP-40, Rural-10/5, RT).***

44 (1) Legislative Intent. The rural districts are intended to serve as a buffer between urban lands
45 and resource lands, provide non-resource areas for future urban expansion, limit the costs of
46

1 providing services to remote or underdeveloped areas, and retain the rural/agrarian character of
2 the County while offering a variety of lifestyle choices for the residents of Yakima County.” [...]

3
4 “(b) The Rural-10/5 (R-10/5) zoning district is intended to maintain rural character and
5 provide density incentives to encourage development where fire protection services and
6 access to roads with a paved or other hard surface are available.”

7
8 • **Current Zoning – Agriculture (AG):**

9 “YCC 19.11.010 Forest Watershed and Agriculture Districts (FW, AG).

10 (1) Legislative Intent.” [...]

11
12 “(b) Agriculture District. The purpose of the Agriculture (AG) district is to preserve and
13 maintain areas for the continued practice of agriculture by limiting the creation of small lots,
14 permitting only those new uses that are compatible with agricultural activities, protection of
15 agricultural lands of long-term commercial significance, and providing measures to notify
16 and separate especially sensitive land uses from customary and innovative agricultural land
17 management practices. The AG district implements the Comprehensive Plan that calls for
18 the preservation of agricultural lands.”

19
20 **F. CRITERIA TO BE CONSIDERED DURING REVIEW & APPROVAL OF PLAN MAP AMENDMENTS**

21
22 The subject application proposes to amend ***Horizon 2040***’s Map 5.10.5-1 (Mineral Resource Overlay,
23 North Yakima County) to add the Mineral Resource Overlay to the subject property (744 acres). YCC
24 16B.10.095 (Approval Criteria) states that the criteria set forth below shall be considered in any review
25 and approval of amendments to the Yakima County Comprehensive Plan Policy Plan Maps.

26
27 These criteria are listed below **in bold font**; and the corresponding *staff findings* are *italicized*.

28
29 **YCC 16B.10.095 (Approval Criteria):**

30
31 (1) **The following criteria shall be considered in any review and approval of amendments to**
32 **Yakima County Comprehensive Plan Policy Plan Maps:**

33
34 (a) **The proposed amendment is consistent with the Growth Management Act and**
35 **requirements, the Yakima County Comprehensive Plan, the Yakima Urban Area**
36 **Comprehensive Plan and applicable sub-area plans, applicable city comprehensive**
37 **plans, applicable capital facilities plans and official population growth forecasts and**
38 **allocations;**

39
40 ○ **Consistency with GMA and requirements** - The thirteen GMA Planning goals
41 established by RCW 36.70A.020 are considered below.

42
43 **RCW 36.70A.020(1) Urban Growth.** **Encourage development in urban areas where**
44 **adequate public facilities and services exist or can be provided in an efficient**
45 **manner.**

1 *Staff Findings:* Does not apply. The proposal is not located within an urban area
2 and therefore doesn't encourage development there per se. However, it would
3 generally limit rural residential and other development at the subject site, except
4 for mining and mining-related developments.

5
6 **RCW 36.70A.020(2) Reduce sprawl.** Reduce the inappropriate conversion of
7 undeveloped land into sprawling, low-density development.

8
9 *Staff Findings:* Consistent. The proposed MRO will change the review of proposed
10 temporary mineral batching from Type 3 to Type 2 uses, and will change proposed
11 permanent mineral processing, mining operations, and accessory stockpiling or
12 storage of recycled asphalt or concrete from prohibited to Type 2 uses. Allowing
13 such uses will likely preclude the development of the land into sprawling, low-
14 density residential development.

15
16 **RCW 36.70A.020(3) Transportation.** Encourage efficient multimodal transportation
17 systems that are based on regional priorities and coordinated with county and city
18 comprehensive plans.

19
20 *Staff Findings:* Does not apply. Multimodal transportation is typically appropriate
21 in urban areas rather than in the subject rural/resource area.

22
23 **RCW 36.70A.020(4) Housing.** Encourage the availability of affordable housing to all
24 economic segments of the population of this state, promote a variety of residential
25 densities and housing types, and encourage preservation of existing housing stock.

26
27 *Staff Findings:* Does not apply. The proposal does not encourage housing of any
28 kind, let alone of the affordable kind. However, the GMA does not encourage new
29 housing to be located on lands designated Agricultural Resource or Rural. GMA's
30 goal is that most new housing will be located within Urban Growth Areas. The
31 subject site has no existing housing stock to preserve.

32
33 **RCW 36.70A.020(5) Economic development.** Encourage economic development
34 throughout the state that is consistent with adopted comprehensive plans,
35 promote economic opportunity for all citizens of this state, especially for
36 unemployed and for disadvantaged persons, promote the retention and expansion
37 of existing businesses and recruitment of new businesses, recognize regional
38 differences impacting economic development opportunities, and encourage growth
39 in areas experiencing insufficient economic growth, all within the capacities of the
40 state's natural resources, public services, and public facilities.

41
42 *Staff Findings:* The proposal is consistent with this GMA goal because it would
43 allow for the potential establishment of mining and processing of the site's sand,
44 gravel, fill material, and topsoil. Having more supply of such materials in the
45 County helps ensure that the local economy has an availability of such resources
46 to meet the existing and projected demands for future economic development. In
47 particular, the site could supply clean topsoil that is needed to implement the

Department of Ecology's Model Remedies under the state's Model Toxics Control Act for the legacy pesticide lead arsenate.

RCW 36.70A.020(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

Staff Findings: The proposal is consistent with this GMA goal because no private property would be taken for public use. The property rights of adjacent property landowners are intended to be protected from arbitrary or discriminatory actions of the proposal through the public review process, which provides a way for adjacent landowners to participate in the decision-making.

RCW 36.70A.020(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Staff Findings: The proposal is consistent with this GMA goal because the applications are being processed in accordance with 16B.10, which provides for fair consideration of comments by affected parties in a manner that is as timely as possible under GMA's annual amendment requirement. If the MRO is approved, the applicant may apply for Conditional Use Permits for mining, mineral processing, and accessory stockpiling/storage of recycled asphalt or concrete as Type 2 uses, which are currently not allowed at the site by the Yakima County Unified Land Development Code (YCC Title 19). Currently only temporary mining, temporary mineral processing, and temporary mineral batching may be applied for, and only as Type 3 conditional uses.

RCW 36.70A.020(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

Staff Findings: The proposal is consistent with this GMA goal to maintain and enhance mining as a natural resource industry. The proposal would allow applications for mining, mineral processing, and accessory stockpiling of recycled asphalt or concrete to be considered for approval as Type 2 conditional uses. In the absence of an MRO, none of these uses are currently permitted at the site.

RCW 36.70A.020(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

Staff Findings: The entire site is located within the area identified by Yakima County's critical area map as "Upland Wildlife Habitat Conservation Areas¹." The

¹ YCC 16C.11.050(1) states: "The approximate location and extent of upland wildlife habitat conservation areas for Endangered, Threatened and Sensitive species are shown on the County's critical area map titled, "Upland Wildlife Habitat Conservation Areas of Yakima County." This map is to be used as a guide for the county, project applicants

1 proposal is partially and potentially consistent with this GMA goal in that it will
2 tend to retain open space for mining rather than being built-out for rural
3 residential parcels. In 2020, when the applicants simultaneously applied to add
4 the MRO and rezone the entire site to Mining, Washington Department of Fish
5 and Wildlife provided a comment that the proposal has the potential to promote
6 a better outcome for wildlife versus the possible eventual build-out of residential
7 parcels. However, they also stated that:

8

9 (1) wildlife survey of areas intended for actual development or disturbances
10 may be necessary, dependent on the proponent's desired approach to
11 protect habitat functions; and
12 (2) strategic planning of mining-related development and habitat set-asides
13 will be key for the County to avoid degradation of the Upper Wildlife Habitat
14 Conservation Critical Area. The enhancement of recreational opportunities,
15 the increase in access to the lands, and the quality of the land for habitat
16 after mining will depend on the quality of the applicant's reclamation plan
17 that will be reviewed and approved by the Department of Natural
18 Resources.

19

20 **RCW 36.70A.020(10) Environment. Protect the environment and enhance the**
21 **state's high quality of life, including air and water quality, and the availability of**
22 **water.**

23

24 Staff Findings: The proposal is consistent with this goal based the environmental
25 review that was conducted in 2020 on the proposal that included adding the MRO
26 to the same 744-acre area (SEP2020-00004). Looking forward, adding the MRO
27 would enable subsequent applications for mining, mineral batching, and
28 stockpiling of recycled asphalt and concrete projects; and each such application
29 will be subject to further environmental review under SEPA to consider its
30 probable adverse environmental impacts and any mitigating measures to be
31 required.

32

33 **RCW 36.70A.020(11) Citizen participation and coordination. Encourage the**
34 **involvement of citizens in the planning process and ensure coordination between**
35 **communities and jurisdictions to reconcile conflicts.**

36

37 Staff Findings: This proposal will be reviewed in accordance with YCC 16B.10
38 (Comprehensive Plan and Regulatory Amendment Procedures), which provides
39 opportunities for agencies and the public to participate by being informed of the
40 proposal and to comment on environmental and other considerations. An
41 objective is to enable decision-makers to be aware of the issues and attempt to
42 reconcile conflicts.

43

and/or property owners, and may be updated as more detailed data becomes available. This map is an initial reference and does not provide a final critical area designation. Wildlife resource agencies shall be consulted for their expertise on location of habitat conservation areas when insufficient information exists for an area.”

1 **RCW 36.70A.020(12) Public facilities and services.** Ensure that those public facilities
2 and services necessary to support development shall be adequate to serve the
3 development at the time the development is available for occupancy and use
4 without decreasing current service levels below locally established minimum
5 standards.

6
7 *Staff Findings: The Capital Facilities Plan element of the Yakima County*
8 *Comprehensive Plan establishes that roads are the only public facility and service*
9 *necessary to support developments that are located outside of Urban Growth*
10 *Areas; and roads are the only public facility for which Level of Service standards*
11 *have been established by the comprehensive plan.*

12
13 *Determinations that the roads will be adequate to serve proposed developments*
14 *is something that is done when actual developments are proposed so that the*
15 *particulars can be analyzed. However, prior to the Planning Commission*
16 *deliberations in this matter, comments from County Roads and the Town of*
17 *Naches will be solicited for the Planning Commission's consideration.*

18
19 **RCW 36.70A.020(13) Historic Preservation.** Identify and encourage the preservation
20 of lands, sites, and structures, that have historical or archaeological significance.

21
22 *Staff Findings: Prior to the Planning Commission's deliberations, comments will be*
23 *requested from the WA Department of Archaeology and Preservation and the*
24 *Yakama Nation Cultural Resources Program. Thus, the proposal's consistency with*
25 *this goal will be determined during the public review and decision process.*

26
27 ○ **Consistency with the Yakima County Comprehensive Plan - *Horizon 2040*** has three
28 goals and 20 policies addressing Mineral Resources, which are located in the plan's
29 Land Use Element and provided in Attachment A. Some apply only during the periodic
30 updates that occur every ten years or during the permitting of a mining project. The
31 goals and policies that are relevant to the subject application are considered below.
32 ***Horizon 2040* language is bolded and the staff findings are italicized:**

33
34 **GOAL LU-ER-MR 1: Identify and protect long term supplies of commercial aggregate**
35 **and other mineral resources for economic development.**

36
37 **POLICIES:**

38 **LU-ER-MR 1.1:** Designate sufficient mineral resource lands of long-term
39 significance to ensure a fifty-year supply of aggregates, sand, gravels and
40 rock based on the mineral resource designation mapping criteria located in
41 the Land Use Element of *Horizon 2040*.

42
43 **LU-ER-MR 1.5:** Consider map amendment designation and rezoning of
44 appropriate high priority parcel(s) to the Mineral Resource Overlay and
45 Mining Zoning District at each plan update or as otherwise permitted.

46
47 **LU-ER-MR 1.6:** Encourage rezoning of other designated sites listed within
48 the inventories at landowner/operator request to maintain the minimum

ten-year supply of available, zoned resources. Allow landowners to apply for the Mineral Resource Overlay designation during the annual comprehensive plan update cycle.

Staff Findings: The subject application is consistent with Policies 1.1 & 1.6 in that it doesn't negate the county's current designation of at least a 50-year supply of mineral resource lands of long-term significance, nor the county's current zoning of a minimum 10-year supply of mineral resources. The subject application's consistency with the mineral resource designation mapping criteria is reviewed in subsection (b), which follows. The subject application is also consistent with Policies 1.5 and 1.6 that allow landowners to apply for the MRO plan designation during the biennial plan amendment cycles that occur between the ten-year periodic updates.

GOAL LU-ER-MR 2: Recognize that minerals are nonrenewable and a necessary resource that must be protected from incompatible adjacent development.

POLICIES:

LU-ER-MR 2.1: Review adjacent or nearby land use actions for impacts they may have on mineral resources.

LU-ER-MR 2.2: Protect designated mineral resource sites from incompatible uses within the designated and zoned sites or on surrounding lands that would prevent or seriously hinder resource extraction through Mining Zoning district buffering requirements, setbacks and other performance standards; and, through property transfer notification procedures and special setbacks on adjacent lands for residential and other especially sensitive uses.

LU-ER-MR 2.3: Establish and implement notification procedures to ensure that property owners adjacent to or nearby designated parcels are given constructive notice of existing or potential future surface mining activities.

Staff Findings: The subject application is consistent with Policies 2.1 and 2.2 in that the applicant is proposing that the 500-foot setback between the MRO and Especially Sensitive Land Uses (ESLUs), which YCC 19.18.205(2)(a)(iv) requires outside of the MRO, not be applied to adjacent private properties that are not owned by the applicants. Instead, the 500-foot setback would be kept on the applicants' properties in these areas. Policy 2.3 is currently implemented by YCC 16B and YCC 19 in that future surface mining activities proposed on lands in the MRO that are zoned AG and R-10/5 are classified as Type 2 uses by YCC 19; and YCC 16B requires notification of proposed Type 2 uses to property owners within 300 feet of the lands owned by the proponents.

GOAL LU-ER-MR 3: Ensure that mineral resource site utilization is consistent with other *Horizon 2040* goals and recognize that mining is an interim land use.

1 **POLICIES:**

2 **LU-ER-MR 3.1:** **Review all candidate sites for Mineral Resource Overlay**
3 **designation and Mining Zoning district consistent with Yakima County**
4 **Comprehensive Plan - *Horizon 2040*, and potential convertibility to other**
5 **uses.**

6

7 **Staff Findings:** *The application is proposing the MRO to recognize that these lands*
8 *have long-term commercial significance for mining of their clean soils, sands, and*
9 *gravels. Horizon 2040's MRO mapping criteria are reviewed under (b) in the next*
10 *section. Consistent with Policy 3.1, the various mined areas will have potential*
11 *convertibility to Limited Purpose Landfill uses after they are mined. The particulars*
12 *of such convertibility and the reclamation requirements will be more specifically*
13 *addressed during the review of any future project permit applications.*

14

15 ○ Consistency with the Yakima Urban Area Comprehensive Plan and applicable sub-
16 area plans.

17

18 **Staff Findings:** *The Yakima Urban Area Comprehensive Plan is no longer in effect;*
19 *and there is no applicable sub-area plan that affects this proposal.*

20

21 ○ Consistency with applicable city comprehensive plans.

22

23 **Staff Findings:** *There are no known inconsistencies with city comp plans.*

24

25 ○ Consistency with applicable capital facilities plans.

26

27 **Staff Findings:** *The County's Capital Facilities Plan Element is Chapter 6 of ***Horizon****
28 ***2040.** A review of that Element finds no inconsistencies with the request.*

29

30 ○ Consistency with official population growth forecasts and allocations.

31

32 **Staff Findings:** *The application of an MRO for the expansion an existing mine does*
33 *not affect population projections and allocations and is therefore consistent.*

34

35 **(b) The site is more consistent with the mapping criteria for the proposed map designation**
36 **than it is with the criteria for the existing map designation;**

37

<u>Analysis of the Mapping Criteria for Mineral Resource Overlays (MRO).</u>
<p>The application proposes to add the MRO plan designation to the 744-acre site, which is currently designated Rural Self-Sufficient (western portion) and Agricultural Resource (eastern portion). Because the MRO would overlay the current plan designations rather than replace them, the analysis below will consider the appropriateness of adding the MRO to the site rather than compare the proposed MRO designation with the current designations. The <i>Horizon 2040</i> mapping criteria for the MRO designation are shown bolded below in the left column of this table. <i>Italics below in the right column of this table</i> indicate the staff analysis.</p>

The application proposes to add the MRO plan designation to the 744-acre site, which is currently designated Rural Self-Sufficient (western portion) and Agricultural Resource (eastern portion). Because the MRO would overlay the current plan designations rather than replace them, the analysis below will consider the appropriateness of adding the MRO to the site rather than compare the proposed MRO designation with the current designations. The ***Horizon 2040*** mapping criteria for the MRO designation are shown **bolded below in the left column of this table.** *Italics below in the right column of this table* indicate the staff analysis.

<p style="text-align: center;"><u>MRO Mapping Criteria</u></p> <p>Source: <i>Horizon 2040</i>, Land Use Element, Section 5.10.5 Mineral Resource Areas Land Use Category:</p>	<p style="text-align: center;"><u>Staff analysis</u></p> <p>(Does the site meet each criterion?)</p>
<p>The actual location (area of deposition) of the mineral resource is the primary factor in determining the future location of a [plan-designated] mining site. Other factors that influence the location of a [plan-designated] mineral resource area include: quality of the resource, volume of the resource, access suitability, the compatibility with existing or planned land uses, and the proximity to existing or planned market areas. The following designation/mapping criteria are based on Chapter 365-190-070 of the Washington Administrative Code – <i>Minimum Guidelines to Classify Agriculture, Forest, and Mineral Resource Lands</i>.</p>	<p><i>Each criterion in the left column is analyzed in the corresponding right column below:</i></p>
<p>1. <u>Quality of the Mineral Resource:</u></p> <p>The quality and type of mineral resource at the potential site shall meet any of the following requirements.</p> <ul style="list-style-type: none"> a. The quality and type of the mineral resource must meet current and/or future project and/or project specifications. b. The quality and type of mineral resource must satisfy the market's current and/or future demands. c. The potential site must be within the DNR identified mineral resource lands. <p>Intent Statement – Due to Yakima County's shortage of high-quality concrete grade aggregates[,] those mineral resources</p>	<p><i>The application's narrative states that the lands proposed for the MRO have thick lenses of soils that have not been used historically for fruit production or processing and [have not] been contaminated by the lead or arsenic that was used in pesticides in the early 1900's. The applicants' soils test by Cascade Analytical, Inc. found that tested soil has lead and arsenic below Ecology's clean-up levels.</i></p> <p><i>In addition, Baer Testing and Engineering, Inc., after observing the site and available well logs, concluded that sandy and gravelly native materials are present at the site. The applicant's narrative submitted for their application in 2020 stated that the gravels have commercial value for use in non-governmental projects, primarily the residential and building markets.</i></p> <p><i>The subject site is not within the DNR identified mineral resource lands.</i></p>

<p>should be utilized for crushed gravel and concrete aggregate purposes only to best and highest priority use.</p>	<p><i>Utilizing the materials on the subject site for lower-quality needs has the potential to conserve high-quality concrete grade aggregates located elsewhere in the county for their best and highest priority usage.</i></p>
<p>2. <u>Volume of the Resource:</u></p> <p>The volume of available mineral resource at the potential site shall meet the following requirements.</p> <p>a. The volume of available mineral resource at the potential site, on single or contiguous parcels, should be feasibly marketable by a mining operation to supply the surrounding market demands.</p> <p>b. The volume of available mineral resource at the potential site should be of sufficient volume to meet the following minimum requirements.</p> <p>i. Thickness of sand, gravel or bedrock deposits that exceed 25 feet or 7.5 meters.</p> <p>ii. The “stripping ratio” (ratio of overburden to resource) is less than one to three 1:3.</p> <p>Intent Statement – Each potential mineral resource site must be able to sustain a commercial mining operation with the available resource on the site.</p>	<p><i>The application’s narrative states that a geotechnical engineer hired to examine the site documented that there are sands and gravels of commercial significance throughout the entire site. The applicant’s application submitted in 2020 stated that the volume of materials available at the subject site had increased over the last several years due to the demand for space in the landfill substantially increasing as municipal landfills throughout the state have looked to reduce the amount of construction debris in their facilities. This increased demand had accelerated the expansion of the Caton limited purpose landfill, which in turn had increased materials available from increasing the excavation of cells. The 2020 application indicates that there is a market for these materials.</i></p> <p><i>The thicknesses of the sand and gravel and the “stripping ratio” are unknown.</i></p> <p><i>The 2020 application stated that the material removed from the cells of the limited purpose landfill has economic value as sand, gravel, fill material, and topsoil and that when processed, the sands meet specifications for use in concrete products.</i></p>
<p>3. <u>Access Suitability:</u></p> <p>The potential mineral resource site must have access or potential access to public and/or private roads that are</p>	<p><i>The access to the site is from Naches-Wenas Road, which is 2-lane BST road with minimal to non-existent shoulders, maintained by Yakima County. Between the subject property’s entrance and the grade, the speed</i></p>

<p>suitable for truck traffic and/or are capable of supporting the level of expected traffic.</p> <p>Intent Statement – It is very important that there is access to adequate public and/or private roads to potentially lower the traffic related impacts to both the surrounding neighbors and the environment.</p>	<p><i>limit is 50 mph, which lowers to 40 on the grade with advisory speeds of 30 mph, 25 mph, and 20 mph at the several curves on the grade. At the bottom of the grade there is a stop sign at Old Naches Highway, south of which the road name is Allan Road, which has a speed limit of 35 mph until it lowers to 30 mph in the Town of Naches before reaching the stop sign at the intersection with US 12.</i></p> <p><i>Attachment #4 of the application includes comment letters and emails that were received during the review process in 2020 from nearby property owners and residents who also use the roads between the site and US 12. They commented that these road are inadequate for the proposed use citing: inadequate sight distances at the intersection of Allan Road and Old Naches Highway; inadequacy of Allan Road to accommodate more traffic; more maintenance needed for heavy truck traffic including guardrail repairs; the existence of hairpin corners; inability to accommodate the current traffic (consisting of farm equipment, school traffic including school buses, Allan Brothers warehouse employees, people traveling on bike, hiking, and jogging with children); and inadequate of enforcement of traffic safety laws.</i></p> <p><i>Access to the site is also available to the east via South Wenas Road. No comments were received from adjacent property owners concerning this route of access.</i></p> <p><i>During the public comment period, which has not yet occurred, the County Road Department and Town of Naches will be requested to address the adequacy of these roads in consideration of these comments from nearby property owners and residents.</i></p>
<p>4. Compatibility with Present or Planned Land Use Patterns in the Area:</p> <p>General land use issues in the resource area to consider:</p>	<p><i>The subject site is relatively compatible with present land use patterns in the area. It is primarily surrounded by large parcels that are used for grazing or are undeveloped shrub steppe.</i></p>

<ul style="list-style-type: none"> a. Surrounding parcel sizes and surrounding uses; b. Subdivision or zoning for urban or small lots; <ul style="list-style-type: none"> i. Designated mineral lands should not be located adjacent to any zoning district boundary that has a minimum lot size greater than 1 dwelling units per 5 acres, where doing so would create a non-conforming setback distance. ii. Designated mineral resource lands should not be located in any zoning district that has a minimum lot size of 1 dwelling unit per 5 acres. c. Sites located in or adjacent to UGA boundaries; <ul style="list-style-type: none"> i. Mineral resource lands should not be designated in existing Urban Growth Areas. d. Proximity to essential public facilities (i.e. dams, bridges, etc.); e. Sites located within inconsistent zoning districts; f. Sites located within publicly owned lands; g. Sites located within other natural resource designated areas. 	<p>--61% of the site's boundary adjoins three undeveloped shrub steppe parcels owned by state agencies that average 462 acres in size. Grazing leases may exist on these parcels.</p> <p>--33% of the site's boundary adjoins five undeveloped shrub steppe parcels owned by the applicants that average 39 acres in size.</p> <p>--The remaining 6% of the site's boundary adjoins Naches-Wenas Road, which separates the site from the Naches RV Resort (currently being constructed) that lies north of Naches-Wenas Road. The parcel within the Naches RV Resort that adjoins Naches-Wenas Road, is approximately 13.9 acres, and is comprised of 71 air space condominium camping spaces and their common areas.</p> <p>--No essential public facilities are known to be proximate to the subject site.</p> <p><i>The subject site is also relatively compatible with planned land use patterns in the area:</i></p> <p>--The zoning districts (and future land use designations) adjacent to 94% of the site's boundary are R-10/5 and AG (and RSS and AR), which limit most intensive uses and prohibit lots averaging less than five acres.</p> <p>--The zoning district (and future land use designation) adjacent to the remaining 6% of the site's boundary is R/ELDP (RR/ELDP) on which has been permitted the Naches RV Resort that has "air space sites" for camping that are less than 1 acre.</p> <p>--The site is located three-quarters of a mile and farther from the nearest UGA (Naches).</p>
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<p>The potential site must be able to mitigate impacts on and/or to adjacent existing land uses.</p> <p>Intent Statement – The Growth Management Act specifically addresses the fact that natural resource lands must be protected from encroachment of incompatible land uses. It is also important to take into consideration those areas already characterized by urban or small-lot growth. All care must be taken to lessen all potential mining related impacts using BMP's [Best Management Practices].</p>	<p>--The subject property is zoned R-10/5 and AG, both of which are potentially consistent with the MRO plan designation per YCC Table 19.36-1.</p> <p><i>There are no issues related to being located within publicly owned lands because the subject property is privately owned.</i></p> <p><i>The eastern half of the subject property is located within the Agricultural Resource (AR) designation and the property owners used to grow dryland wheat on portions of the site. The site is not within an irrigation district and farming was discontinued decades ago due to low yields. Given its marginal quality for agriculture, a consideration of maintaining a priority for agriculture over mineral resources does not seem to be at issue.</i></p> <p><i>The compatibility of the site with land use patterns in the area will be maintained by the applicant's proposal that Yakima County's 500-foot resource protection setback² not be applied to adjacent private properties that are not owned by the applicants, and to instead keep the setbacks within the site where adjacent to such areas. This means that the 500-foot resource protection setback would only apply on adjacent lands owned by government entities and by the applicants. The site is large enough that this can be done and still have enough area for mining activities.</i></p>
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² To protect designated mineral resource sites from adjacent uses, YCC 19.18.205(2)(a)(iv) requires a 500-foot setback from property designated MRO of buildings with especially sensitive land uses. In addition, YCC 19.18.310(4)(f) requires the following minimum setbacks for each mining site/operation (i.e., a project requiring a conditional use permit), unless modified as provided in YCC 19.18.310(7):

- (i) *No extraction or removal of aggregate/minerals shall occur within 25 feet of any exterior property line abutting a public or private road.*
- (ii) *Mineral processing and batching, and manufacturing and fabricating plants shall not occur within 500 feet of an existing residence not on the subject property or under the same ownership, or within 25 feet of any exterior property line, unless the adjacent property is also zoned Mining.*
- (iii) *Mineral extraction shall not occur within 200 feet of an existing residence not on the subject property or under the same ownership, or within 25 feet of any exterior property line, unless the adjacent property is also zoned Mining.*

	<p>YCC 19.18.310(7) allows Best Management Practices (BMPs) to be implemented as mitigating measures when reductions of the permitting standards required for mining operations are being considered.</p>
5. <u>Proximity to Existing and Planned Market Areas:</u> The site must be located within an economically feasible radius from existing and planned market areas. Intent Statement – It is very important that Yakima County maintain a sufficient amount of designated mineral resource sites close to existing and planned market areas to ensure low cost and available supplies of construction aggregate.	<p><i>The application states that the site is located within 15-20 minutes of the likely end users. It has the ability to become a source for clean soils and a long-term source for sands and gravels and can be productive for many years.</i></p> <p><i>Yakima County currently has designated more than a 50-year supply of Mineral Resource lands close to existing and planned market areas. Horizon 2040 establishes the 50-year time frame as the minimum planning horizon and does not limit the designation of additional lands that exceed this minimum.</i></p>

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Staff Findings: The proposed site meets the mineral resource areas mapping criteria, based on information known by the Planning Division and provided by the applicants. However, the concerns about the suitability of the roads that provide access to and from the site should receive further consideration during the public and agency comment periods.

8 (c) The map amendment or site is suitable for the proposed designation and there is a lack
9 of appropriately designated alternative sites within the vicinity;

10
11 *Staff Findings:* The subject site's relative isolation and existing limited purpose landfill
12 operations make it suitable for the proposed designation of the overlay. The nearest active
13 mines are approximately 10 miles away and farther.

14 (d) For a map amendment, substantial evidence or a special study has been furnished that
15 compels a finding that the proposed designation is more consistent with comprehensive
16 plan policies than the current designation;

17
18 *Staff Findings:* This criterion doesn't literally apply to MRO designations because the MRO
19 would overlay—rather than replace—the current designations. A more appropriate
20 interpretation of this criterion would ask if the MRO and the future mineral resource
21 operations that would be enabled by the MRO designation are consistent with the
22 comprehensive plan policies.

23
24 The relative isolation of the site and the future limited purpose land fill operations
25 described in the application are consistent with the comprehensive plan, subject to further
26 consideration that the roads providing access to and from the site "can be adequately

provided in an efficient and timely manner to serve the proposed designation" per approval criterion (f) below.

(e) To change a resource designation, the map amendment must be found to do one of the following:

- (i) Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies; or
- (ii) Better implement applicable comprehensive plan policies than the current map designation; or
- (iii) Correct an obvious mapping error; or
- (iv) Address an identified deficiency in the plan. In the case of Resource Lands, the applicable de-designation criteria in the mapping criteria portion of the Land Use Element of the Yakima County Comprehensive Plan – *Horizon 2040* shall be followed. If the result of the analysis shows that the applicable de-designation criteria has been met, then it will be considered conclusive evidence that one of the four criteria in paragraph (e) has been met. The de-designation criteria are not intended for and shall not be applicable when resource lands are proposed for redesignation to another Economic Resource land use designation;

Staff Findings: Adding the MRO to this site meets the criterion in (e)(i) above in that it responds to a substantial change in conditions beyond the property owner's control, as follows: (1) The change in the policies of municipal landfills around the state constitutes a change in conditions. Municipal landfills are accepting less demolition wastes, which is causing an increase in such wastes being disposed of at the subject site. This change is resulting in the need for more cells to be excavated at the site, which in turn is creating the opportunity to produce mineral resources of commercial quantity and quality, including clean topsoil. (2) In 2021 Ecology initiated additional measures, in accordance with the Model Toxics Control Act (MTCA), requiring property owners to mitigate the lead and arsenic in their soils concurrently with the development of their sites. Some of the mitigation methods require capping contaminated areas with clean topsoil, which will increase the demand for this commodity. The subject site could help meet this additional demand for clean topsoil.

Adding the MRO to this site meets the criterion in (e)(ii) above, because the MRO and mining is appropriate at this location as discussed in the previous section that reviews the mapping criteria.

Regarding (e)(iii) and (e)(iv) above, no obvious mapping error or plan deficiency have been identified.

(f) A full range of necessary public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools;

Staff Findings: The only public facilities and services to be provided for this proposed MRO designation are for access roads and fire protection. Any necessary water and sewage facilities will be provided by privately-owned well and septic systems rather than public facilities. No public storm drainage facilities are necessary, as the county's strategy for

1 controlling storm drainage relies on privately-owned on-site retention facilities. Public
2 schools are not needed to serve the proposed MRO.

3
4 Paved roads are available at the site, although the applicants submitted several comments
5 from the public received during consideration of the 2020 application asserting the
6 inadequacy of the access roads between SR 12 and the grade. Yakima County and the
7 Town of Naches are the providers of different sections of this public road facility. Fire
8 protection will be provided by Fire District #3, as the entire site lies within its district. Prior
9 to the Planning Commission's deliberations in this matter, comments from the County
10 Roads Division, the Town of Naches, and Fire District #3 will be solicited for the Planning
11 Commission's consideration of this approval criterion.

12

13 (g) The proposed policy plan map amendment will not prematurely cause the need for nor
14 increase the pressure for additional policy plan map amendments in the surrounding
15 area.

16

17 *Staff Findings:* No evidence has been identified to indicate that the amendment is likely to
18 cause a premature need for, nor increase the pressure for, additional policy plan map
19 amendments in the surrounding area.

20

21 (2) The following criteria shall be considered in any review and approval of changes to Urban
22 Growth Area (UGA) boundaries:

23

24 *Staff Findings:* NOT APPLICABLE. The subject application is not changing a UGA boundary.

25

26 (3) Land added to or removed from Urban Growth Areas shall be given appropriate policy plan
27 map designation and zoning by Yakima County, consistent with adopted comprehensive
28 plan(s).

29

30 *Staff Findings:* NOT APPLICABLE. The subject application is not adding or removing land from
31 a UGA.

32

33 (4) Cumulative impacts of all plan amendments, including those approved since the original
34 adoption of the plan, shall be considered in the evaluation of proposed plan amendments.

35

36 *Staff Findings:* The cumulative impacts will be addressed as part of the overall process for the
37 2022 Biennial Comprehensive Plan Amendments.

38

39 (5) Plan policy and other text amendments including capital facilities plans must be consistent
40 with the GMA [Growth Management Act], SMA [Shoreline Management Act], CWPP
41 [Countywide Planning Policy], other comprehensive plan goals and policies, and, where
42 applicable, city comprehensive plans and adopted inter-local agreements.

43

44 *Staff Findings:* NOT APPLICABLE. The subject application is not a plan policy or other text
45 amendment.

46

47 (6) Prior to forwarding a proposed development regulation text amendment to the Planning
48 Commission for its docketing consideration, the Administrative Official must make a

1 determination that the proposed amendment is consistent with the GMA, CWPP, other
2 comprehensive plan goals and policies, and, where applicable, city comprehensive plans
3 and adopted inter-local agreements.

5 *Staff Findings:* NOT APPLICABLE. The subject application is not a development regulation text
6 amendment.

8 *Staff Conclusion concerning section F. CRITERIA TO BE CONSIDERED DURING REVIEW & APPROVAL OF*
9 *PLAN MAP AMENDMENTS:* The subject application to add the MRO to the site generally meets the
10 approval criteria outlined in YCC 16B.10.095 as discussed above in this staff report, subject to
11 considering the additional information to be provided by the public and agencies concerning adequacy
12 of the access roads and fire protection.

14 G. Allowable Uses

16 Attachment B compares the levels of review for various possible mining-related land uses at the
17 subject site, with and without the MRO.

19 *Staff Conclusion:* Adding the requested MRO to the site will:

- 20 1. *Maintain the prohibition on the following uses: (a) chemical washing, blending, or extraction*
21 *of precious or semi-precious minerals, (b) manufacture, fabrication and sale of concrete,*
22 *asphalt, and mineral products, and (c) long-term mineral batching.*
- 23 2. *Change temporary mineral batching from a Type 3 use to a Type 2 use.*
- 24 3. *Change long-term mineral processing, mining site/operation from prohibited to Type 2 uses.*
- 25 4. *Change temporary mineral processing, mining site/operation from a Type 3 use to a Type 2*
26 *use.*
- 27 5. *Change stockpiling or storage of recycled asphalt or concrete (when accessory to an approved*
28 *mining site/operation) from prohibited to a Type 2 use.*

30 H. Discussion of Environmental Analysis (SEPA)

32 Yakima County conducted environmental review (SEP2020-00004) on the previous application
33 submitted in 2020, which concluded with the issuance of a Determination of Nonsignificance. Because
34 the 2020 application also proposed adding the MRO to the site, no new environmental review is
35 required to be conducted for the current application.

37 I. CONCLUSIONS

- 39 1. The proposal to add the MRO to the 744-acre site generally meets the criteria for review and
40 approval established by YCC 16B.10.095(1) for amendments to Yakima County Comprehensive
41 Plan Policy Plan Maps, subject to comments from the public and agencies during the public review
42 process.
- 44 2. Additional information concerning the adequacy of the access roads and fire protection should
45 be considered prior to making a decision on the subject application.

1 3. Cumulative impacts of all plan amendments, including those approved since the original adoption
2 of the plan, should be considered prior to making a decision on the subject application.

3
4 4. The probable environmental impacts of approving the application have already been assessed
5 under SEP2020-00004 and no further SEPA review is required.

6

7 **J. YAKIMA COUNTY PLANNING STAFF RECOMMENDATION**

8

9 Subject to additional comments and information to be received through the public comment periods
10 and at the planning commission's public hearing, the Yakima County Planning Division recommends
11 **Approval** of the ***Horizon 2040*** map amendment as proposed by the applicants to add the Mineral
12 Resource Overlay (MRO) to the 744-acre site and to not apply the 500-foot resource protection
13 setback on adjacent private properties that are not owned by the applicants.

14

15 **K. YAKIMA COUNTY PLANNING COMMISSION RECOMMENDATION**

16

17 The Yakima County Planning Commission will make a recommendation to the Board of Yakima County
18 Commissioners.

19

20 ###

21

22 **Attachments:**

23

24 Attachment A – ***Horizon 2040's*** Goals and Policies concerning Mineral Resource Areas.

25 Attachment B – Comparison of the Levels of Review with and without the MRO (for mining-related
26 land uses).

Horizon 2040

Land Use Element

MINERAL RESOURCE AREAS:

PURPOSE STATEMENT LU-ER-MR 1

High-quality rock, gravels and sands are essential for new development and roads. The County contains a number of these mineral sites, and under state law new sites must be identified for future use. The following goal, objectives and policies provide a framework for the County to designate sufficient existing and future mineral sites to ensure a fifty-year supply of sands, gravels and rock; and, to provide processes for reviewing, approving and conditioning specific surface mining proposals. This is accomplished through a three step process: 1) citizens, public and industry interests will collaborate on developing and evaluating inventories of mineral resource sites; 2) viable sites for Plan map category will be selected from the inventories to ensure a fifty-year source of materials; and, 3) at least ten years' supply of various types of materials of Mineral Resource zoned sources will be selected from the plan designated sources. Mining, processing and reclamation activities within zones sites would be governed by operational and performance standards of the district and other state/federal agency conditions.

GOAL LU-ER-MR 1: Identify and protect long term supplies of commercial aggregate and other mineral resources for economic development.	
POLICIES:	
LU-ER-MR 1.1	Designate sufficient mineral resource lands of long-term significance to ensure a fifty-year supply of aggregates, sand, gravels and rock based on the mineral resource designation mapping criteria located in the Land Use Element of Horizon 2040 .
LU-ER-MR 1.2	A Mineral Resource Task Force comprised of citizens, mining industry, Yakama Nation, state agency and County representatives may be established to develop inventories of commercially viable sites at each update. Evaluate mineral resource inventories to determine adequacy for near-term (1-10 year), mid-term (10-20 year) and long-term (20-50 year) mineral resource needs and make appropriate recommendations regarding policies, designations and mapping criteria related to mineral resources.
LU-ER-MR 1.3	Maintain at least a ten-year supply of zoned Mineral Resources.
LU-ER-MR 1.4	Develop, adopt and refine performance, operational and environmental standards for the extraction and processing of mineral resource sites, in consultation with state/federal agencies with expertise, mining interests and the public.
LU-ER-MR 1.5	Consider map amendment designation and rezoning of appropriate high priority parcel(s) to the Mineral Resource Overlay and Mining Zoning District at each plan update or as otherwise permitted.
LU-ER-MR 1.6	Encourage rezoning of other designated sites listed within the inventories at landowner/operator request to maintain the minimum ten-year supply of available, zoned resources. Allow landowners to apply for the Mineral Resource Overlay designation during the annual comprehensive plan update cycle.

LU-ER-MR 1.7	Promote compatible interim land uses for parcels designated for future commercial surface mining.
LU-ER-MR 1.8	Permit the extraction of mineral resources as an accessory use prior to construction or development of, when consistent with the conditions of the approved use.
LU-ER-MR 1.9	Promote mining uses within other natural resource "designated" areas provided they are compatible with uses of the underlying zoning district.
LU-ER-MR 1.10	Permit temporary (less than 18 months) mining and processing for purposes other than developing a commercial mineral resource site when operated according to adopted performance standards. "Temporary" surface mining projects anticipated to be in operation for more than 18 months must simultaneously apply for a rezone to Mining Zone.
LU-ER-MR 1.11	Permit stockpiling, maintenance yards, and borrow sites for nearby construction sites subject to performance standards based on the size and scale of the proposed project.

PURPOSE STATEMENT LU-ER-MR 2

Although mineral extraction is essential for new development and roads, developing new surface mines is controversial. The truck traffic, the potential for air and water contamination, and impact on adjacent land values caused by mines do not make them attractive neighbors. The following goal and policies are intended to protect both mineral sites for future extraction and neighboring landowners who may be affected by surface mining.

GOAL LU-ER-MR 2:	Recognize that minerals are nonrenewable and a necessary resource that must be protected from incompatible adjacent development.
POLICIES:	
LU-ER-MR 2.1	Review adjacent or nearby land use actions for impacts they may have on mineral resources.
LU-ER-MR 2.2	Protect designated mineral resource sites from incompatible uses within the designated and zoned sites or on surrounding lands that would prevent or seriously hinder resource extraction through Mining Zoning district buffering requirements, setbacks and other performance standards; and, through property transfer notification procedures and special setbacks on adjacent lands for residential and other especially sensitive uses.
LU-ER-MR 2.3	Establish and implement notification procedures to ensure that property owners adjacent to or nearby designated parcels are given constructive notice of existing or potential future surface mining activities.

PURPOSE STATEMENT LU-ER-MR 3

*Under state law, all **Horizon 2040** elements are required to be internally consistent. The following goal and the related policies meet this objective by establishing protective measures for mines and surrounding areas.*

Horizon 2040
Land Use Element

GOAL LU-ER-MR 3: Ensure that mineral resource site utilization is consistent with other Horizon 2040 goals and recognize that mining is an interim land use.	
POLICIES:	
LU-ER-MR 3.1	Review all candidate sites for Mineral Resource Overlay designation and Mining Zoning district consistent with Yakima County Comprehensive Plan - Horizon 2040 , and potential convertibility to other uses.
LU-ER-MR 3.2	Require new or expanded mineral resource operations to minimize negative effects of mineral-related activities on affected uses within the notification area. Utilize and rely upon the authority and expertise of state and federal permitting agencies in developing, implementing and enforcing permit conditions.
LU-ER-MR 3.3	Encourage the use of mining to achieve other Horizon 2040 goals, such as wetlands protection/enhancement, storm water retention, and water quality protection.
LU-ER-MR 3.4	Require applications for expansion of existing mineral resource extraction operations to identify reclamation consistent with Yakima County Comprehensive Plan - Horizon 2040 .
LU-ER-MR 3.5	Encourage that all mineral sites be reclaimed for future use in accordance with Horizon 2040 goals. Promote innovative, adaptive re-use or reclamation planning.
LU-ER-MR 3.6	Require, where appropriate, phased, simultaneous reclamation of sites that are near or contain land uses and environmental features that cannot be effectively buffered for visual and physical impacts.

[...]

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**Attachment B - Comparison of the Levels of Review with and without the MRO
(for mining-related land uses)**

Source: YCC Table 19.14-1 (Allowable Land Uses):

	AG	R-10/5	AG With MRO	R-10/5 With MRO
MINING/REFINING/OFFSITE HAZARDOUS WASTE TREATMENT				
Chemical washing, blending, or extraction of precious or semi-precious minerals				
Manufacture, fabrication and sale of concrete, asphalt, and mineral products				
Mineral batching* (Long-term)				
Mineral batching* (Temporary)	3	3	2	2
Mineral processing*, mining site/operation* (Long-term)			2	2
Mineral processing*, mining site/operation* (Temporary)	3	3	2	2
Recycled asphalt or concrete, stockpiling or storage of, (when accessory to an approved mining site/operation)			2	2

*Definitions (from YCC 19.01.070 Definitions):

Mineral batching	"Mineral batching" includes the batching of sand and gravel or rock into asphalt or cement concrete.
Mineral processing	"Mineral processing" means the crushing, non-chemical washing (including sedimentation ponds), screening, sorting, stockpiling and blending of rock, sand, gravel and other earth, natural materials and/or precious metals. Processing does not include batching of sand and gravel or rock into asphaltic or Portland cement concrete products, the manufacturing of products such as concrete pipe, bricks, concrete forms and the like or the chemical blending or extraction of precious or semi-precious minerals.
Mineral resources	"Mineral resources" means rock, gravel, sand and metallic and non-metallic substances of commercial value.
Mining	"Mining" means all or any part of, the process involved in quarrying, mineral extraction, crushing, asphalt mixing plants, concrete batch plants, or other uses of a similar nature, but does not include petroleum or natural gas exploration or production.
Mining site/operation	"Mining site/operation" means a tract of land and the operations necessary to excavate, process, stockpile, or remove materials such as sand, gravel, aggregate, rock or other mineral resources. The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this Title, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g. residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if: processing of the material does not occur on the property; the activity is completed quickly, does not occur over an extended period of time, and on-site stockpiles are fully depleted; and a mining permit is not required from the Department of Natural Resources.

G:\Long Range\Projects\Plan Amendments\2021 Plan Amendments\LRN2021-00005_SEP2020-00004_Strutner Caton (McHenry)_Add MRO Map Amendment\LRN21-05_Caton+Strutner_Add-MRO_10-19-22_PC-hearing-Staff-Report_FINAL.docx