

WRITTEN NARRATIVE #4

- 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 plan and official population growth forecasts and allocations;**

The proposed amendment is consistent with the requirements of the Growth Management Act, the Yakima County Comprehensive Plan – Horizon 2040 and other applicable plans because the subject property qualifies as a Mineral Resource land.

The amendment is consistent with the Growth Management Act goals and policies because it recognizes the rights of property owners by protecting them from arbitrary and discriminatory actions. In this case, the proposed amendment lies adjacent to an existing rock quarry under the same ownership (different subsidiary). This amendment recognizes the property owner's right to request an expansion of the mineral resource overlay district onto property where they own the mineral rights which is not an arbitrary and discriminatory action, thus, promoting property rights.

The amendment further conforms to the Growth Management Act goals and policies because it maintains and enhances aggregate mining, which is a natural resources industry. This particular site is extremely remote which ensures incompatible uses from locating adjacent to one another. Additionally, the site is currently served with all necessary public facilities and services necessary to support the development at the time of use without decreasing the current service levels below locally established minimum standards. In this case, an existing natural resource industry is proposed to expand onto an adjacent property within a rural remote area and does not create a new mining operation at a different location. This helps from a compatibility standpoint because it has been determined that expansion of existing sites is better than establishing a new site at a different location which can lead to incompatibility issues. The proposed site is also served with necessary infrastructure for the proposal without affecting the existing levels of service required by local jurisdictions.

The amendment is consistent with the Yakima County Comprehensive Plan – Horizon 2040 because it meets the mapping criteria for a mineral resource designation and many of the goals and policies of the comprehensive plan associated with the establishment of the mineral resource designation. This statement is further documented in this application as questions about mapping criteria and compliance with the applicable goals and policies are addressed below.

The amendment is also consistent with other parts of the comprehensive plan because it does not affect Urban Growth Areas, neighborhood plans, capital facilities or population growth forecasts.

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:

This is a request to have the Mining Overlay District added to a portion of a piece of property that is currently designated Remote Rural/Extremely Limited Development Potential. This request will not change the current land use designation or zoning but the Mineral Resource Overlay designation will protect the mineral resource located on the property.

This site is consistent with the Mineral Resource Overlay designation because the property contains a large quantity of high quality commercially viable mineral resource. The mineral resource will satisfy the current and future market demand in the upper Yakima Valley, including White Pass and Chinook Pass. The site is located within the DNR identified mineral resource land inventory. The property is located in a rural remote area of large parcels and has direct access to the state highway system (SR 410). The nearest Urban Growth Area is the Town of Naches which is approximately 6 miles east of the site and is close enough to serve but far enough away not to be negatively affected by this proposal.

This proposal is compatible with surrounding zoning districts and is not located in, or adjacent to, any zoning district that has a minimum lot size of 1 dwelling unit per 5 acres. The nearest private property in any given direction (not owned by the applicant or a governmental agency) is a least 1 mile or further away from this proposal which insures compatibility between uses.

This proposal protects the mineral resource located on the property, is located adjacent to an existing Mineral Resource Overlay District and helps provide a sufficient designated mineral resource site close to an existing market area that will ensure low cost and available supplies of aggregate to the upper Yakima County.

Based on the above, the proposed map amendment is consistent with the mapping criteria contained within the comprehensive plan for a Mineral Resource Overlay.

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;

This map amendment is being requested for the future expansion of Horseshoe Bend Quarry which abuts this site on the west. This amendment would permit Horseshoe Bend Quarry to extend its mining operations to the east without interruption into an area with large volumes of high quality mineral aggregates. The proposed site has similar soil characteristics as the Horseshoe Bend Quarry which is a very high quality mineral resource. The rock easily meets high strength standards and is considered some of the highest grade mineral resource in the state. Due to this high quality of mineral resource, the site is suitable for the proposed Mineral resource Overlay District.

Specifically, this site contains large volumes of high-quality, mineral resource deposits that will sustain an operation over a long period of time. The site has direct access to the state highway

system (SR 410), which serves Chinook Pass. State Route 410 connects with SR 12 to the east and can easily serve the communities of Naches, Gleed, Selah and Yakima. State Route 12 also serves White Pass which is also a market area for the existing Horseshoe Bend Quarry.

The site is remote and there are no neighboring residential uses that are affected by this proposal. The nearest residence is approximately 1 mile away which limits adverse environmental impacts to neighboring residents. Surrounding properties (other than Horseshoe Bend Quarry and its owners) are owned by governmental agencies which limits development of incompatible land uses. The existing zoning of those surrounding lands is R/ELDP-40 which is one of the most restrictive zoning districts in the county zoning code. So, under these conditions, the site is compatible with surrounding land uses and suitable for the proposed Mineral Resource Designation.

Currently, there is a lack of appropriately designated mineral resource lands in the immediate area. Since the designation of properties with the Mineral Resource Overlay designation in 1998 (Ordinance No. 19 – December 1998), several factors have changed that have reduced the availability of aggregate in the immediate area and the upper Yakima Area. The Simmons Pit, which was located in the immediate area of this site, was closed in October of 2009 due to a landslide. The pit has not re-opened and it is unlikely that it will be permitted to re-open due to unstable soils in the area. In the fall of 2017, a landslide started occurring at the Columbia Pit, located on a hillside just south of Union Gap. That pit is shut-down and no aggregate is being mined from that location. Expansion of the Rowley Pit in East Selah has been delayed pending land use approvals that are currently under appeal. All three of the pits listed above provide basalt based rock. Basalt rock from these pits was used for many purposes as it was high quality rock but it was mainly used for asphalt production. Without rock from these pits, there is a shortage of high-grade aggregate available for the market.

Two other pits producing mineral resources are the Anderson Pit at the top of Cowiche Grade and the East Valley Mine which is located on Riverside Road, just east of Yakima. The Anderson pit does not provide high grade aggregate and generally meets customer needs for fill, rip-rap, beauty rock and crushed gravel for such things as driveways and private road. The East Valley Mine is a high quality sand and gravel resource that is used for the production of concrete. This aggregate has a specific use and is not generally crushed for asphalt production.

The loss or limitation of the above described pits has severely affected other operating pits in the area because the demand has increased at existing pits due to the lack of high-quality aggregate available. This is resulting in a shorter life-span for existing pits, such as Horseshoe Bend Quarry. The Horseshoe Bend Quarry was expected to have at least 10 years of material left at this time. According to the owner, the life expectancy of the quarry is currently about 5 years. With the lack of mineral resource in the immediate area, and the upper Yakima Valley in general, there is not even a 10-year supply of aggregate in the Horseshoe Bend Quarry market area. This is inconsistent with the goals and policies of the Yakima County Comprehensive Plan – Horizon 2040.

Based on the above, there is a lack of mineral resource designated lands in the immediate area and there is no designated alternative aggregate site in the general vicinity. This makes this site suitable for the Mineral Resource Overlay District.

d. For map amendment, 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;

The substantial and compelling evidence of this proposed amendment comes from the Soil Survey of Yakima County Area, Washington. The existing Horseshoe Bend Quarry is currently providing aggregate from soil types of: McDaniel very stony loam, 5-30 percent slopes and McDaniel very stony loam, 30-65 percent slopes. Both of these soils are located throughout the proposed amendment area. Additionally, the proposed amendment site contains Clint very stony loam, 15-45 percent slopes; Clint-Rubble land complex, 8-75 percent slopes and Logy Cobbly silt loam, 0-5 percent slopes. All these soils produce high volume and high quality mineral resources.

The lack of available mineral resources in the immediate area, without any reasonable alternative sites, reduces the life-span of existing pits and does not provide for an adequate 10, 20 or 50 year supply of aggregate to meet the community needs.

Based on the soil types within the amendment area and the need to provide an adequate supply of mineral resource, the proposal meets the following Mineral Resource Overlay goals and policies:

Goal LU-ER-MR 1: Identify and protect long term supplies of commercial aggregate and other mineral resources for economic development.

Policy 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***

Policy LU-ER-MR 1.3 -- Maintain at least a ten-year supply of zoned Mineral Resources.

Policy 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.

Policy LU-ER-MR 1.6 – Encourage rezoning of other designated sites listed within the inventories and 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.

Based on the above soil data, lack of mineral resources, unavailability to maintain the minimum 10-year aggregate supply and the applicable goals and policies of the comprehensive plan, the proposed amendment to establish the Mineral Resource Overlay Designation is consistent with

current plan policies because it does not change the underlying comprehensive plan, yet protects the mineral resource as anticipated through the comprehensive plan.

e. To change resource designation, the plan map amendment must be found to do one of the following:

- (i) Respond to a substantial change in conditions beyond the property owners 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 chapter 5-Land Use Element of *Horizon 2040*, shall be followed. If the result of the analysis shows that the applicable de-designation criteria have 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 re-designation to another Economic Resource land use designation;**

This request does not change a resource land, it establishes a resource land. The request responds to a substantial change as contemplated in (i) above because it recognizes the changes that have occurred within existing mineral designated areas. Specifically, areas currently designated with a Mineral Resource Overlay, are limited in their ability to excavate the mineral resource due to environmental hazards or delays in permitting. This is putting a strain on other mineral resource operators in the area and exhausting their resources below an acceptable level to maintain consistency in their business, while serving the community with a protected resource. This change in conditions is beyond the property owner's control and has compelled him to seek relief to serve market demand.

This request also better implements applicable comprehensive plan policies than the current map designation as contemplated in (ii) above because there are documented mineral resources on the property that need to be protected. The fact that these mineral resources are adjacent to an existing mining operation (with the same soil types) that can easily expand into the amendment area better implements the comprehensive plan policies by recognizing that the proposed resource area will be protected while providing an aggregate supply beyond the 10-year range.

Based on the applicable goals, policies (in d above) and the factual comments above, this proposal better implements the Mineral Resource Overlay District designation and should be added to the Future Land Use Map as a designated area to protect a known mineral resource area.

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;

This is a rural site with limited public facilities and services. The site has direct access to State Route 410 by easement. There is no domestic water, irrigation water or sanitary sewer on the property. An overhead electrical power line is located on the property (Pacific Power). The site lies within a designated fire district and is served by the County Sheriff's Office. Public services and facilities necessary to establish a mineral resource site on the property are adequate for the intended use.

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;

This amendment should not cause an increase for additional plan map amendments because the Mineral Resource Overlay district is a very specialized designation that must meet certain strict criteria for it to be implemented. Therefore, there should not be an increase in pressure for additional plan map amendments in the surrounding area.