

Narrative

Site Specific

The proposed plan amendment is to change the plan designation and zoning of a portion of the subject property from Rural Settlement to Rural Self Sufficient and to rezone the property from Rural Settlement (RS) to Rural 10/5 (R 10/5). The purpose of the request is to bring an existing split zoned / split designated parcel of land into a single designation. A portion of the property has the requested Rural 10/5 zoning and Rural Self-Sufficient plan designation so the request is for only part of the site and is to bring it to a single consistent designation.

The change of circumstances the application is based on is the adoption in 2013 of YCC 19.34.020(5)(i)&(j) by Yakima County. This regulation prohibits boundary line adjustments from reconfiguring parcels in a way that creates a “split-zoned” lot (YCC 19.34.205(i)), meaning a parcel of land in more than one zoning district. YCC 19.34.020(5)(j) requires a boundary line adjustment to correct split zoned or designated lots with two or more zoning designations. The property that is the subject of this application is split-zoned and split-designated, partially zoned Rural Settlement and Rural 10/5 and partially comprehensive plan designated Rural Settlement and Rural Self Sufficient, respectively. Based on the current regulation, the property cannot be reconfigured by boundary line adjustment given the configuration of its existing zoning and plan designation. This application for plan amendment and major rezone is in fact an attempt to meet the requirement of YCC 19.34.020(5)(j) for future boundary line adjustment of the property. Moreover, an existing building, a controlled atmosphere (CA) warehouse, is constructed across the property in a manner that prevents the property lines from simply being configured in a way that conforms to the existing zoning boundary.

It is the proponent’s belief that the County will not permit any subdivision of the property that does not conform to the existing zoning boundary and that future development applications may be jeopardized by the split zoning, even though current regulations only require boundary line adjustments to correct split zoning. In general, the proponent wants to avoid uncertainty and future conflicts by bringing the entire property under a single zoning classification based on its existing and proposed use for agricultural related industry.

The split zoning was caused by a merger of two parcels comprising the existing property in 2008. Following this, the existing CA warehouse was constructed in a manner that crosses the zoning boundary. While these actions were performed by the proponent, they were done legally under regulations in existence at the time. The change in circumstances is the adoption of the 2013 development regulations that created the current non-conforming situation.

Existing and historic land use: The property that is the subject of this application has been used for controlled atmosphere and cold storage since 1986. The configuration of the property as shown on a 1992 aerial photograph conforms to the current zoning boundary and likely explains how it was established. The first major modification of the property since that time was the construction of the existing controlled atmosphere warehouse in 2008 following merger of the part of the property now zoned Rural Settlement with the property now zoned R 10/5 in the same year. The property is currently being used as an integrated agricultural storage facility including bin storage. The property is now occupied by a 1,230 sq ft security shed, the original 14,278 sq ft

building, now a cold storage warehouse and the 698,225 sq ft controlled atmosphere storage facility. Also, a water storage tank for fire protection.

Soil types: National Resource Conservation Service soil classifications of the site are Weirman fine sandy loam and Weirman gravelly fine sandy loam, neither of which are designated prime farmland. The currently plan designated and zoned Rural Settlement part of the property is mostly in the mapped Weirman gravelly fine sandy loam soil area while the Rural Self-Sufficient designated part of the property is mostly Weirman fine sandy loam. Both properties include portions of both mapped soil coverage areas.

Current sewage disposal and water supply: The property has an existing well used for fire protection and domestic use and an on-site sewage disposal system. The property has certificated water rights for industrial and fire suppression use.

Suitability of the site as resource lands: The site is not designated resource lands of long-term commercial significance.

Known cultural, archaeological or historic resources: A cultural resource study performed by RLR, Cultural Resources Archaeology & Historic Preservation on November 16, 2023 found no evidence of Indian or historic use within the studied area.

Previous land use permit activity: Based on on-line County records, permit applications that have been made on the property include a short plat exemption in 1984, application for Special Property Use permit in 1995, subdivision in 1999, conditional use permit for a communication tower in 2003 and application for a controlled atmosphere warehouse facility in 2008. The latter application is for the CA warehouse existing on the site that is partially within the Rural Settlement and Rural 10/5 zoning districts. One of the earlier permit applications may have been made for the warehouse that was existing on the site since before 1990. As stated previously, the two parcels that were existing when the current plan designations were adopted were merged into a single parcel in 2008.

Availability of public facilities and utilities: The site has frontage on paved County roads, it is within the Gleed Fire District and within five miles of a fire station. Electric power and telephone are available. Domestic water and sewage disposal is provided by on-site systems.

Criteria considered in review and approval of Policy Plan Map amendments

- a. The proposed amendment is consistent with the Growth Management Act and requirements, the Yakima County Comprehensive Plan – Horizon 2040, applicable City comprehensive plans, applicable capital facilities plans and official population growth forecasts and allocations:**

As shown in this narrative, the site conforms more to the mapping criteria from the Comprehensive Plan for the Rural Self-Sufficient plan designation than it does for its present Rural Settlement designation. The amendment brings the entire property into the single designation of Rural Self Sufficient and is the same designation as adjacent properties to the

north and east. Through the adoption of comprehensive plan policies and implementing development regulations, the County has established the level of development that is acceptable in RSS designated areas in order to meet Growth Management Act objectives of controlling sprawl, encouraging efficient residential development and encouraging it to occur in urban areas. Rural designated lands are limited to decreasing allowable densities based on the availability of hard-surfaced roads and fire protection service, the severity of slopes and other critical areas. The designation of rural areas was not based on an analysis of expected population growth, but was applied to areas that were not otherwise resource or urban lands, with the decreasing allowable density standards used to control growth within them.

Since the existing and future intended use of the site is not residential, the proposed plan designation and zoning change has no effect on the number of dwelling units that could be provided in the planning period up to 2040. The current use of the site for ag related industry also makes it unsuitable for residential development (with the possible exception of a caretaker dwelling). But assuming that this property were available for residential use, the proposed plan amendment would reduce the number of dwelling units that could be permitted from a maximum of 20 to a total of 1 dwelling unit. Twenty dwelling units would only be possible with the availability of both municipal level water and sewer service, without either the maximum number of dwelling units would be 5. All of these calculations are based on just the part of the property that is currently designated and zoned Rural Settlement since the level of development of the RSS part of the property would not change. The 100-year floodplain partially covering the RS part of the property is a constraint that would likely reduce the possible maximum number of dwelling units, but the number of this reduction has not been calculated.

Planning goals from the Growth Management Act (RCW 36.70A.020) and the relationship that this application has to them include:

Reduce Sprawl – Reduce the inappropriate conversion of undeveloped land into sprawling low-density development.

Presuming that the property would be developed for residential purposes, which is not intended, the proposed plan amendment would reduce the potential number of residential units. With respect to permitted non-residential development, it will have no effect since the proposed land uses are allowed equally by both existing and proposed zoning and land use categories.

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.

Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

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.

The proposed amendment is consistent with the above three goals since the current split zoning is an obstacle to the use and further development of this property for otherwise permitted resource based agricultural industry.

Yakima County Comprehensive Plan – Horizon 2040

The following goals and policies are applicable. The request is consistent with them unless stated otherwise in italicized text:

Goal ED 1: Promote economic growth while maintaining environmental quality.

Policy ED 1.1: Coordinate economic development with environmental, resource and other comprehensive plan policies and measures to maximize the community's overall quality of life.

GOAL ED 2: Encourage economic growth within the capacity of the region's public services and public facilities

Policy ED 2.4 Through planning, zoning and infrastructure investments, encourage commercial and industrial development to locate in concentrations to promote the most efficient use of land, utilities, and transportation facilities in the concentrated area

GOAL ED 3: Ensure an adequate supply of commercial and industrial sites to provide opportunity for new and expanding firms wishing to locate or remain in Yakima County.

Policy ED 3.13 Continue to allow agriculturally-related industries, such as cold storage plants, controlled atmosphere, produce packing facilities, processing facilities, and wineries and their accessory uses such as tasting and sales rooms, to locate in appropriate rural or agricultural resource areas, with appropriate siting and environmental considerations.

Goal ED 4: Preserve and enhance the County's resource-based economy.

Policy ED 4.1 Encourage resource-based industries which are consistent with resource lands goals and policies

GOAL ED 8: Coordinate economic development efforts so that a clear and consistent economic policy is followed.

Policy ED 8.2 Ensure that County policies, regulations, and decision-making processes consider impacts on economic development

Goal LU-R 1: Maintain the Rural character of the County.

Policy LU-R 1.1: Ensure that only rural densities and uses are permitted.

GOAL LU-R 10: Provide areas where an independent, private lifestyle can be sustained.

Policy LU-R 10.1 Low density residential development, establishments that provide services to the local area, and rural home occupations should be allowed in the Self Sufficient areas.

Policy LU-R 10.2 Establish lot sizes which will make feasible individual wells and septic systems on each parcel, without unduly affecting nearby wells and septic systems. This lot size may vary depending on water availability and soil suitability for septic systems in each area

Goal CF 4: Ensure that capital facilities necessary for development are available and adequate to serve the development, based on the County's adopted minimum level of service standards.

Applicable City Comprehensive Plans

None applicable.

Applicable Capital Facilities Plans

No identified effect on the Capital Facilities element of the Yakima County Comprehensive Plan, and no other capital facilities plans are known to be affected. Access is from existing hard-surfaced County roads, new and existing development would use individual on-site water and sewer systems.

Other capital facilities and public services such as parks and solid waste collection would be affected minimally given the type of land use and small number of workers involved.

b. The site is more consistent with the criteria for the proposed map designation than it is with the criteria for the existing map designation.

In general, the site is more consistent with the mapping criteria for Rural Self Sufficient than it is for Rural Settlement as will be described. The magnitude of this consistency varies depending on whether just the part of the split zoned site being changed is being considered or if the site is being evaluated as a whole. The latter should be what is considered because the existing CA warehouse that covers both zoning and plan designations renders this a single integrated site. The warehouse is existing, not easily removed and requiring its removal would be unreasonable. There is no way the property can be configured that would separate the two parts legally. Only considering the suitability of both areas separately would ignore the existing reality.

Evaluated with the two parts of the site considered separately, the western existing RS zoned property meets all three of the initial designation criteria for Rural Settlement LAMIRDs in the comprehensive plan:

The area was characterized by existing more intensive non-residential development as of July 1, 1990. That part of the property was improved with what was then a three-room controlled atmosphere storage warehouse and the remainder of the area was similarly being used for this purpose.

The property was not then, nor is it now designated an urban growth area or resource lands.

The property was not then, nor is it now adjacent to an urban growth area or another LAMIRD area.

Taken together, both parts of the site would have to be evaluated based on the existing development for ag related industry. Except for the part of the site that is now zoned and designated Rural Settlement, this intensive non-residential use was not in existence as of July 1, 1990. At that time, the eastern part of the property was clearly in non-intensive rural, if not agricultural use. Therefore, when taken as a whole, the property fails to meet the first of the three designation criteria for Rural Settlement. The other two criteria already considered are met for both the eastern and western parts of the property since none of the site is in or adjacent to an urban growth area, designated resource lands or adjacent to another LAMIRD.

The next set of criteria for Rural Settlement, referred to as “Additional Designation Criteria” are equally met or not met whether the split designated parts of the site are considered separately.

The area, not necessarily referring to this site specifically, but rather, the existing Rural Settlement of Gleed, has historically served as a hub of public and commercial services for the surrounding rural areas and the existing residential parts of the community were more intensively developed than surrounding areas in 1990. So, both of these criteria are met.

None of the site is subject to critical areas constraints that result in substantial development restrictions. The only critical area on the site is a 100-year floodplain. Since development can occur within this area subject to the requirements of flood hazard regulations and it is possible to avoid development of this area of the site altogether, the development restrictions would not be considered substantial, so this criterion is met.

The area has few environmental constraints on water and sewer/septic based on availability of utilities, water supply of sufficient quality and quantity and soils appropriate for septic and drainfield systems. The characteristics of this site are mixed with regard to this criterion but in general it should be considered to have been met based on:

1. The minimal needs for these systems given the type of existing and proposed future development and the existing water and on-site sewage disposal systems now available on the site. Also, the general lack of public water and sewage disposal systems in the community of Gleed.
2. The NRCS rates the suitability of the Weirman soils of the site for septic tank absorption fields as Severe. However, this does not necessarily prevent them from being constructed, with the characteristics potentially limiting the type of system developed, the size of the site needed and the number of persons that may be accommodated. Evidence for this includes the existing domestic water and sewage disposal on the site and existing systems being developed in other locations within these soil types and the fact that parts of the existing Rural Settlement of Gleed lie within these soil types.

Public services are available to serve potential infill, such as adequate potable water and fire protection, transportation facilities, sewage disposal and stormwater control. While development of this site would not be infill, so this criterion may not really be applicable, all of these services are available to the site or can be provided. Potable water, sewage disposal and stormwater control may be provided by individual, not “public” systems but should be possible. Based on these, consistency with this criterion is mixed, assuming that it is applicable at all.

Since there is no adopted local sub-area plan, the criterion for the area being planned for more intensive development does not apply.

Taken as a whole, the site does not meet most of the criteria in the plan for the Rural Settlement designation under the heading “Outer Boundary Criteria”. The part of the property that is now designated Rural Settlement does meet these criteria, but since the alternative to designating the entire property Rural Self Sufficient as proposed would be designating the entire property Rural Settlement, it should be considered for the purposes of this application, that these criteria are not met.

The part of the property that is now designated Rural Self Sufficient was not intensively developed on July 1, 1990.

Including the area now designated Rural Self Sufficient does not help preserve the character of an existing built neighborhood, or one in existence in 1990.

Including the area now designated Rural Self Sufficient does not allow the outer boundary to logically follow a physical boundary such as bodies of water, streets and highways, or land forms and contours.

Including the area now designated Rural Self Sufficient does not prevent the outer boundary from being abnormally irregular. It may in fact, have the opposite effect.

Including the area now designated Rural Self Sufficient would have no effect on the efficient provision of public facilities and services.

Including the area now designated Rural Self Sufficient would not create a new pattern of low-density sprawl, so this one criterion would be met. This is primarily because the existing and proposed land uses are permitted in both parts of the property as the property is now designated or regardless of whether it is all designated Rural Settlement or Rural Self Sufficient. If the property were not being used for non-residential and were developed for residential use, it would potentially increase the area of low-density residential use, but given the size of the site compared to the overall size of the Gleed Rural Settlement to consider this to be “sprawl” would be a bit of a stretch.

The property meets the mapping criteria for Rural Self-Sufficient as follows:

1. None of the property, including the part now designated Rural Self Sufficient, qualifies as resource land of long-term commercial significance. It is not being assessed as agricultural land, forest land or open space.
2. It is outside of established urban growth areas. While the portion proposed for amendment is in a Rural Settlement, that is the purpose of this application to change, so this criterion should not be considered a controlling factor.
3. None of the development constraints specified in the mapping criteria for Rural/ELDP are present. While there is one critical area, a mapped 100-year floodplain, it is not predominant on the site.
4. Soils are generally suitable for on-site potable water supply and septic systems. The existing well and on-site sewage disposal system on the site demonstrates that these services can be provided. Severe limitations for drainfields as described by the NRCS Soil Survey are characteristics that can be overcome by design. Their impact is in terms of cost and they may require larger sites than would locations with more suitable soil characteristics. This is consistent with the low density prescribed by the RSS designation.
5. The site is located in Yakima County Fire District 6. The nearest fire station is adjacent to the site about 60 feet away from the property line at the closest point.
6. Direct access to the property is from North Gleed and East Gleed Roads, both hard-surfaced County roads. State Highway 12 is about $\frac{1}{4}$ mile from the site and can be accessed via the two County roads, just named, and Mapleway and McCormick Roads, all are hard-surfaced County roads.

To summarize, the property, taken as a whole, not considered separately by its split designations, does not meet the Rural Settlement designation criteria of being characterized by more intensive development in 1990 and designating the entire site Rural Settlement would not meet most of the Outer Boundary criteria for Rural Settlement. Taken separately, the existing Rural Settlement designated part of the property meets all of the Rural Settlement criteria. One possible exception is that due to a lack of public utilities available to the site, it better meets the Rural Self-Sufficient criteria for providing domestic water and sewage disposal than it meets the corresponding criteria of the Rural Settlement land use designation. However, it still meets all of the criteria because on-site systems aren't precluded by the Rural Settlement criteria.

The property taken as a whole or considered separately by its split designations meet all of the criteria for Rural Self Sufficient. The only possible exception, the existing Rural Settlement designation, should not count given that the intent of this application to change that and because the existing use of this part of the site is also permitted under the proposed land use designation and zoning. Based on these findings, the site is more consistent with the criteria for the proposed map designation than it is with the criteria for the existing map designation.

c. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity.

Primary evidence for the site being suitable for the proposed designation is that the existing and proposed land uses are now permitted in both land use designations and the only constraint currently preventing continuing use of the property as desired by the proponent is the split zoning being considered non-conforming with the current development code. Other factors supporting suitability of the site is the fact that it is now partially designated as proposed. This amendment merely adjusts the boundary between the two land use designations. Finally, resolving the current situation of an existing viable commercial building straddling separate land use and zoning classification increases the suitability of the site for either of the existing land use designations.

There are no appropriately designated sites in the vicinity or anywhere that will resolve the split zoning and split land use designation that exists on this site. This can only take place here.

d. Substantial evidence or a special study has been furnished that compels a finding that the proposed designation is more consistent with comprehensive plan policies than the current designation.

Evidence being provided that the proposed designation is more consistent with comprehensive plan policies than the current designation consists of the following:

1. The existing and proposed use of the site is equally permitted under both existing and proposed land use and zoning classifications and the proposed land use and zoning classification is already applied to part of the development site.
2. The part of the site that is currently not designated Rural Settlement is not suitable for the Rural Settlement designation because it was not developed for urban level use in 1990.
3. The part of the site that is now designated Rural Settlement is more suitable for Rural Self Sufficient considering that with the existing warehouse effectively including both parts of the property as a single development site, the Rural Self-Sufficient part of the property does not meet all of the Rural Settlement mapping criteria but the Rural Settlement part of the property does meet all of the Rural Self-Sufficient mapping criteria.
4. Since the entire site lacks public sewer or water service, but on-site systems are available, the Rural Settlement part of the site is more consistent with the Rural Self Sufficient classification in this respect than it is the Rural Settlement classification.

e. To change a resource designation, the future land use map amendment must be found to do one of the following:

A resource designation is not being changed by this proposed amendment.

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.

A full range of all of these public facilities and services are already provided to the site and can be expanded as necessary for future development. These facilities and services include water, both domestic and for fire protection, sewage disposal and storm drainage. All are on-site services and are as appropriate for the Self-Sufficient plan designation with its emphasis on on-site systems rather than increasing demand for public utilities and service providers. Other services include fire protection, available, literally next door. There is not a significant need for schools.

Further evidence that this requirement is met by the proposed map amendment:

1. Most of the property is currently designated the proposed Rural Self-Sufficient classification. This indicates that the full range of public services appropriate to the designation have already been considered to be provided or available.
2. As already stated, the proposed and existing land uses are equally permitted under both existing and proposed land use designations. This indicates that the availability of services is better addressed by the permitting process rather than plan designation.

g. The proposed future land use map amendment will not prematurely cause the need for nor increase the pressure for additional plan map amendments in the surrounding area.

Since the proposed amendment effectively adjusts the boundary between two existing plan designations and does not create a new designation in this area, there is no reason to believe that it will encourage additional plan amendments. Most adjacent properties to the north and east are already designated with the proposed land use designation and with it effectively being a “down-zone”, there is no expected incentive for adjacent owners with that designation to want to do the same. The purpose of this amendment is to address a technicality that is not likely applicable to any other property in the vicinity and is really a map correction, rather than a change in designation of the type that could influence others to seek similar changes for themselves.