

YAKIMA COUNTY HEARING EXAMINER
June 20, 2024 HEARING
EXHIBIT LIST

File Nos.: CUP2024-00009 Morrow ATO Destination

Staff Contact: Olivia Story, Senior Planner – Long Range

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YAKIMA COUNTY PLANNING DIVISION
**Findings and Recommendation
Of the Administrative Official**

In the matter of the application by)	File No. CUP2024-00009
)	
Eric and Tonya Morrow)	
)	
For a Type 3 Review to Establish a)	
Destination Agricultural Tourist Operation)	
)	
The subject parcel is located east of)	
Cemetery Road, north of Woodin Road,)	
and approximately 650 feet north of the)	
intersection of Cemetery Road and)	
Woodin Road, about 2,000 feet north of)	
the City of Sunnyside)	

I. INTRODUCTION

On February 12, 2024, the Yakima County Public Services Department: Planning Division received a Conditional Use Permit (CUP) application from Eric and Tonya Morrow to establish an Agricultural Tourist Operation, under a Destination Agricultural Tourist Operation land-use category.

II. SUMMARY OF RECOMMENDATION

Because the application to establish a Destination Agricultural Tourist Operation (ATO) is supported by evidence and analysis allowing favorable consideration of the application under Yakima County Code (YCC) Title 19 - Unified Land Development Code, the Administrative Official recommends Approval of the application, subject to conditions to assure compliance with Yakima County Comprehensive Plan - ***Horizon 2040*** and pertinent development criteria, standards, and regulation. Those conditions are set out under Section V of this recommendation, below.

III. FINDINGS

Based on the application, comments received during the comment period, and a review of the pertinent provisions of ***Horizon 2040*** and YCC 19.18.060, the Administrative Official makes the Findings set out in Section III. Any finding more properly determined to be a conclusion is deemed to be such.

1. **PROPERTY INFORMATION:**

Project Name: Morrow Destination ATO
Zoning Designation: Agriculture (AG)
Future Land Use: Agricultural Resource
Designation:
Subject Parcel Number(s): 221024-13401
Property Acreage: 17.58-acres
Property Location: 1410 Cemetery Road, Sunnyside, WA 98944. The subject parcel is located east of Cemetery Road, north of Woodin Road, and approximately 650 feet north of the intersection of Cemetery Road and Woodin Road, about 2,000 feet north of the City of Sunnyside.
Property Owner/
Applicant: Eric and Tonya Morrow
Mailing Address: 1261 Cemetery Road, Sunnyside, WA 98944

2. **PROPERTY DESCRIPTION:**

The topography of the subject property is generally flat, and the current use is a vineyard. A 2,100 square foot hoop barn is located in the northwest corner of the parcel and is not proposed to be included in the Destination ATO area. Access to the site to the west onto Cemetery Road, and county maintained paved road. According to the County's GIS mapping, there are no critical areas on the site.

3. **PROJECT DESCRIPTION:**

The applicants are proposing to establish a Destination ATO on the subject property. All Destination ATO facilities and activities will be limited to no more than one acre of the subject parcel. Grapes will continue to be grown on site and available for u-pick, and educational classes. Ingress and egress to the property is from Cemetery Road. Nineteen parking spaces are proposed to serve the facility. Operation hours regarding all activities span from Tuesday through Saturday, and may range from 9:00 a.m. to 11:00 p.m.

Septic system: A septic system is proposed to serve this project.

Water System: An individual well is proposed to serve this project.

Events/Weddings: A new 2,925 square foot pole barn will be used for an indoor event facility to serve as a gathering space for educational classes as well as weddings and various other events. Additionally, a 1,950 square foot outdoor seating area will be available for guests.

Overnight lodging and gift shop: There is proposed to be one overnight lodging unit available as well as a 360 square foot gift shop located in the event facility.

Parking facilities, landscaping, signage, and lighting: The applicants are proposing 19 parking spaces including 2 Americans with Disabilities (ADA) van spaces on a concrete pad with ADA path to the event facility & restroom. A 1,950 square foot outdoor patio to the east of the event facility will be utilized for guests in conjunction with the event facility. A 3'x4' free-standing

sign will be installed at the entrance of the driveway, with a maximum height of 6'. Additionally, exterior lighting will be installed at the building entrance in accordance with the lighting regulations.

Access to the property: The property is located off Cemetery Road, just north of the City of Sunnyside. Cemetery Road is a county maintained road.

Hours of operation:

- Educational Services
 - Tuesday to Saturday Hours – 9:00 am to 2:00 pm
- Ancillary Entertainment/Special Events
 - Friday to Saturday Hours – 12:00 am to 11:00 pm
- Commercial Accessory Uses
 - Tuesday to Saturday Hours – 9:00 am to 2:00 pm

4. ZONING AND COMPREHENSIVE PLAN DESIGNATION:

The site is within the Agriculture (AG) Zoning District, and within the Agricultural Resource designation of the Yakima County Comprehensive Plan - *Horizon 2040*.

“The purpose of the Agriculture (AG) district is to preserve and maintain areas for the continued practice of agriculture by limiting the creation of small lots, permitting only those new uses that are compatible with agricultural activities, protection of agricultural lands of long-term commercial significance, and providing measures to notify and separate especially sensitive land uses from customary and innovative agricultural land management practices. The AG district implements the Comprehensive Plan that calls for the preservation of agricultural lands.” [YCC 19.11.010(1)(b)]

There are 11 properties surrounding the site. The properties to the north, south, and west are all zoned Ag. The properties to the west are zoned Single-family Residential (R1). They range in size from 37.69 acres to 1.03 acres. All of the properties surrounding the site have residential structures on them and agricultural uses.

The Yakima County Comprehensive Plan - *Horizon 2040* Goals and Policies that pertain to a Destination ATO are provided below:

GOAL ED 4: Preserve and enhance the County’s resource-based economy.

POLICIES:

- ED 4.1 Encourage resource-based industries which are consistent with resource lands goals and policies.
- ED 4.4 Discourage incompatible development in resource areas.

GOAL ED 5: Expand the County’s tourism- and recreation-related economy.

POLICIES:

- ED 5.1 Support the development of programs, activities and facilities which increase tourism and recreation opportunities in Yakima County.

GOAL LU-ER-AG 1: Maintain and enhance productive agricultural lands and discourage uses that are incompatible with farming activities.

POLICIES: Agricultural Uses

- LU-ER-AG 1.1 Encourage conservation of the County's high quality agricultural lands for productive agricultural use and protect the opportunity for these lands to support the widest variety of agricultural crops.
- LU-ER-AG 1.5 Allow for accessory uses, including non-agricultural accessory uses that support, promote, or sustain agricultural operations and production. Such accessory uses may include bed & breakfasts, boarding houses, restaurants, event facilities and other amenities that are determined to support agriculturally related entrepreneurial efforts.

Staff Finding: These goals and policies call for the protection of agricultural lands from incompatible uses so that they will grow the widest variety of crops. At the same time these goals and policies support tourism in general and agriculturally based tourism in particular, including allowing agricultural and non-agricultural accessory uses that support, promote, or sustain agriculture. Such accessory uses specifically may include restaurants, events, overnight lodging, and the like. Such accessory uses should be designed in a way that does not adversely impact agricultural activities on the site or on surrounding producing agricultural lands.

5. HEARING EXAMINER JURISDICTION:

The proposal is subject to YCC Title 19 (Unified Land Development Code). Table 19.14-1 Allowable Land Uses designates a Destination ATO land use requiring Type 3 review in the Ag Zoning District. Type 3 applications are quasi-judicial actions that require an open record hearing by the Hearing Examiner. The Examiner's written decision constitutes the final decision. Public notice will be provided on Type 3 actions.

6. NOTICE OF APPLICATION:

After the application was submitted, an internal notice of project review was emailed to representatives of the Building and Fire Safety Division, the Code Enforcement Division, the Water Resources Division, the Long Range Planning Section, the County Roads Department, and the Yakima Health District. Comments are attached to this decision for further review and are addressed in the findings below. (Attachment B)

Once the application was deemed complete, a combined Notice of Application, Notice of Completeness, and Notice of Future Hearing was mailed to adjoining property owners with the comment period ending on April 3, 2024. Three comments were received. One from the Department of Ecology (DOE), one from the Sunnyside Valley Irrigation District (SVID), and one from a neighboring property owner.

The public hearing was set for June 20, 2024, and the Notice of Hearing was then issued on **May 24, 2024**, with the legal notice placed in the newspaper on **May 30, 2024**.

Hearing notices were provided in accordance with YCC 16B requirements in the following ways:

Notice of Application/Notice of Completeness/Notice of Future Hearing:	March 20, 2024
Notice of Hearing to Property Owners w/in 300 feet and agencies:	May 24, 2024
Hearing Notice in the Yakima Herald-Republic:	May 30, 2024
Posting of hearing notice on the property:	June 3, 2024

7. COMMENTS:

Comments were received during the comment periods and are summarized below:

Department of Ecology:

“Water Quality

The applicant may be required to obtain Winery General Permit (Permit) coverage from the Department of Ecology (Ecology) if wine, juice and/or wastewater production volumes surpass those quantified in Special Condition S1, Table 3 of the Permit. Ecology may also require Permit coverage if a facility is determined to be a “Significant Contributor of Pollutants or a Significant Industrial User” as defined in Appendix B of the Permit.

For technical assistance, contact Lucy Cornejo, Winery General Permit Manager at lucila.cornejo@ecy.wa.gov or by phone at 509-823-7912.

Water Resources

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals for a project up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.”

Sunnyside Valley Irrigation District:

“SVID’s piped Lateral 39.99 runs parallel with the west parcel boundary, parallel with Cemetery Rd, and is centered within an SVID irrigation easement. SVID’s piped Drain 3 runs east to west parallel with the north parcel boundary for approximately 470 feet where there is a manhole access point then turns south and is centered within an SVID irrigation easement. The proposed project is outside of the easement and right of way areas and will not impact SVID’s facilities.”

Duane and Molly Schutt:

The neighboring property owners' comments generally are against the approval of the application, indicating increased traffic, dust, and noise due to the proposed event facility. As a means of mitigation, they propose a vegetative buffer between the properties.

Staff finding: The full letters can be found in Attachments D, E, and F. Based on the comments from DOE and SVID, they have no objections to the proposed Destination ATO subject to a Winery General Permit from DOE and ensuring less than 5,000 gallons a day. The property owners, Duane and Molly Schutt opposed the application, however, they suggest at a minimum a vegetative buffer between the properties. Yakima County is not recommending a vegetative buffer between the two agricultural zoned properties because the uses on each parcel are considered agricultural uses.

Comments received from the Yakima County Public Services Department: Building and Fire Safety Division, County Roads, Water Resources Division, and the Yakima Health District are as follows:

Building and Fire Life Safety Divisions:

“Based upon the information submitted, all new construction and modifications to existing structures require building permits (18IBC, S.105.1). All construction is required to comply with all applicable provisions of the current adopted International Building Codes with Washington State Amendments and Washington State Energy Code-Commercial at time of building permit submittal. Building permits and Building Codes are based upon the building use and construction type. As a commercial site, the entire site including all buildings, structures and facilities are required to be fully accessible to individuals with disabilities (18IBC, S.1103.1). A paved (not graveled) accessible route is required from accessible parking stalls to designated accessible entrance of each building (18IBC, S.1104.2). Paved (not graveled) accessible parking spaces with paved (not graveled) adjacent access aisles are required (18IBC, S.1106). The total number of accessible parking spaces is determined by the total number of spaces required by planning. Permanent accessible separate men's and women's toilet facilities are required (18IBC, S.1109.2, S.2902.2 and S.2902.3). The number of required toilet fixtures are based upon the total occupant load of the building based on use. A complete building and separate fire code compliance plan review will be performed when construction drawings and all associated documentation is submitted for building and fire code permits.”

“A building permit is required for the proposed barn structure. Any groundwork prior to the issuance of building permits will require a separate Grading & Excavation Permit. Building Research that will not hold up the finalization of the Land Use Permits: Hoop Structure is unpermitted. A building permit is required. Please contact the building division @ building@co.yakima.wa.us or 509-574-2300.”

“Based on current FEMA mapping and GIS overlay, the entire parcel is outside the FEMA designated 100yr floodplain/floodway. Flood-resistive materials and construction methods are not required.”

“Based on the information submitted, all new construction and modifications to existing structures require fire permits. All construction or change of use is required to comply with all applicable provisions of the currently adopted International Fire Codes with Washington State Amendments and the currently adopted Yakima County Ordinances. Fire Permits and Fire Codes are based on the building’s use and construction type.

Fire Access Roads shall meet the following requirements.

1. Dimensions: Minimum 20’ driving surface width and a minimum overhead clearance of 13 feet 6 inches. (YCC 503.2)
2. Surface: Designed and constructed to support the imposed load of 75,000 pounds for fire apparatus. The road surface shall be made of an all-weather driving-capable surface. And shall be maintained as such. (YCC 503.2.3)
3. Bridges: Where a bridge or elevated surface is part of the shared access private road, it shall be constructed and maintained according to AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed load of a fire apparatus. (YCC 503.2.6)
4. Grade: Road grade shall not exceed 10% without the approval of the Fire Code Official. (YCC 503.2.7).”

Staff finding: The applicant shall obtain all necessary Building and Fire Safety Division permits relevant to this proposal prior to the occupancy and/or use of any structures. Additionally, the Fire Access Roads shall be designed and constructed to support the imposed load of 75,000 pounds for fire apparatus. The road surface shall be made of an all-weather driving-capable surface and shall be maintained as such. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at 509-574-2300.

County Roads:

“RAP1999-000533 was issued for parcels 22102413401. No road approach permit required. It should be noted that the current approach is gravel, and this proposal will increase the use. It is the owner’s responsibility to maintain the approach as permitted.

Parcel 22102413401 is fronted by Cemetery Road. Cemetery Road is a FFC 18 Rural Minor Collector Road. A road of this classification requires 70’ of right of way, 35’ on each side. The current right of way dedication is 20’ across the frontage of this parcel. The use of this parcel is agriculture, therefore no additional right of way dedication will be required.”

Staff finding: Based on the comments from the Yakima County Roads Department, no additional right of way dedication will be required.

Water Resources Division:

“Ongoing Conditions:

- Stormwater must be retained on site.

- Any natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250.”

Staff finding: As a condition of approval, the applicant shall comply with the ongoing conditions, including stormwater to be retained on site, and any natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250.

Yakima Health District:

“Septic:

A septic system will be required to serve this project. This septic system for this facility will need to be reviewed, permitted and approved by the Yakima Health District. Contact the Yakima Health District help desk at 509-249-6508 or yhd.help.desk@co.yakima.wa.us for application forms and more information.

Water:

This project is required to be served by a community water supply. For a facility serving 25 or more people for fewer than 60 days out of the year, the water system would need to be approved as a group B community water supply. Contact the Yakima Health District, 1210 Ahtanum Ridge Drive, Union Gap, WA 98903, 509-249-6508, yhd.help.desk@co.yakima.wa.us for applications and process descriptions for getting a group B community water system approved. If the water system will serve 25 or more people for 60 or more days per year, a new group A community water supply. Group A community water systems are approved by the Washington State Department of Health, Drinking Water Division. Please contact the regional engineer for Yakima County for more information (Andres Cervantes, 1-509-329-2120, 16201 East Indiana Ave., Suite 1500, Spokane Valley, WA 99216; andres.cervantes@doh.wa.gov). The Yakima Health District can assist you with a location for the well site.

Food:

All caterers must be licensed by YHD. No permit requirements for venue.”

Staff finding: The applicants shall comply with the requirements of the Yakima Health District (YHD) for the Group B water system, and for accommodating septic system needs. As a condition of approval, the applicant shall provide verification from YHD to the Planning Official that these requirements have been met and have obtained final approval.

8. ENVIRONMENTAL REVIEW:

The Yakima County State Environmental Policy Act (SEPA) Responsible Official determined an environmental review under the State Environmental Planning Act was not required because the total number of square feet established on the property after the proposal is 2,925 square feet, which is under the 12,000 square foot threshold for offices, schools, and commercial buildings established in YCC 16.01.100(3)(b). Additionally, less than forty parking spaces will be established on the property, which also does not require an environmental review (YCC 16.04.100(4)). However, if over the course of the project, a grading permit is required and the

amount of material moved or excavated exceeds 500 cubic yards, an environmental review under the State Environmental Policy Act is required.

9. REVIEW CRITERIA AND THEIR APPLICATION TO THE PROPOSAL:

For Type 3 review, the Administrative Official is charged to prepare written findings and conclusions stating specific reasons, upon which the decision or recommendation to approve, approve with conditions or deny the application is based. The minimum criteria required to be considered under YCC 19.30.080(7) are set out and analyzed in turn below.

- a. The present and future needs of the community will be adequately served by the proposed development and the community as a whole will be benefited rather than injured;

*Staff finding: The proposal meets this criterion. The Yakima County Comprehensive Plan – **Horizon 2040** establishes GOAL ED 5 to expand the county's tourism and recreation-related economy while discouraging incompatible development in resource areas. The implementing development regulations (YCC 19) establish that Destination ATOs are appropriate in AG zones, subject to appropriate conditions and limitations. Therefore, while Type 3 uses are not generally appropriate in the Ag Zoning District, Destination ATOs are appropriate if they meet the established conditions.*

- b. The proposed use is compatible with neighborhood land uses, the goals, objectives, and policies of the Comprehensive Plan, and the legislative intent of the zoning district;

Staff finding: As noted in Section 7 above, there were no neighbor comment letters received during the comment period. Based on the lack of comments, it can be concluded the neighboring property owners do not feel this proposal will have a negative impact and it is compatible with the zoning district. The proposal is not expected to have a substantial adverse effect on abutting properties.

- c. The site of the proposed use is adequate in size and shape to accommodate the proposed use;

Staff finding: The proposal meets this criterion. The parcel is large enough to accommodate the proposed uses. The subject property is 17.58-acres, and all the proposed activities including the 2,925 square foot event facility and the 19 parking spaces will be limited to 1 acre as required by RCW 36.70A.177. The remaining acreage within the property will be in agricultural production. Based on the property size and a review of the proposal, the subject property is adequate in size and shape to accommodate the proposed use.

- d. All setbacks, spaces, walls and fences, parking, loading, sitescreening, landscaping, and other features required by this Title;

- i. Setbacks, Easements, and Right-of-Way: (YCC 19.11.010 & Table 19.11.010-2) Cemetery Road is classified as a Minor Collector road. Thus, the front (west)

setback from Cemetery Road is 25 feet from the planned edge of the right-of-way or easement. The rear (east) setback borders an adjoining lot and has a setback of 10 feet from the property line. The side setback (north and south) from the primary structure is 10 feet from the property line. All the proposed structures and developments in the site plan meet these setback requirements. The property is accessed by the portion of Cemetery Road that is privately maintained; therefore, an access easement is not required. SVID has easements as noted in their comment letter, however, the proposed project is outside of the easement and right-of-way areas and will not impact SVID's facilities.

Staff Finding: Based on the submitted site plan, all proposed structures can meet all requirements for setbacks, easements, and rights-of-way.

- ii. Fences, Walls, and Recreational Screens: (YCC 19.10.040(9) and 19.30.080(7)(d)) The provisions of YCC 19.10.040(9) "shall govern the location and height of fences and walls, to allow access to properties by utility employees and emergency response personnel and to maintain good appearance of residential areas and visual access along residential streets and between lots." The height of a fence includes the fence and all attachments, including posts and barbed wire at the top but excluding ornaments 12 inches or less in height.

Staff Finding: According to the application, no new fencing, walls, or recreational screens are proposed at this time. Any new fencing, walls, and recreational screens installed in the future shall meet all applicable sections of the Yakima County Code.

- iii. Parking and Loading: In accordance with YCC 19.30.080(7)(d) the proposed development shall comply with the parking requirements of YCC 19.22.020. No off-street parking or loading spaces shall be placed, constructed, located, relocated, or modified without first receiving a development permit from the Reviewing Official. All off-street parking and vehicle storage shall be in conformance with YCC 19.22.

1. Timing: (YCC 19.22.030) "All parking and loading required by this Title shall be installed prior to occupancy or commencement of use. Where compliance with this requirement is not possible, the Reviewing Official may grant an appropriate delay under YCC Section 16B.07.050(2)."

Staff Finding: Parking will be required to be in place prior to the issuance of the Certificate of Occupancy.

2. Calculation of Parking Standards: (YCC 19.22.050) YCC Table 19.22-2 The Destination ATO is not a listed use on Table 19.22-2 and therefore in accordance with YCC 19.22.050(2) the calculations are based upon square footage, the most similar use to a Destination ATO on Table 19.22-2 is "Eating or drinking establishments" which requires 1 space/250 square feet of floor area.

<i>Land Use</i>	<i>Unit of Measurement</i>	<i>Table 19.22-2 Standard</i>	<i>Calculated Parking Requirements</i>
Eating or drinking establishments	2,925 square feet of event facility area and 1,950 square feet of outdoor event space	1 space for every 250 square feet of event space	20

Staff Finding: Based on the calculations from the table above, the total number of required parking spaces is 20 spaces. As the applicant has proposed 19 parking spaces, one additional parking space will be required.

3. Location and Design of Parking and Loading Facilities: (YCC 19.22.060) Off-street loading and unloading spaces and parking for truck queueing is required for any commercial use requiring loading or unloading from trucks or other large vehicles.

Staff Finding: The site plan shows the location of the loading zones south and west of the event facility. The site plan also shows the driving pattern and access from Cemetery Road through the parcel as well as a fire turnaround spot southeast of the event facility.

4. Construction and Maintenance: (YCC 19.22.070) All off-street parking lots, driveways, travel ways, parking aisles, vehicle storage and vehicle sales lots having a capacity of three or more vehicles, shall be constructed in the following manner:
 - i. Surfacing: (YCC 19.22.070(1)) All parking and loading spaces and related access drives, maneuvering, and vehicle storage areas shall be built to standards approved by the Review Official as follows:
 1. Rural Standards. Parking facilities within all other rural zones shall be surfaced with a minimum of screened gravel or crushed rock, or better, except that the Reviewing Official may require paving and/or landscaping of the parking facility when necessary to protect the public health or safety.
 - ii. Grading and Drainage: (YCC 19.22.070(2)) Parking areas shall be graded and drained so all surface water is disposed of on-site. Grading and drainage facilities shall be designed according to accepted engineering standards, YCC Title 12.10 and the Stormwater Management Manual for Eastern Washington, which will require review by the Public Services Director or designee.

- iii. Wheel Stops and Curbs: (YCC 19.22.070(3))
 - 1. The front of a parking space with a curb that is improved with groundcover landscape material, instead of asphalt or concrete pavement; may be counted toward landscape or open space area requirements.
 - 2. The perimeter of a parking or loading area and access and maneuvering drives associated with them shall be improved with a curb, rail or equivalent so vehicles do not extend over a property line, sidewalk or public or private street.
- iv. Lighting: (YCC 19.22.070(5)) Lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties and comply with Subsection 19.10.040(10). Parking lots adjacent to residential districts or uses shall be designed with down-shielding and luminaries creating no lighting pollution upon those properties.
- v. Landscaping of Parking Areas: (YCC 19.22.070(6)) Parking facilities must be landscaped under the standards listed in Chapter 19.21.
- vi. Maintenance: (YCC 19.22.070(7)) The owner or lessee of a required parking area shall maintain the drainage facilities, landscaping, and irrigation facilities in conformance with the standards of this Chapter and the approved site plan.

Staff Finding: Yakima County Code requires the parking and travel ways in the Ag Zoning District to be a "minimum of screened gravel or crushed rock, or better" (YCC 19.22.070(1)(b)). The applicants will be required to build the parking lot, driveway, travel ways, and parking aisles to the standards outlined in YCC 19.22.070 prior to the issuance of the Certificate of Occupancy as a condition of this decision.

- vii. Sitescreening and Landscaping: YCC 19.21 requires sitescreening and landscaping in certain areas to implement the legislative intent established in YCC 19.21.010.

Staff Finding: YCC 19.21 does not require sitescreening or landscaping within the Ag Zoning District. The applicants meet this requirement.

- e. The proposed use complies with other development and performance standards of the zoning district and this Title;
 - i. Conformity with All Regulations Required: (YCC 19.10.040(1)) "Any development, structure or part shall conform to all of the regulations specified in this Title for the situation and zoning district in which they are located in order to be authorized, erected, constructed, reconstructed, moved or structurally altered."

Staff Finding: The proposal of a Destination ATO will conform to all Title 19 standards, and the applicant is required to obtain local, state, and federal permits as applicable.

- ii. Yards, Lots, Open Space and Off-Street Parking and Loading Spaces: (YCC 19.10.040(2)(a) and 19.30.080(7)(d)) “Yards or lots created after the effective date of this Title shall meet at least the minimum requirements established by this Title and shall not be smaller than the minimum standards established in Chapters 19.10 through 19.18 . . .”

Staff Finding: As proposed, this project will comply with the setback standards of YCC 19.11.030. No new lots are proposed. The applicant is not proposing to share a yard, open space, or parking with uses outside of the project area. Off-street parking standards are discussed in Finding 9(d)(iii) above.

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

The Transportation Division provided comments. They can be found in Attachment B and were reviewed in Section 7 above.

Staff Finding: Based on the comments from the Yakima County Roads Department, a road approach permit has already been obtained and no additional right of way dedication will be required.

- iv. Land Uses: (YCC 19.10.040(4)) “Uses allowed within a zoning district are listed as permitted, administrative or conditional uses in the Allowable Land Use Table 19.14-1 within Chapter 19.14.”

Staff Finding: Per YCC Table 19.14-1 Allowable Land Uses, Destination ATO is considered a Type 3 use in the Ag Zoning District. Therefore, the proposed Destination ATO is being reviewed under the Type 3 process. An early assistance conference was held under EAC2023-00036.

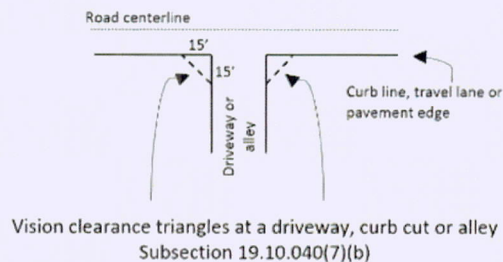
- v. Building Permits Required: (YCC 19.10.040(5)) “No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the Building Official under RCW 19.27 and YCC Title 13. No building permit shall be issued, except in conformity with this Title.”

The Building and Fire Safety Division provided comments. They can be found in Attachment B and were reviewed in Section 7 above.

Staff Finding: The applicant shall obtain all necessary Building and Fire Safety Division permits relevant to this proposal prior to the occupancy and/or use of any structures. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at 509-574-2300.

- vi. Vision Clearance Triangles at Intersections and Driveways: (YCC 19.10.040(7)(b)) Driveways, Curbcuts and Alleys. “This Subsection applies only to uses established under this Title. A vision clearance triangle shall be maintained at all driveways and curbcuts, and the intersection of an alley with a public street for vision and safety purposes. The vision clearance triangle shall measure 15 feet along the perpendicular street curb lines or pavement edge, or travel lane of the public street and 15 feet along the driveway or alley, as illustrated [in Figure 19.10.040-2]. The third side of the triangle shall be a straight line connecting the 15-foot sides described above. No sign or associated landscaping shall be placed within this triangle so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.”

Staff Finding: The applicants shall ensure that a vision clearance triangle as described in YCC 19.10.040(7)(b) is maintained at the access onto Cemetery Road, as illustrated below:



- vii. Maximum Building Height and Lot Coverage: (YCC 19.10.040(8)) & Table 19.11.010-2)) Lot coverage is defined as “the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces” (YCC 19.01.070(12)). Building height is defined as “the vertical distance from grade plane to the average height of the highest roof surface” (YCC 19.01.070(2)). The maximum building height is intended to maintain building and structure heights that are compatible with the character and intent of the zoning district. YCC 19.10.040(8)(a) states that chapters YCC 19.11 through YCC 19.18 list the maximum building and structure heights. In the Ag Zoning District, according to Table 19.11.010-2, the maximum building height and the maximum lot coverage are not specified.

Staff Finding: Based on the submitted application materials, these criteria are met.

- viii. Exterior Lighting: (YCC 19.10.040(10)) “Exterior lighting is regulated to minimize light pollution to neighboring properties and encourage true-color,

full-spectrum light rendition in projects. Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, fully shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles.”

Staff Finding: According to the application, exterior lighting on the event facility entrance is proposed. The applicant shall ensure that exterior lighting installed for the proposal meets the requirements as outlined in the paragraph above and in YCC 19.10.040(10) (see figures below).

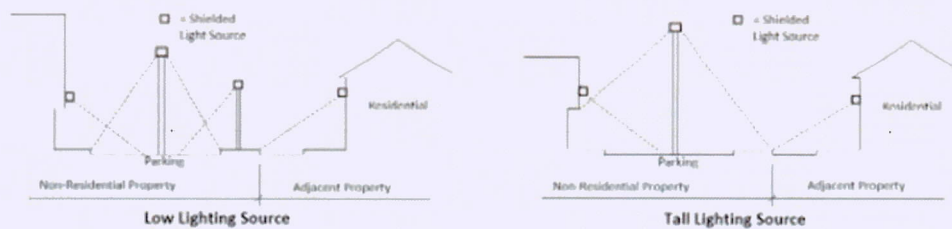


Figure 19.10.040-3. Lighting sources shielded to minimize light pollution and intrusion onto neighboring uses.

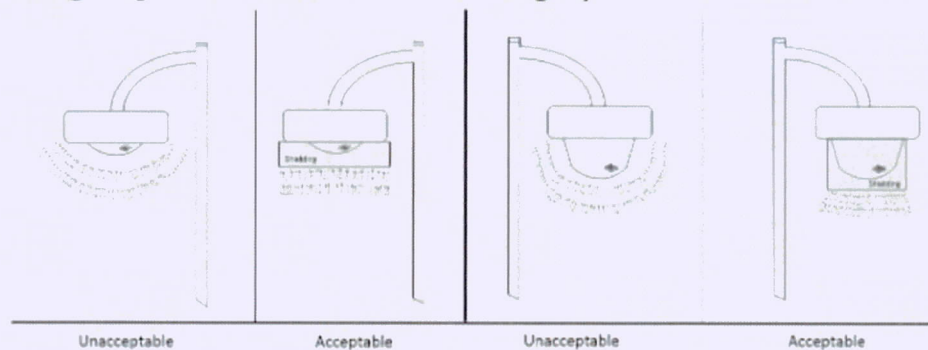


Figure 19.10.040-4. Examples of acceptable and unacceptable fixtures for shielding of exterior light.

- ix. Floodplain Development: (YCC 19.10.040(11)) “A pre-application meeting and a Flood Hazard Permit application is required for all new development in floodplains in order to minimize and mitigate potential adverse impacts to property and infrastructure while reducing risks to public health and safety.”

Staff Finding: Based on the Yakima County Critical Areas maps, the subject property is not located within a floodplain. As such, a pre-application meeting to discuss floodplain development was not required for this proposal.

- x. Stormwater Requirements: (YCC 19.10.040(12)) Stormwater quality and quantity concerns for project permits can be addressed through YCC Chapter 12.10, the State Environmental Policy Act environmental review process, or through the requirements of the Washington Department of Ecology. This is to ensure public and private development projects comply with the National

Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable.

The Water Resources Division provided comments. They can be found in Attachment B and were reviewed in Section 7 above.

Staff Finding: Based on the comments from the Water Resources Division, all stormwaters must be retained on site. Any natural drainageways cannot be altered or impeded without the approval of the Water Resources Division.

- xi. Signs: (YCC 19.20) According to YCC 19.20.030(1), “All on-premises signs are accessory uses and shall be subject to the same procedural and review requirements as the principal use, except that new signs accessory to existing or approved uses may be reviewed as modifications to existing or approved uses under Section 19.35.030.” All proposed signs are subject to the review procedures of Title 19 and the standards of Chapter 19.20, which include Table 19.20-1 Type of Signs Permitted, Table 19.20-2 Number of Signs Permitted, Table 19.20-3 Maximum Area per Sign Face, and Table 19.20-4 Sign Height and Setbacks.

Staff Finding: Based on the submitted Sign Supplemental application materials, the applicant is proposing a 3'x4' free-standing sign to be installed at the entrance of the driveway, with a maximum height of 6'. According to the site plan and sign supplemental form, the standards of the freestanding sign meet all applicable sections of the Yakima County Code. As a condition of approval, the applicant shall obtain a building permit for the sign from the Yakima County Building and Fire Safety Division. Please contact the Building and Fire Safety Division at (509) 574-2300 with questions.

- xii. Sewer and Water: (YCC Tables 19.25-1 and 19.25-2) According to YCC Table 19.25-1, new structures in the Ag Zoning District have 2 options for domestic water in order of priority: existing public water system; and individual well. According to YCC Table 19.25-2, new structures in the Ag Zoning District have 2 options for sewage disposal in order of priority: County sewer system; and individual septic.

Regarding water rights, YCC 12.08.050 states that “All applicants for a building permit or other development permit requiring potable water must provide evidence of an adequate water supply to the county prior to the issuance of the permit . . .”

The Yakima Health District provided comments. They can be found in Attachment B and were reviewed in Section 7 above.

Staff Finding: The applicant has proposed a Group B water system and to establish an individual septic system for the business. The applicant will be required to obtain all necessary permits from the Yakima Health District and

the Washington Department of Health for the well and septic systems prior to the issuance of building permits.

The applicant has proposed to utilize a Yakima County water right as their legal water right for water related to the Destination ATO. According to information from the Water Availability and Well Depth Review, the property is in the Rattlesnake Hills #1-A Yakima County Water Resources System (YCWRS) Domain and is eligible, with the following provision: "Minimum depth of 75 feet, in the unconsolidated material or shallower basalts. Wells should avoid deeper aquifers which are declining." The applicant is required to complete the YCWRS process for the water right prior to the issuance of the Certificate of Occupancy. For any questions, the applicant can reach out to Joe Stump at joe.stump@co.yakima.wa.us.

- f. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

Yakima County Roads provided comments. They can be found in Attachment B and were reviewed in Section 7 above.

Staff finding: Based on the comments from the Yakima County Roads Department, a road approach permit has already been obtained and no additional right of way dedication will be required.

- g. The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof;

Staff finding: Type 3 uses are generally not appropriate for the zoning district; however, they can be conditioned to minimize potential adverse effects. This recommendation is a review of potential impacts on neighboring properties. As part of the Type 3 CUP process, neighboring property owners within 300' of the subject property were notified of the project, as were various agencies. As noted in Section 7 above, no neighbor comment letters were received during the comment period. Based on the lack of comments, it can be concluded the neighboring property owners do not feel this proposal will have a negative impact and it is compatible with the zoning district.

Provided all the conditions of the Hearing Examiner's decision are met, the proposal is not expected to have a substantial adverse effect on abutting properties.

- h. In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the Comprehensive Plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties; and

Staff finding: This proposal does not involve residential uses. Provided all the conditions are met, the proposed business will be consistent with the public health, safety, and general welfare for the development and for adjacent properties.

- i. The development complies with all criteria in Chapter 19.18 applicable to the proposed use, unless otherwise administratively adjusted.

Staff finding: The proposed use is reviewed under YCC 19.18.060 ATO, and all criteria are addressed below in Section 10.

10. YCC 19.18.060 AGRICULTURAL TOURIST OPERATIONS

All Types of ATOs - YCC 19.18.060(3) establishes that all types of Agricultural Tourist Operations shall:

- a) Be consistent with the intent of this Section (YCC 19.18.060);

Staff Finding: The intent is that an ATO is considered to be an agricultural accessory use and a component of a strong agricultural economy. Section 19.18.060 intends to provide standards to ensure that the physical development of tourist operations and public education in farming areas enables business diversification that supports, promotes, and sustains agricultural operations and production. To that end, the applicants propose educational opportunities and events that enrich the community through a u-pick grape farm along with farm tours, picnics, and educational classes about farming.

The proposed Destination ATO will not interfere with their agricultural production and at the same time promotes the agricultural component of Yakima County by providing a destination for locals, tourists, and students to enjoy the agricultural products.

- b) Be operated by the owner, operator, or occupant of the farming use;

Staff finding: The Destination ATO will be operated by the applicants, Eric and Tonya Morrow, who are the owners of the parcel.

- c) Comply with specific provisions applicable to the type of Agricultural Tourist Operation in this Section;

Staff finding: The code allows Destination ATO to have an assortment of uses, including:

- *Event facilities of up to 7,500 square feet in size as long as nonagricultural accessory uses and activities (including new buildings) are located within the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of ag land to non-ag uses. The proposal meets this criterion because the new event building would occupy less than an acre and is proposed to be located near an area that is already vacant of agricultural production.*

- *Commercial uses directly related to the Destination ATO, such as the proposed events/weddings, u-pick grapes, classes, and farm tours are allowed by YCC 19.18.060.*
- d) Be subject to, and limited by the appropriate licensing standards of the Yakima Health District where food handling is required;

The Yakima Health District made the following comment:

“All caterers must be licensed by YHD. No permit requirements for venue.”

Staff finding: The applicant is not proposing food service prepared on site with this proposal. If the applicant allows mobile food vendors such as but not limited to food trucks or caterers, it is the responsibility of the property owner to ensure all vendors have a valid permit from Yakima County Building and Fire Safety. For questions pertaining to vendor permits, please contact the Yakima County Building and Fire Safety Division at (509) 574-2300.

- e) Be located on a farm consisting of one or more contiguous parcels with at least five producing acres in the crops used in the retail product;

Staff finding: The Destination ATO meets this criterion. It would exist on a 17.58-acre parcel. The area designated for the Destination ATO is an acre, leaving the remaining parcel of 16.58 acres for the vineyard which exceeds the five-acre minimum requirement. The Destination ATO will exist exclusively on this parcel.

- f) Locate and design the ATO accessory facilities and permanent parking so they will not interfere with agricultural operations on the site of the proposed use or on nearby properties;

Staff finding: The site plan submitted with the proposal shows the 19 parking spaces that are clearly designated, located, and designed to be adjacent to existing structures, with very minimal interference to agricultural production. As noted above in Section 9, one additional parking space will be required in order to meet the parking standards.

- g) Not locate nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses;

Staff finding: The location for the parking area will be located next to the event facility. Calculations made from the site plan using the measurement tool in GIS of the aerial view of the site show that parking and event facility will not use more than one acre of land converted to nonagricultural use.

- h) Have adequate access from a county road consistent with the standards under Chapter 19.23. ATOs that share a private road must submit a road maintenance

agreement at the time of application signed by all legal property owners or their designees. Without the road maintenance agreement, the application will be considered incomplete.

Staff finding: The subject site accesses Cemetery Road via a private driveway. Because there is no shared road, a road maintenance agreement will be required.

- i) Provide sufficient detail with applications proposing phased development of an ATO to enable the County, agencies, and adjoining property owners to consider all aspects of the project at full build-out. Changes to an approved ATO that result in new uses that were not considered in the original approval are subject to the level of review for the requested change.

Staff finding: This is not proposed to be a phased project and all components will be started and completed before opening to the public in 2024.

- ii. **Destination ATOs** - YCC 19.18.060(5) establishes that Destination Agricultural Tourist Operations (ATOs) are those that consist of an assortment of uses over and above any uses associated with a Retail ATO and may include:

- a) Ancillary Entertainment/Special Events. Indoor event facilities shall be no larger than 7,500 square feet.

Staff finding: The applicant is proposing a 2,925 square foot event facility to be built. The outdoor area is located adjacent to the event facility and is proposed to be a 1,950 square foot outdoor cement patio. As the 2,925 square foot indoor event facility falls under the 7,500 square foot limit, the proposal meets this requirement.

- b) Food Service. Food may also be served to registered guests staying at overnight lodging facilities or boarding houses approved under subsection (7) below, or as provided as part of a specific event or class (e.g. wedding or seminar) subject to Yakima Health District licensing requirements, including a commercial kitchen meeting YCC Title 13 standards if required.

Staff finding: The applicant is not proposing food service prepared on site with this proposal. If the applicant allows mobile food vendors such as but not limited to food trucks or caterers, it is the responsibility of the property owner to ensure all vendors have a valid permit from Yakima County Building and Fire Safety.

- c) Commercial Uses. Other commercial uses directly related to the Destination ATO may be allowed, such as gift stores, art galleries, or the like.

Staff finding: In addition to the event facility, the applicants are proposing, weddings, events, education tours and classes, and u-pick grapes. The proposed uses are directly related to the Destination ATO and therefore are approved.

- d) Overnight Lodging Facilities and Boarding or Lodging Houses. Overnight lodging facilities and boarding or lodging houses shall be limited to 12 overnight accommodations, as provided in subsection (7) below.

Staff finding: In addition to the event facility, the applicant is proposing one overnight lodging with this proposal. The proposed overnight lodging is directly related to the Destination ATO and therefore is approved.

11. CONSISTENCY ANALYSIS (YCC 16B.06.020)

As part of the project review, the reviewing official will determine if a proposed project is consistent with Yakima County's applicable development regulations or, in the absence of applicable regulations, the adopted Yakima County Comprehensive Plan. Consistency should be determined in the project review process by considering four factors found in applicable plans and regulations (RCW 36.70B.040). They are as follows:

- a. The type of land use;

*Staff Finding: According to YCC Table 19.14-1 Allowable Land Uses, a Destination ATO is classified as a Type 3 use in the Ag Zoning District. Type 3 uses are considered not generally appropriate throughout a zoning district and therefore require Hearing Examiner review. With Type 3 uses, an open record public hearing is required to provide agencies and neighboring property owners with an additional opportunity to present issues or concerns that can be evaluated by the Hearing Examiner. This land use has been reviewed for consistency with the surrounding area and can be determined consistent with the Comprehensive Plan – **Horizon 2040** and with Title 19, provided all required conditions are met.*

- b. The level of development, such as units per acre or other measures of density;

Staff Finding: The proposal does not increase residential density. The level of development of the proposal will be consistent with the density requirements of the Ag Zoning District.

- c. Infrastructure, including public facilities and services needed to serve the development;

Staff Finding: Public facilities are available and adequate for the proposed use. (Public roads are the only public facility for which Title 19 provides funding as required by RCW 36.70A.).

- d. The characteristics of the development, such as development standards.

Staff Finding: As conditioned, the character of the development will be consistent and compatible with applicable development standards and the purpose and intent of the Ag Zoning District, providing all conditions stipulated are met and all state requirements as applicable are continually adhered to.

IV. CONCLUSIONS.

- 1. The application materials and received comments include evidence and analysis that supports the conclusion that the proposed Destination ATO, if appropriately conditioned, is consistent with the general development standards in Title 19 YCC.

2. Except, as otherwise expressly provided, a Reviewing Official is authorized by YCC 19.30.100 to impose conditions on an approval to assure compliance with YCC Title 19 and other relevant provisions of the Yakima County Code. This recommendation contains a set of proposed conditions that largely serve this purpose. Any approval should include those conditions, subject to adjustment based on the results of the Hearing Examiner's open record hearing. Similarly, conditions that mitigate material impacts identified in the Findings should also be included in the approval.
3. The Findings above and these Conclusions support a recommendation for approval of application CUP2024-00009.

V. RECOMMENDATION.

Based on the findings, analysis, and conclusions above, the Administrative Official recommends Approval with Conditions of the application by Eric and Tonya Morrow to establish the proposed Destination ATO. The Destination ATO will consist of the event building, outdoor patio, parking areas, and various commercial and educational activities as described in application CUP2024-00009, subject to the following conditions:

VI. CONDITIONS (NEXT STEPS).

The conditions of approval must be completed within (3) three years of the date of the Hearing Examiner's decision. *Please note that the Hearing Examiner's decision and time limit pertain to this conditional use action authorized for this approved land use only and does not include timelines associated with other permits (for example building permits). Failure to comply with all conditions will result in the revocation of this permit. The Hearing Examiner's Final Decision includes the following conditions and the above findings as described.*

1. The applicant shall apply for **all** Building and Fire Life Safety permits for the proposed structures, sign, and site preparation. **All** permits for the proposed structures, sign, and site preparation must be issued, inspected, and finalized prior to occupancy. The applicant shall ensure that the project meets all ADA requirements. Please contact the Yakima County Public Services Department: Building and Fire Safety Division at (509) 574-2300.
2. The applicants shall complete all necessary approvals from the Yakima Health District, for approval of the Group B water system. Contact the Yakima Health District help desk at 509-249-6508 or yhd.help.desk@co.yakima.wa.us for information regarding the required forms and process. Verification of approval shall be submitted to the Planning Division.
3. The applicants shall complete all necessary permits from the Yakima Health District for the septic system. Contact the Yakima Health District help desk at 509-249-6508 or yhd.help.desk@co.yakima.wa.us for information regarding the required forms and process. Verification of approval shall be submitted to the Planning Division.

The following conditions must be met prior to the issuance of the Certificate of Occupancy or the commencement of use. Failure to comply with these conditions can result in the revocation of this permit.

4. The applicant shall provide a minimum of 20 and no more than 39 parking spaces. The parking facilities shall be developed and maintained to rural standards in accordance with YCC 19.22.070. The parking spaces shall comply with applicable local, state, and federal standards regarding accessible parking for disabled persons (YCC 19.22.050 and RCW 19.27.031.). The applicants shall build all new parking spaces, driveways, travel ways, and parking aisles to the standards outlined in YCC 19.22.070.

The following are ongoing conditions that apply for the life of the permitted use. Failure at any time to comply with these conditions can result in the revocation of this permit.

5. The applicant shall comply with Yakima County Public Services Building and Fire & Life Safety requirements for large public gatherings. On days of large events, the applicant shall provide emergency vehicle ingress and egress, emergency egress or escape routes, emergency medical services, directing of both attendees and vehicles including the parking of vehicles, and crowd managers.
6. The applicant is required to comply with the noise regulations as stated under Title 8.10.110 Noise Levels.
7. Operations of the Destination ATO shall occur between 9:00 am and 11:00 pm Tuesday through Saturday. Events shall be limited to the hours of operations as stated in the application materials and outlined as follows:
 - Educational Services
 - Tuesday to Saturday Hours – 9:00 am to 2:00 pm
 - Ancillary Entertainment/Special Events
 - Friday to Saturday Hours – 12:00 am to 11:00 pm
 - Commercial Accessory Uses
 - Tuesday to Saturday Hours – 9:00 am to 2:00 pm
8. The project shall be completed in conformance with and shall not extend beyond the application materials (which include but is not limited to site plan, narrative, forms, and plans) submitted with the application referenced as file number CUP2024-00009. Any changes may require a modification to this authorization or result in the revocation of this permit. If changes are planned in the future, please contact the Yakima County Public Services Department: Planning Division at (509) 574-2300 for assistance with the permitting process.
9. Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, fully shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles in accordance with YCC 19.10.040(10). For further information please contact the Yakima County Public Services Department: Planning Division at 509-574-2300.

10. The applicants shall ensure that a vision clearance triangle as described in YCC 19.10.040(7)(b) is maintained at the access onto Cemetery Road.
11. The owners, their grantees and assignees in interest shall meet the terms of Compliance, Extensions, Expirations, and Reinstatement requirements per YCC 16B.07.050 (see Attachment A). The applicant shall complete all required conditions, submit documentation that all conditions were met, and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions. For further information please contact the Yakima County Public Services Department: Planning Division at 509-574-2300.
12. The applicants shall not alter or impede any natural drainageways. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250. For further information please contact the Yakima County Public Services Department: Water Resources Division at 509-574-2300.

Attachments:

- A. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
- B. Internal Comments
- C. Approved site plan
- D. Comment letter from SVID, dated March 28, 2024
- E. Comment letter from DOE, dated April 1, 2024
- F. Comment letter from Duane and Molly Schutt, dated March 29, 2024
- G. YCC 19.18.060.

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, nation origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.



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

Attachment: A

- (1) Compliance with Conditions and Safeguards of Project Permit. It is the affirmative duty of a project permit holder and the land owner (as applicant) to comply with any conditions made a part of the terms under which the approval of a project permit was granted as authorized by Yakima County Code. The applicant shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions. When the conditions of the project permit have been met within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the applicant shall provide a letter certifying that the conditions were met to the Administrative Official to document compliance.
- (2) Extension of Any Approved Project Permit. A valid project permit, other than a preliminary plat, may be extended one time only for up to one additional year by action of the Administrative Official.
 - (a) Requests for extensions shall be made in writing, shall be submitted to the Planning Division prior to the expiration date and shall be accompanied by the final approved site plan showing the location and size of any development or work already completed on the project. Such extension request shall present a timeline that identifies when each of the conditions of the decision has or will be completed and shall detail unique and special circumstances that prohibited the commencement or completion, or both, of the use authorized.
 - (b) The Administrative Official shall review the request without public notice or hearing and issue the decision within fourteen days from the receipt of the completed request. The Administrative Official may:
 - (i) Approve the extension based on a work schedule provided by the applicant to assure the work will be completed according to a modified schedule, or
 - (ii) Disapprove the extension.
 - (c) The Administrative Official shall mail the decision to the applicant and shall specify the decision as final unless appealed to the Hearing Examiner under the provisions of Chapter 16B.09 of this Title. Conditions of approval listed previously in the notice of decision issued pursuant to 16B.07.010 through 16B.07.030 of this Chapter may be appealed only according to the procedures and time periods specified in YCC 16B.09.010 and are not subject to appeal again following any decision or determination of the Administrative Official made under this Section 16B.07.050.

- (3) Failure to Complete Approved Permit Conditions within Specified Timeframe and Failure to Comply with Permit Decisions or Conditions.
- (a) Expiration. If compliance with the terms of the project permit approval has not occurred within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the project shall be considered expired by time limitation and the land use approval shall be null and void. Expiration of a project permit granted pursuant to Yakima County Code shall not be subject to appeal.
 - (b) Violations. A project permit issued or processed pursuant to any applicable Title listed in YCC 16B.01.020 will be deemed in violation of this Code if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted are not being maintained. Such violations of project permit approval shall be subject to Chapter 16B.11 and other remedies available to Yakima County under any applicable law to enforce conditions of permit approvals, remedy land use and code violations or abate those violations including without limitation YCC Title 13.
 - (c) Compliance Agreement. The applicant and the County may enter into a compliance agreement to complete the required conditions subject to appropriate fees to compensate the County in preparing, recording and implementing the compliance agreement. On terms acceptable to the Administrative Official, in his or her sole discretion, the County may offer an extension of time to complete the required conditions of approval subject to appropriate fees to compensate the County in preparing, recording and implementing any such compliance agreement; provided, however, that no compliance agreement may be used in lieu of the permit process to remove or negotiate conditions of approval.
- (4) Reinstatement. Where a project permit has expired, the applicant may apply to have the permit reinstated and the work authorized by the original permit can be recommenced, provided the following are met:
- (a) The applicant submits a written request not more than sixty days after the original permit or authorized extension expired.
 - (b) The applicant provides a timeline for successful achievement of all conditions upon which the Administrative Official can agree.
 - (c) The codes under which the original permit was issued and other laws which are enforced by Yakima County have not been amended in any manner which affects the work authorized by the original permit.
 - (d) No changes have been made or will be made in the original plans and specifications for such work.
 - (e) The applicant submits a reinstatement fee. The fee for a reinstated permit shall be seventy percent of the amount required for a new project permit pursuant to YCC Title 20.
 - (f) Where the request for reinstatement does not comply with all of the preceding criteria in this Subsection, a new project permit application must be submitted and processed as a new project, at full permit fees.



Yakima County Public Services

Workflow Comments

CUP2024-00009

128 North 2nd Street * Fourth Floor, Courthouse * Yakima, WA 9890
(509) 574-2300 * FAX (509) 574-2301

Date Printed: 5/9/2024

Workflow History

Task	Status	Comment	Date	Staff
Address Review	Complete	<p>No changes</p> <p>Notes: According to the Yakima County Address Database the correct address for Parcel 22102413401 is 1340 Cemetery when the access location was changed in 1999. The blue street side placard at the driveway entrance is correct. The submitted documents associated with this application are listing the address as 1410 Cemetery Road which is incorrect. Yakima County Road will add this parcel to the monthly notification letter so that other agencies can correct any incorrect addresses. No action needs to be taken by the landowner.</p>	3/25/2024	Jamie West
Building Review	Complete	<p>Based upon the information submitted, all new construction and modifications to existing structures require building permits (18IBC, S.105.1). All construction is required to comply with all applicable provisions of the current adopted International Building Codes with Washington State Amendments and Washington State Energy Code-Commercial at time of building permit submittal. Building permits and Building Codes are based upon the building use and construction type. As a commercial site, the entire site including all buildings, structures and facilities are required to be fully accessible to individuals with disabilities (18IBC, S.1103.1). A paved (not graveled) accessible route is required from accessible parking stalls to designated accessible entrance of each building (18IBC, S.1104.2). Paved (not graveled) accessible parking spaces with paved (not graveled) adjacent access aisles are required (18IBC, S.1106). The total number of accessible parking spaces is determined by the total number of spaces required by planning. Permanent accessible separate men's and women's toilet facilities are required (18IBC, S.1109.2, S.2902.2 and S.2902.3). The number of required toilet fixtures are based upon the total occupant load of the building based on use. A complete building and separate fire code compliance plan review will be performed when construction drawings and all associated documentation is submitted for building and fire code permits.</p>	2/22/2024	Richard Hembree
Code Enforcement	Comments Not Required		2/27/2024	Janna Jackson

Review

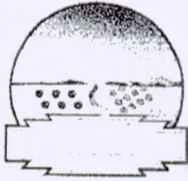
Current Planning Review	Complete		5/9/2024	Olivia Story
Env. Planning Review	Comments Not Required	Based on the submitted site plan, environmental review is not required.	4/2/2024	Olivia Story
Fire Review	Complete w/Conditions	<p>FIRE: Based on the information submitted, all new construction and modifications to existing structures require fire permits. All construction or change of use is required to comply with all applicable provisions of the currently adopted International Fire Codes with Washington State Amendments and the currently adopted Yakima County Ordinances. Fire Permits and Fire Codes are based on the building's use and construction type.</p> <p>Fire Access Roads shall meet the following requirements.</p> <ol style="list-style-type: none"> 1. Dimensions: Minimum 20' driving surface width and a minimum overhead clearance of 13 feet 6 inches. (YCC 503.2) 2. Surface: Designed and constructed to support the imposed load of 75,000 pounds for fire apparatus. The road surface shall be made of an all-weather driving-capable surface. And shall be maintained as such. (YCC 503.2.3) 3. Bridges: Where a bridge or elevated surface is part of the shared access private road, it shall be constructed and maintained according to AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed load of a fire apparatus. (YCC 503.2.6) 4. Grade: Road grade shall not exceed 10% without the approval of the Fire Code Official. (YCC 503.2.7) 	2/23/2024	Douglas Werts
Flood/Hazard Review	Complete	Based on current FEMA mapping and gis overlay, the entire parcel is outside the FEMA designated 100yr floodplain/floodway. Flood-resistive materials and construction methods are not required.	2/22/2024	Richard Hembree
Health Dist. Review	Complete w/Conditions	<p>Septic: A septic system will be required to serve this project. This septic system for this facility will need to be reviewed, permitted and approved by the Yakima Health District. Contact the Yakima Health District help desk at 509-249-6508 or yhd.help.desk@co.yakima.wa.us for application forms and more information.</p> <p>Water: This project is required to be served by a community water supply. For a facility serving 25 or more people for fewer than 60 days out of the year, the water system would need to be approved as a group B community water supply. Contact the Yakima Health District, 1210 Ahtanum Ridge Drive, Union Gap, WA 98903, 509-249-6508, yhd.help.desk@co.yakima.wa.us for applications and process descriptions for getting a group B community water system approved. If the water system will serve 25 or more people for 60 or more days per year, a new group A community water supply. Group A community water systems are approved by the Washington State Department of Health, Drinking Water Division. Please contact the regional engineer for Yakima County for more information (Andres Cervantes, ((509) 329-2120 16201 East Indiana Ave. Suite 1500</p>	3/11/2024	Kait Wolterstorff

Spokane Valley, WA 99216;
andres.cervantes@doh.wa.gov). The Yakima Health
District can assist you with a location for the well site.

Food: All caterers must be licensed by YHD. No permit
requirements for venue.

Long Range Planning Review	Comments Not Required		4/2/2024	Olivia Story
PC Building Review	Complete w/Conditions	<p>A building permit is required for the proposed barn structure. Any groundwork prior to the issuance of building permits will require a separate Grading & Excavation Permit.</p> <p>Building Research that will not hold up the finalization of the Land Use Permits: Hoop Structure is unpermitted. A building permit is required.</p> <p>Please contact the building division @ building@co.yakima.wa.us or 509-574-2300</p>	4/17/2024	Jessica Pearson
Transportation Review	Complete	<p>Comment: RAP2009-00533 was issued for parcel 22102413401. No rap required. It should be noted that the current approach is gravel and this proposal will increase the use. It is the owners responsibility to maintain the approach as permitted.</p> <p>Parcel 22102413401 is fronted by Cemetery Road. Cemetery Road is a FFC 18 Rural Minor Collector Road. A road of this classification requires 70' of right of way -> 35' on each side. The current right of way dedication is 20' across the frontage of this parcel. The use of this parcel is agriculture, therefore no additional right of way dedication will be required.</p>	5/9/2024	Victor Shaul
Transportation Review	Complete	<p>Comment: RAP1999-000533 was issued for parcels 22102413401. No rap required. It should be noted that the current approach is gravel and this proposal will increase the use. It is the owners responsibility to maintain the approach as permitted.</p> <p>Parcel 20121024401 is fronted by Cemetery Road. Cemetery Road is a FFC 18 Rural Minor Collector Road. A road of this classification requires 70' of right of way -> 35' on each side. The current right of way dedication is 20' across the frontage of this parcel. The use of this parcel is agriculture, therefore no additional right of way dedication will be required.</p>	2/22/2024	Victor Shaul
Water Resources Review	Complete	<p>Ongoing Conditions: * Stormwater must be retained on site. * Any natural drainageways must not be altered or impeded. Upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250.</p>	2/22/2024	Nellie Soptich

Attachment: C



REQUIRED ATTACHMENT:

YAKIMA COUNTY GENERAL SITE PLAN

Note: Producing the site plan from this template is preferred, however, the template can be substituted for your own drawing (computer aided is acceptable).

Site plan must be drawn with blue or black ink

SEE Attachments



LOT COVERAGE CALCULATION

- a) Dimension(s) of existing structure(s) 0 S.F.
b) Building addition/new structure(s) dimension(s) 2925 S.F.
c) Existing paved area(s) (driveways, walkways, patios, etc.) TOTAL 0 S.F.
d) Proposed paved area(s) 1950 S.F.
e) Total Impervious Surface (a+b+c+d = e) 4875 S.F.
f) Lot Size (1 acre = 43,560 sq ft) 43560 S.F.
g) Lot coverage (e/f x 100 = g) 11.19 %

MAP SCALE (check one)

☐ Preferred Scale: 1 inch on the map = 20 ft on the ground

☒ Custom Scale: 1 inch = 40ft.

*Square is 0.20" by 0.20"

PARKING CALCULATION (Reference Table 19.22 in YCC 19.22)

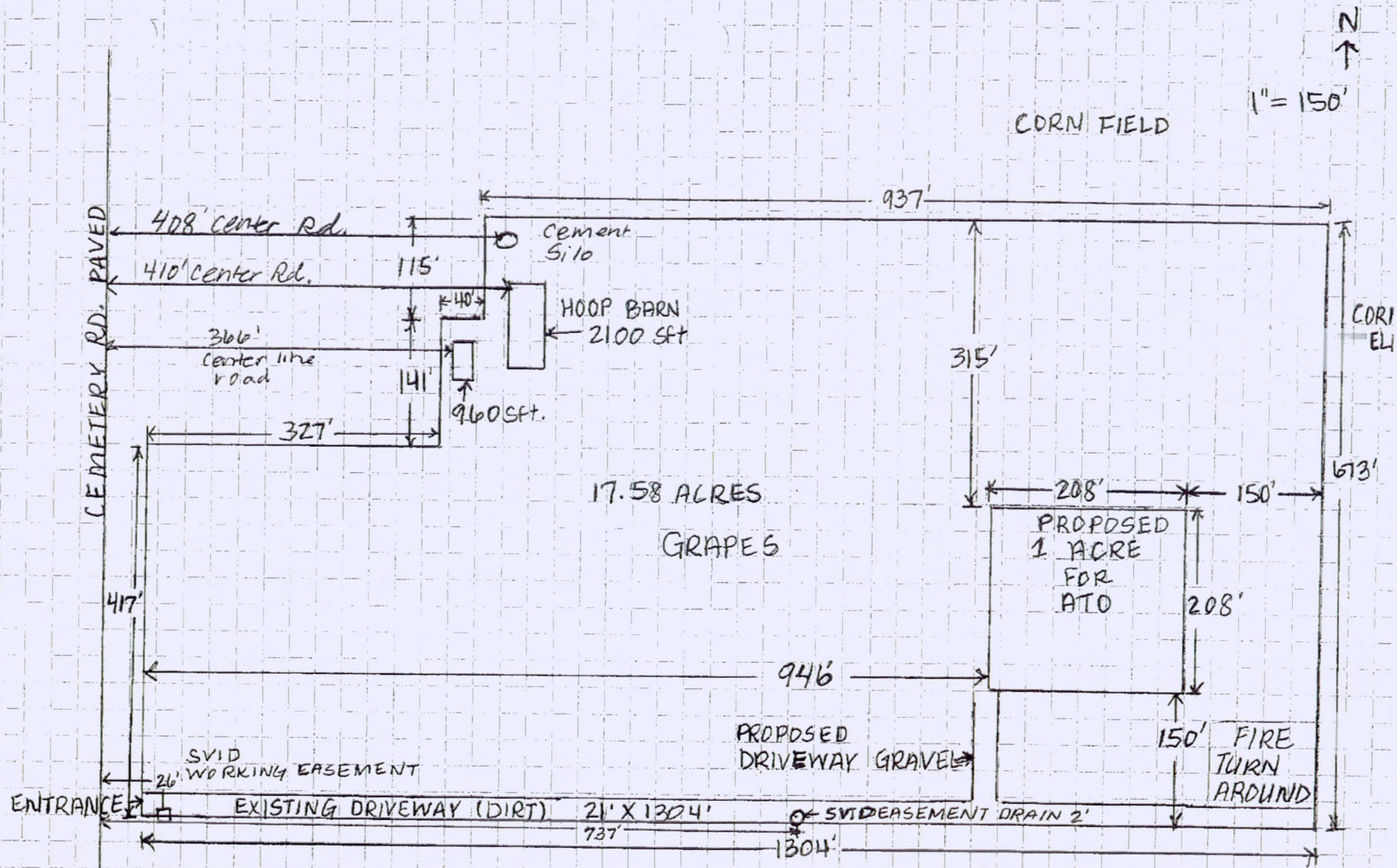
Spaces required: 13
Spaces provided: 19 Surface Type: gravel

LOT INFORMATION

Parcel #(s): 221024-13401
Site Address: 1410 Cemetery Rd. Sunnyside

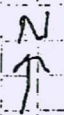
BACKGROUND INFORMATION

Owner Name: Eric & Tonya Morrow
Site Plan Created by: Tonya Morrow
Address: 1340 Cemetery Rd. Sunnyside
Contact Phone: (509) 305-1516 Date Created: 12/19/23

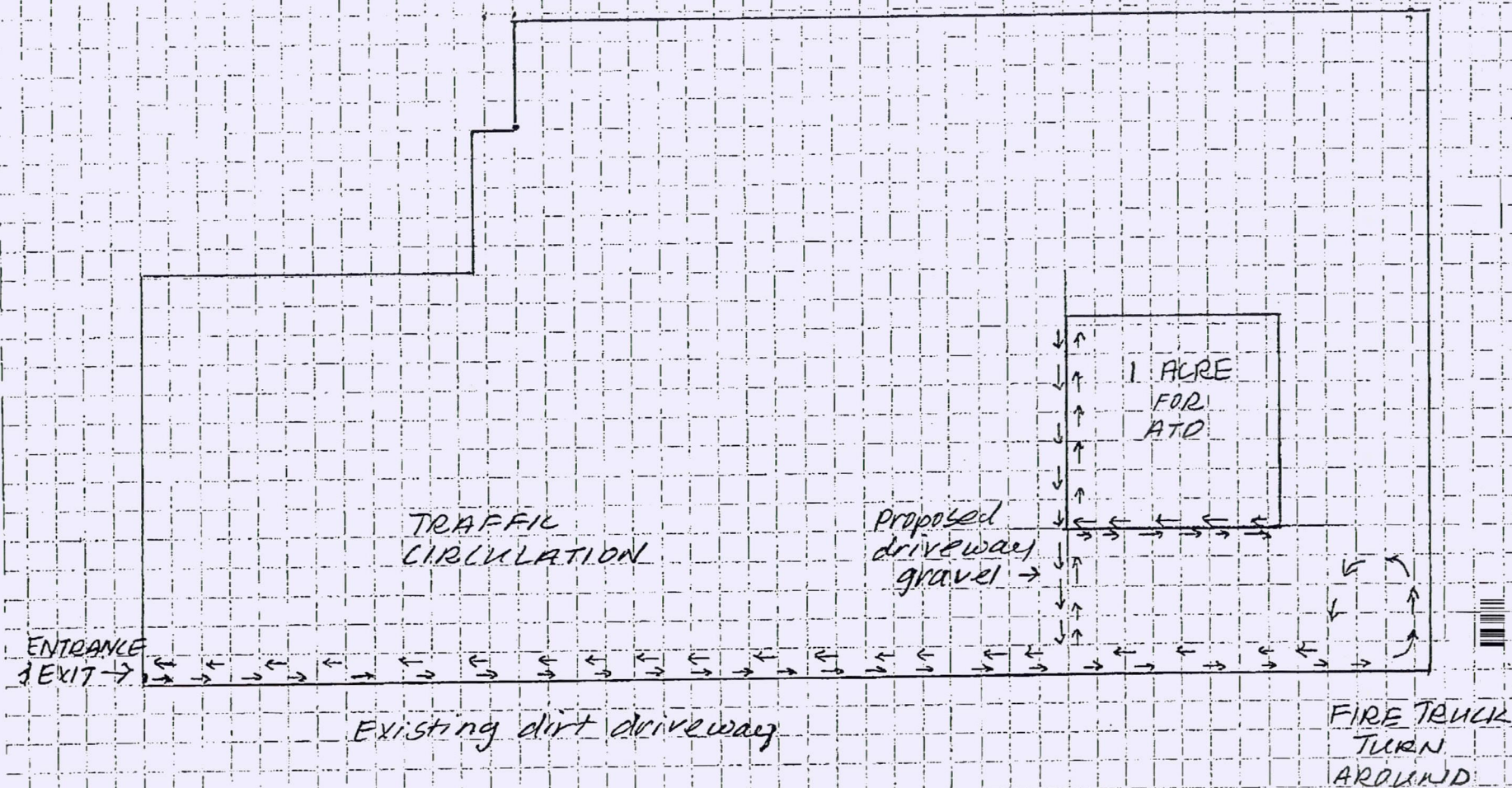


PROPERTY OWNER: ERIC & TONYA MORROW
 PARCEL # 221024-13401
 SITE ADDRESS: 1410 Cemetery Rd.
 Sunny Side WA 98944

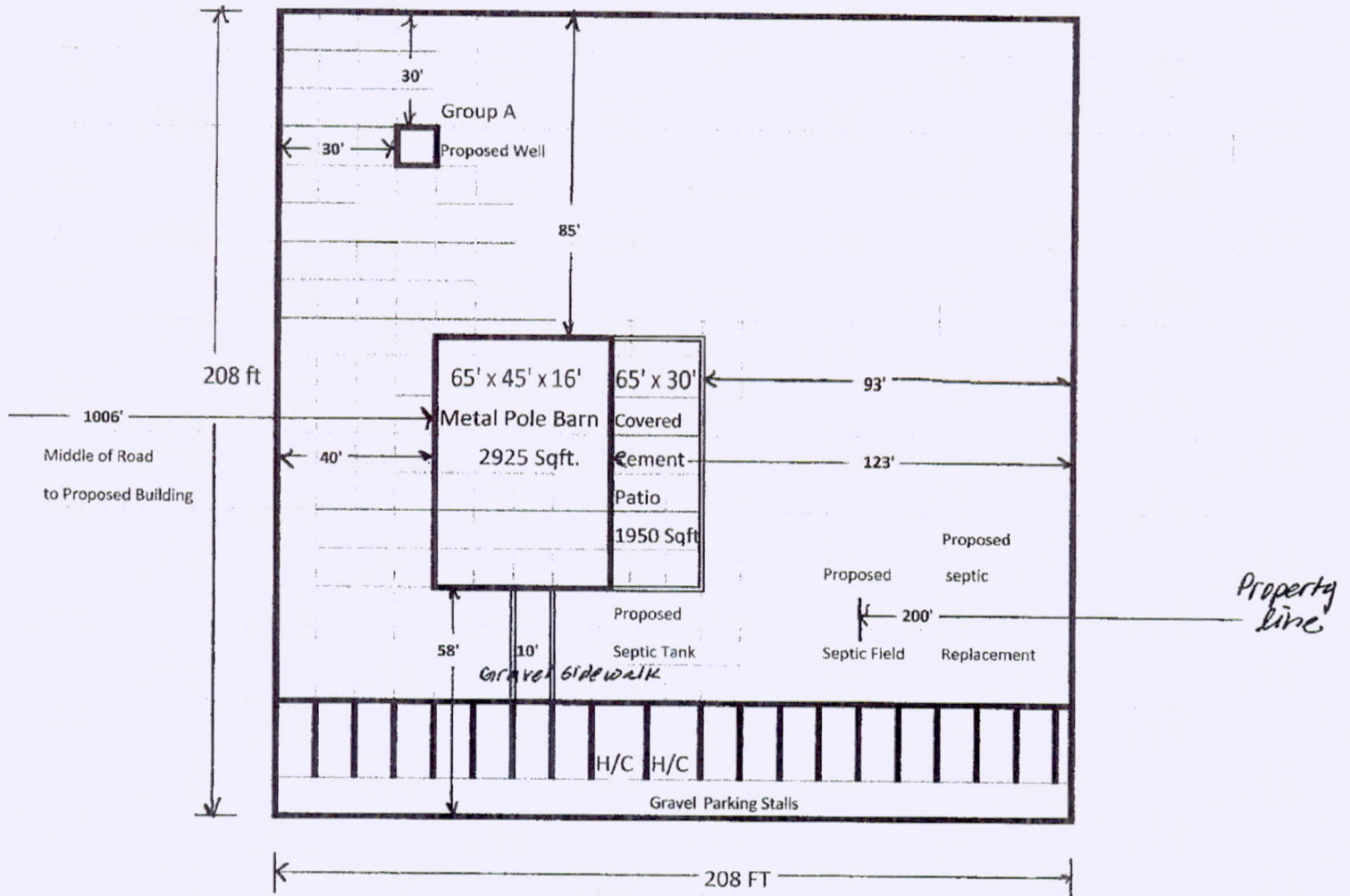
MINT FIELD



1" = 150'



ONE ACRE LOT FOR ATO-DESTINATION



Property Owner: Eric and Tonya Morrow

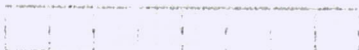
Parcel # 221024-13401

Site address: 1410 Cemetery Rd., Sunnyside, WA 98944

1"= 40 ft

Parking 10'X18'-17 stalls.

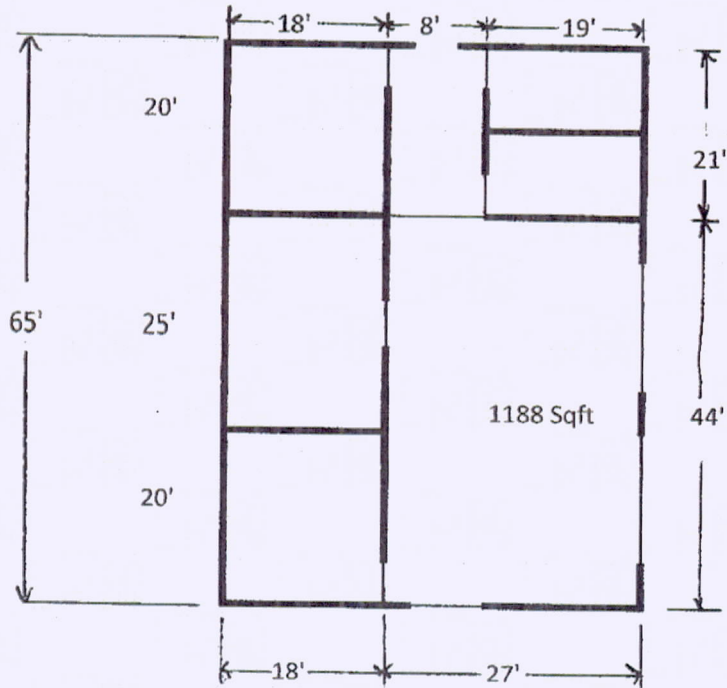
Handi/C Park 15'X 18'-2 stalls.



Metal Pole Barn 65'x45'x16'

2925 Sqft

45'



Property Owner: Eric and Tonya Morrow

Parcel # 221024-13401

Site address: 1410 Cemetery Rd., Sunnyside, WA 98944

Required Site Plan Information:

	N/A	#	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Property line dimensions of all lot(s) involved in the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	The location, width and purpose of all easements (utility, access and/or irrigation) on the site and adjacent to the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	The distance from existing and proposed structures to the centerline of state, county, private roads, or access easement with name, dimension, surface type (paved, gravel or dirt) of road.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	Existing or proposed driveway locations
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Location, shape, size, gross floor area, height and types (i.e., house, garage, well house) of all existing and proposed structures, minimum building setbacks from the property lines and other structures, and the total lot coverage.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6	The location, right-of-way widths, pavement widths, curbs, gutters, culverts and names of all existing or platted streets or roads, whether public or private, and other public ways within the subject property or adjacent to any affected lots;
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Location of well or water systems within 100 feet of the subject property or within a 100 foot well control zone and the distance from any structures within the well control zone. Label as Individual, 2-party, Group B, Group A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Location of proposed or existing septic tank, drain field area, and extension area, as well as replacement areas and distances to structures and property lines
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	The location and dimensions of any existing and proposed utilities, streets, railroads, irrigation and drainage canals, easements and dedication of property within the subject property or adjacent to any affected lots;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10	Critical Areas/Shoreline: River, streams, creek, pond, floodplain, floodway, etc. on or abutting the site (Distance from structure to the ordinary high water mark of the river, stream, creek, etc.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11	Show the existing topographic contours at intervals of not more than 5' when the ground slopes exceed 10%. Extend 100' beyond the boundaries of the site.

Building Division Application Site Plan Information:

	N/A	#	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Fire apparatus turnaround
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	For larger parcels, draw a simple plan showing the entire lot and indicate which area the new construction is to take place. Attach to the detailed section and submit both.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Distance of new structures from all property lines.

Planning Division Application Site Plan Information:

	N/A	#	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Location and dimensions of all proposed exterior land uses.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2	Location of new and/or expanded public and private utility infrastructure.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Location of pedestrian and vehicular circulation patterns, sidewalks, trails and bicycle paths.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4	Location of structures on the adjoining lots, which may cause compatibility issues.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Proposed location and dimensions of community and other open space.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6	Existing and proposed landscaping, site screening, street trees and storm water drainage facilities.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7	The existing on-site sewage system components and reserve areas and the proposed location for on-site sewage systems and soil test pits for all affected lots not served by an on-site sewage system or other approved wastewater treatment system. The location of structures on the adjoining lots when within 100 feet of a well or on-site sewage disposal system;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8	Proposed contours and grading as they affect lot layout, streets, and drainage ways.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Location of adjacent public water, sewer main, fire protection systems and other underground facilities within or adjacent to the development.
Floodplain development:			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10	Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11	The boundaries of the 100-year floodplain, the boundaries of floodways where floodways have been established, and the 100-year base flood elevations where base flood elevations have been established.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	The boundaries of the 10 and 25-year floodplain using the flood risk maps provided by Yakima County as part the mandatory pre-application conference.
<input type="checkbox"/>	<input type="checkbox"/>	13	Other information as may be required by YCC Titles 13, 16A, 16C or 16D.



APR 04 2024

Case No.: CUP2024-00009
Assigned To: Olivia

March 28, 2024

Yakima County Planning Division
128 North 2nd Street
4th Floor Courthouse
Yakima, WA 98901

Attachment: D**Subject:** CUP2024-00009 – Morrow ATO**Owner:** Eric and Tonya Morrow**Applicant:** Eric and Tonya Morrow**Location:** 1261 Cemetery Road Approx. 0.38 miles north of the City of Sunnyside**Parcel No.:** 221024-13401

To whom it may concern,

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comments:

SVID's piped Lateral 34.99 runs parallel with the west parcel boundary, parallel with Cemetery Rd, and is centered within an SVID irrigation easement. SVID's piped Drain 3 runs east to west parallel with the north parcel boundary for approximately 470 feet where there is a manhole access point then turns south and is centered within an SVID irrigation easement. The proposed project is outside of the easement and right of way areas and will not impact SVID's facilities.

Thank you for the opportunity to comment. If you have any questions, please contact Brandon Walker at (509) 837-6980 or walkerb@svid.org.

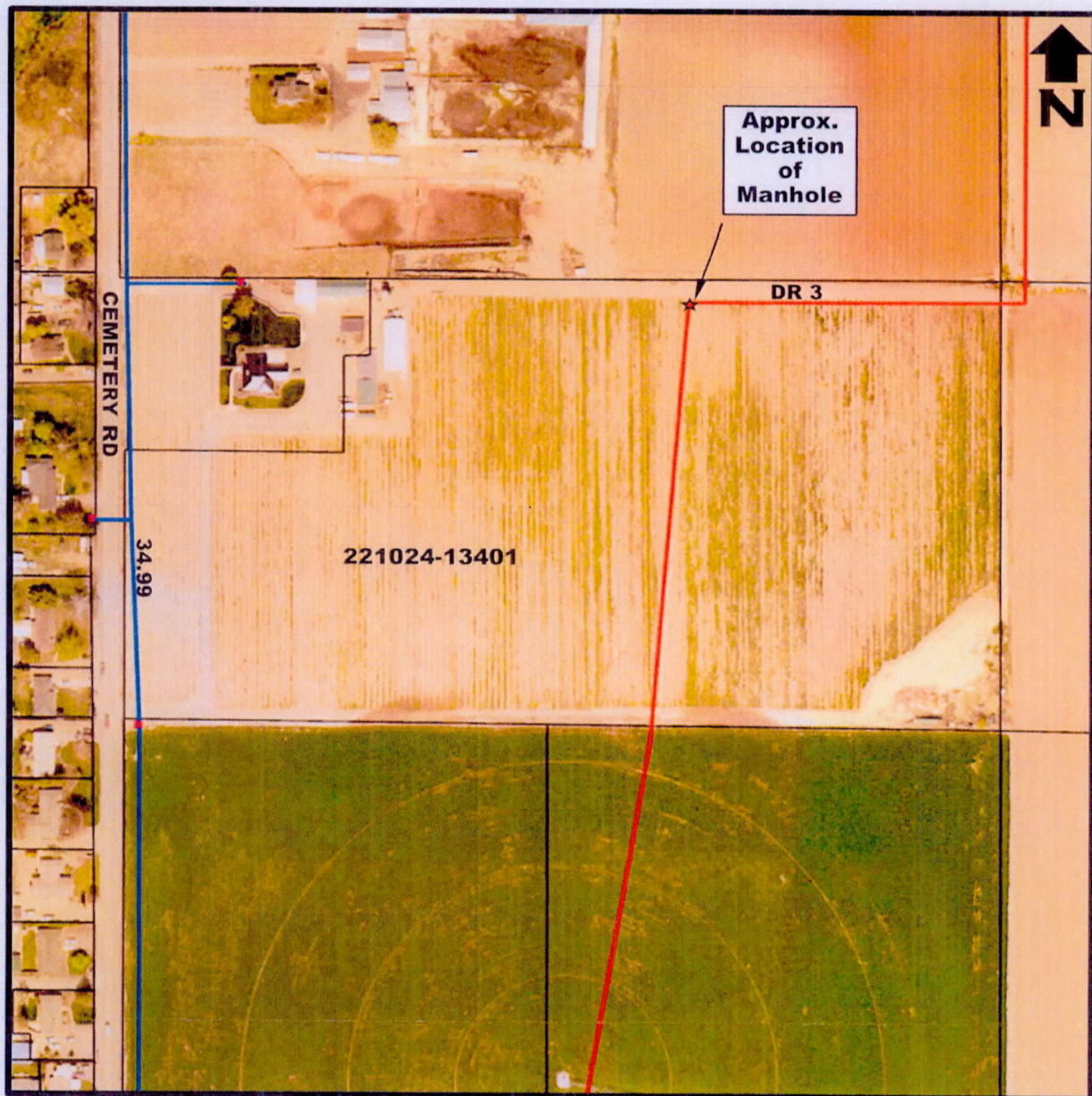
Sincerely,

Ron Cowin, P.E.

Assistant Manager – Engineering

Attachment: Vicinity Map

VICINITY MAP



VICINITY MAP IS FOR VISUAL REFERENCE ONLY.

ACCURACY IS NOT GUARANTEED.



Attachment: E

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

April 1, 2024

Olivia Story
Yakima County Public Service
128 North Second Street
Yakima WA, 98901

RE: CUP 2024-00009

Dear Olivia Story:

Thank you for the opportunity to comment on the Notice of Application for the Morrow ATO – Destination. We have reviewed the application and have the following comments.

Water Quality

The applicant may be required to obtain Winery General Permit (Permit) coverage from the Department of Ecology (Ecology) if wine, juice and/or wastewater production volumes surpass those quantified in Special Condition S1, Table 3 of the Permit. Ecology may also require Permit coverage if a facility is determined to be a “Significant Contributor of Pollutants or a Significant Industrial User” as defined in Appendix B of the Permit.

For technical assistance, contact Lucy Cornejo, Winery General Permit Manager at lucila.cornejo@ecy.wa.gov or by phone at 509-823-7912.

Water Resources

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals for a project up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

If you have any questions or would like to respond to these Water Resources comments, please contact Nathan Longoria at Nathan.Longoria@ecy.wa.gov or by phone at 509-907-1752.

Sincerely,

Joy Espinoza

Joy Espinoza

Central's SEPA Coordinator

509-379-3967 / crosepacoordinator@ecy.wa.gov

APR 02 2024

March 29, 2024

Re: CUP2024-00009 Morrow ATO-Destination Proposal

Case No.: CUP2024-00009Assigned To: OliviaAttachment: F

To whom it may concern:

We are Duane and Molly Schutt, property owners directly adjacent and south of the subject property at 1261 Cemetery Road, Sunnyside WA. We own 26 total acres and currently operate an agricultural farming operation on our land. We thank you for taking our written concerns into consideration regarding the proposed development.

The application states that the Morrow's are proposing to establish an Agricultural Tourist Operation, Destination (ATO). The Notice of Application/Completeness/Future Hearing announcement we received dated March 20, 2024 states that the intentions are that "juice grapes will be grown on-site and the site will be available for educational classes." The announcement failed to notate that the property owners also intend to allow other commercial activities such as weddings (see Narrative Form details). We strongly believe that allowing these commercial activities will unnecessarily devalue the neighboring properties and create avoidable future conflicts.

Allowing a commercial operation to be developed in this location will no doubt bring increased traffic, but this particular proposal will bring significant noise and airborne dust as well. The dust from vehicle traffic will be above and beyond that which is normal in the country and would likely impact grown crops. Dust on corn leaves can attract unwanted insects. Let's be honest, they propose to develop an Event Center, suitable for hosting upwards of 400 people and the impacts of such a development have not been sufficiently studied nor taken into consideration. Weddings, quinceaneras, and other large events are a time of celebration, and significant noise and airborne dust is unavoidable. This alone, will impact the current, and future value of our property in a substantially negative way.

Should the development move forward, at a minimum, we believe it's reasonable to require that fencing and arborvitae hedging be installed along the southerly property border. Requiring a "natural buffer" be planted at the developer's expense along the southerly property line will sufficiently mitigate airborne dust, as well as any over spray as a result of uncontrollable wind. As the current plan indicates, the proposed driveway will not be separated sufficiently from our property line. Requiring the natural buffer would certainly help.

Thank you for taking our concerns into consideration. We urge you to deny this application and proposal as it will negatively impact surrounding properties unnecessarily.

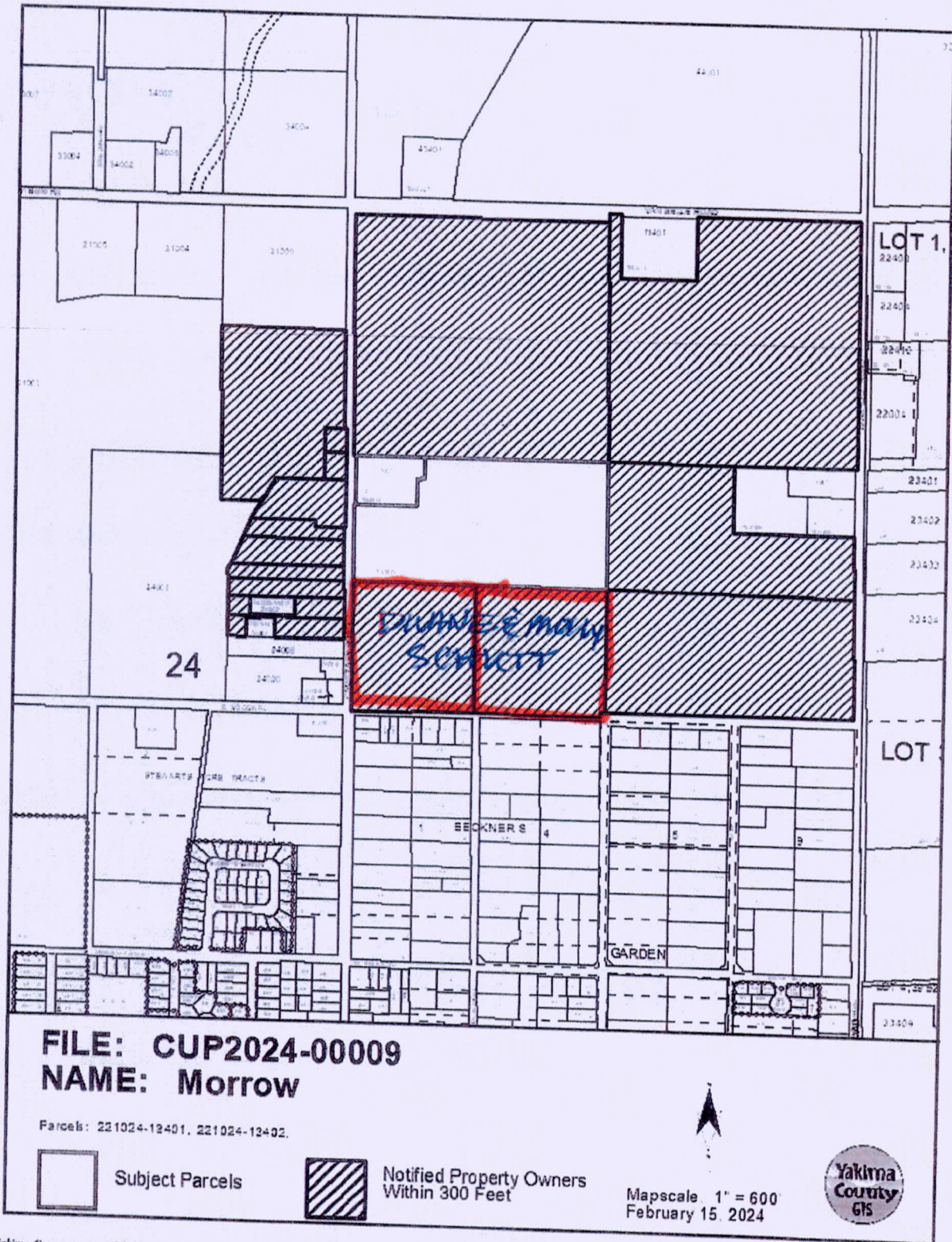
Sincerely,



Duane and Molly Schutt, Property Owners
Cemetery Road
Sunnyside, WA 98944

Residence: 151 Cantrel Rd, Sunnyside, WA 98944

Notice Map:



Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.

19.18.060 Agricultural Tourist Operations.

(1) Legislative Intent. Agricultural Tourist Operations (ATOs), as defined in Section 19.01.070 and allowed under RCW 36.70A.177, and accessory sales of items promoting the agricultural tourist operation, are considered to be agricultural accessory uses and a component of a strong agricultural economy. This Section is intended to provide standards to ensure that the physical development of tourist operations and public education in farming areas enables business diversification that supports, promotes and sustains agricultural operations and production. Therefore, Agricultural Tourist Operations are defined as retail, destination, or resort operations and are subject to the following minimum requirements to protect agricultural land of long-term commercial significance, ensure the operation is accessory to a principal agricultural use, and location, design, and operation that does not interfere with, and supports the continuation of, the overall agricultural use of the property and neighboring properties.

(2) Additional Accessory Uses. The ATO may include the following:

(a) Food Service. Food services associated with a use or activity allowed pursuant to this Section are those services which are incidental or accessory to a permitted use or value-added food items produced from agricultural products grown on the applicant's farm and may include sales of ancillary prepackaged foods or beverages that are not prepared on the premises for on-site consumption. Food handling is subject to a License from the Yakima Health District and may require a commercial kitchen meeting YCC Title 13 standards, depending on the specific conditions of the development authorization and the food service offered.

(b) Educational Services. Education services located on a farm shall be a subordinate element of the operation of an ongoing agricultural activity as defined by RCW 84.34.020(2).

(c) Ancillary Entertainment/Special Events. Ancillary entertainment/special events, including weddings/receptions, catered functions and small musical events, shall be sized and conditioned consistent with the character of permitted activities and uses. The Reviewing Official shall place a limit on the number of occupants or size of indoor and outdoor events allowed. Capacity is limited by building occupancy and parking limitations.

(d) Commercial Uses. Accessory uses include those which support, promote, or sustain agricultural operations and production as a secondary, subordinate, and/or

supplemental element of the operation of an ongoing agricultural activity as defined by RCW 84.34.020(2). Accessory commercial or retail uses shall predominantly sell regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on site. Accessory commercial retail uses shall offer for sale products or services produced on site and/or limited items promoting the ATO.

(3) General Requirements. All types of Agricultural Tourist Operations shall:

- (a) Be consistent with the intent of this Section;
- (b) Be operated by the owner, operator, or occupant of the farming use;
- (c) Comply with specific provisions applicable to the type of agricultural tourist operation in this Section;
- (d) Be subject to, and limited by the appropriate licensing standards of the Yakima Health District where food handling is required; and
- (e) Be located on a farm consisting of one or more contiguous parcels with at least five producing acres in the crops used in the retail product;
- (f) Locate and design the ATO accessory facilities and permanent parking so they will not interfere with agricultural operations on the site of the proposed use or on nearby properties;
- (g) Not locate nonagricultural accessory uses and activities, including new buildings, parking or supportive uses, outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses;
- (h) Have adequate access from a county road consistent with the standards under Chapter 19.23. ATOs that share a private road must submit a road maintenance agreement at the time of application signed by all legal property owners or their designees. Without the road maintenance agreement the application will be considered incomplete; and
- (i) Provide sufficient detail with applications proposing phased development of an ATO to enable the County, agencies and adjoining property owners to consider all aspects of the project at full build-out. Changes to an approved ATO that result in new uses that were not considered in the original approval are subject to the level of review for the requested change.

(4) Agricultural Tourist Operation – Retail.

(a) Ancillary Entertainment/Special Events. Indoor event facilities shall be no larger than 1,500 square feet.

(b) Food Service. The sale of food that is incidental or accessory to a permitted use or value-added food items produced from agricultural products grown on the applicant's farm may be provided. Food service may include sales of ancillary prepackaged foods or beverages that are not prepared on the premises for on-site consumption. Food service in the Retail ATO is subject to Yakima Health District licensing requirements and no permanent commercial kitchen is permitted. Food service shall only be served by licensed food vendors and shall be restricted to the events.

(c) Commercial Uses. Accessory commercial retail uses may sell products or services produced on site and/or limited items promoting the ATO.

(5) Agricultural Tourist Operation – Destination. A Destination ATO is one that consists of an assortment of uses over and above any uses associated with Retail ATO, but may include:

(a) Ancillary Entertainment/Special Events. Indoor event facilities shall be no larger than 7,500 square feet.

(b) Food Service. Food may also be served to registered guests staying at overnight lodging facilities or boarding houses approved under subsection (7) below, or as provided as part of a specific event or class (e.g. wedding or seminar) subject to Yakima Health District licensing requirements, including a commercial kitchen meeting YCC Title 13 standards if required.

(c) Commercial Uses. Other commercial uses directly related to the ATO may be allowed, such as gift stores, art galleries or the like.

(d) Overnight Lodging Facilities and Boarding or Lodging Houses. Overnight lodging facilities and boarding or lodging houses shall be limited to 12 overnight accommodations, as provided in subsection (7) below.

(6) Agricultural Tourist Operation – Resort. A Resort ATO is one that consists of an assortment of uses over and above any uses associated with Retail or Destination ATO but may include:

(a) Ancillary Entertainment/Special Events. Indoor and outdoor event facilities are not limited in size; provided the proposed facility conforms to the requirements set forth in subsection (3)(g) above.

(b) Food Service. A restaurant developed as an accessory use to the Resort ATO may serve meals to the general public, subject to Yakima Health District licensing requirements, including a commercial kitchen meeting YCC Title 13 standards.

(c) Commercial Uses. Other commercial uses directly related to the ATO may be allowed, such as gift stores, art galleries or the like.

(d) Overnight Lodging Facilities and Boarding or Lodging Houses. Overnight lodging facilities and boarding or lodging houses may include more than 12 overnight accommodations, as provided in subsection (7) below.

(7) Accessory Overnight Lodging Facilities and Boarding or Lodging Houses. Overnight lodging facilities and boarding or lodging houses are subject to additional requirements when proposed within an Agricultural Tourist Operation:

(a) Overnight Lodging Facilities and Boarding or Lodging Houses. Overnight lodging facilities and boarding or lodging houses as defined in Section 19.01.070 shall be subject to the following conditions:

(i) Facilities proposed within the Agriculture (AG) zone shall only be considered when being proposed as an accessory use to a Destination or Resort Agricultural Tourist Operation.

(ii) In all allowed zones, such facilities being proposed as an accessory use to a Destination Agricultural Tourist Operation shall be limited to 12 overnight accommodations.

(iii) The facilities and permanent parking shall be located and designed so they will not interfere with agricultural operations on the site of the proposed use or on nearby properties.

(iv) The facilities and permanent parking shall be located within the general area already developed for buildings and residential uses and shall not convert more than one acre of agricultural land to nonagricultural uses.

(b) Membrane Structures. The use of a membrane structure, such as a tepee or yurt that meets the following criteria may be allowed in conjunction with approval of an overnight lodging facility or boarding or lodging house. The membrane structure:

(i) Shall be placed on a permanent foundation or pad;

(ii) Is not a camping unit or recreational vehicle as defined in Section 19.01.070;

(iii) Meets the current building code and Yakima Health Department requirements for transient accommodations; and

(iv) Does not contain indoor cooking facilities.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

SIGN POSTING PROCEDURES AND CERTIFICATION

The applicant is required to post one or more public hearing notification signs at the site of the land use proposal. The applicant is responsible for obtaining the sign(s) from the Yakima County Planning Division and for posting and maintaining the sign(s) as prescribed below (YCC 16B.05.030 (4)):

1. The sign(s) shall be placed on the property a minimum of 15 days before the scheduled public hearing date;
2. If the public hearing is continued, delayed, or postponed, the sign(s) shall be replaced or amended to accurately describe the new date, place, and time for the public hearing;
3. If the property has more than one (1) street frontage, a sign shall be placed facing each street;
4. If the property under consideration does not have any abutting street, consult with the Planning Division staff regarding the appropriate location for the sign(s);
5. The sign(s) shall be firmly affixed on the property in a place visible from the adjoining streets;
 - a. The sign(s) shall be placed within five (5) feet of the public right-of-way; and
 - b. The sign(s) shall be a minimum of two (2) feet above the ground;
 - c. The sign(s) shall be positioned to have no visual obstructions and to be readily seen;
6. The status of the sign(s) should be checked frequently and fallen or destroyed sign(s) shall immediately be replaced; new sign(s) are available from the Planning Division if needed for an additional fee; and
7. The sign(s) shall be posted and maintained throughout the approval process and then removed by the applicant within five (5) days after the public hearing.
The sign board(s) shall be returned to the Planning Division no later than 7 days after the hearing date or a reimbursement fee for the board will be added to the final billing.

Fifteen (15) days prior to the public hearing the applicant is required to certify that the sign(s) have been posted and maintained as required. Applicants are also required to submit a photo showing the posted sign(s) as viewed from the abutting street(s). Failure to comply with these requirements will cause the public hearing to be canceled and rescheduled for a later date.

THE FOLLOWING CERTIFICATION IS TO BE COMPLETED AND SUBMITTED TO THE PLANNING DIVISION A MINIMUM OF 15 DAYS PRIOR TO THE PUBLIC HEARING.

I, Eric Morrow (printed name) hereby state that I have received a copy of the Sign Posting Procedures and that the required sign(s) have been posted and maintained as prescribed in the Sign Posting Procedures.

Eric Morrow
Signature of Applicant or Agent

6-3-24
Date

For Official Use Only:

Case Number: **CUP2024-00009, Morrow ATO**

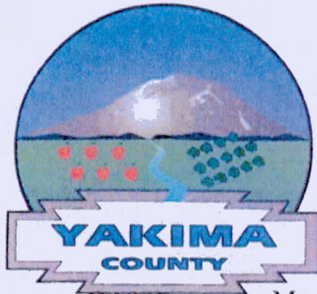
Date Received: 06/03/2024

Planner: Olivia Story, 509-574-2391

FILED

HEARING EXAMINER

EXH # 1 DATE 06/03/2024
FILE NO. CUP2024-00009



Public Services

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

LISA H. FREUND – Director

DATE: May 24, 2024

TO: Eric and Tonya Morrow, Adjacent Property Owners, and Interested Agencies

FROM: Olivia Story, Yakima County Public Services Department: Planning Division

SUBJ: CUP2024-00009 – Morrow Destination ATO
Notice of Open Record Public Hearing

DESCRIPTION OF PROPOSAL

Owner/ Applicant: Eric and Tonya Morrow

Location: 1261 Cemetery Road, Sunnyside. The subject parcel is located east of Cemetery Road, north of Woodin Road, and approximately 650 feet north of the intersection of Cemetery Road and Woodin Road, about 2,000 feet north of the City of Sunnyside.

Tax Parcel No.: 221024-13401

Application Submittal Date: February 15, 2024

Completeness Date: March 14, 2024

Proposal: The applicants are proposing to establish a Destination Agricultural Tourist Operation (ATO) on the subject property. The event facility is proposed to be in a 2,925-square-foot pole barn on site. All ATO facilities and activities will be limited to no more than one acre of the subject parcel. Juice grapes will be grown on-site and the site will be available for educational classes. Ingress and egress to the property is from Cemetery Road. 19 parking spaces are proposed to serve the facility. Operation hours are proposed from Tuesday to Saturday, 9:00 a.m. to 11:00 p.m.

PROJECT INFORMATION:

A land use application has been submitted near your property. To view the application materials online go to <https://yakimacountypermits.us> (select Planning tab, enter record number(s) in the search box and hit enter, select the record info drop down, and then select attachments) or you can view the documents at the Planning Division on the 4th floor of the Courthouse. A staff report on the project will be available a week before the hearing and will be posted on the Hearing Examiner's webpage: <https://www.yakimacounty.us/843/Hearing-Examiner>.

NOTICE OF PUBLIC HEARING:

An open record public hearing is scheduled before the Yakima County Hearing Examiner on **Thursday, June 20, 2024, at 9:30 a.m.**

- The hearing will be conducted both in-person in the BOCC Conference Room (Yakima County Courthouse Basement, Room B33, 128 N. 2nd Street, Yakima) and virtually/telephonically using Microsoft Teams. For joining information go to <https://www.yakimacounty.us/2566/Upcoming-Public-Hearings>. The link will provide information with the options to either "Join the meeting via Microsoft Teams" or to call in on a

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.

FILED
HEARING EXAMINER

EXH # 2 DATE 05/24/2024
FILE NO. CUP2024-00009

telephone.

- If you wish to speak during the Public Hearing, there will be an allotted time for public comments. You will then be asked to state your name and provide your contact information into the record. Virtual/telephonic participants should not mute or unmute themselves; the host will do this for you. All virtual participants must put their names in the Microsoft Teams Meeting application window.

Your views on the proposal are welcome. Written comments should be mailed to: Yakima County Planning Division, 128 N. 2nd St., 4th Floor Courthouse, Yakima, WA 98901; or by email to: planning_info@co.yakima.wa.us. Be sure to reference the above case numbers in your correspondence. Comments submitted up to and during the hearing on **June 20, 2024**, will be considered. Anyone who submits comments will automatically become a party of record and will be notified of any decision on this project.

Notice of the final decision will be sent to those who commented or may be obtained upon request. There will be no administrative appeal of the final decision under the Yakima County Code. The final decision will contain specific appeal information. If you have any questions on this proposal, please call **Olivia Story**, Planner IV, at olivia.story@co.yakima.wa.us or 509-574-2300 or 1-800-572-7354 ext. 2300.

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.

3

FILED
HEARING EXAMINER
EXH # 2 DATE 05/24/2024
FILE NO. CUP2024-00009

Marivel Garcia
Joe Stump
Jase Testerman
Troy Havens
Jack Wells

Jason Earles
Tua Vang
David Haws
Ivan Klingele
Nellie Soptich

WA. State Dept. of Ecology
Attn: Joy Espinoza
crosepacoordinator@ecy.wa.gov

Yakama Nation
Cultural Resources
jessica@Yakama.com
corrine_camuso@Yakama.com
THPO@Yakama.com

Yakama Nation Environmental
enviroreview@yakama.com

Superintendent
Bureau of Indian Affairs
P.O. Box 632
Toppenish, WA 98948

Bureau of Indian Affairs
Nichole.pebeahsy@bia.gov

Rebecca Chu
EPA Region 10
R10-NEPA@epa.gov

Yakima Health District
Help Desk
yhd@co.yakima.wa.us

Robert Bright
Air Traffic & Airspace Officer
Joint Base Lewis-McChord
robert.d.bright10.civ@army.mil

WA Dept. of Fish & Wildlife
Elizabeth Torrey and Scott Downes
Elizabeth.Torrey@dfw.wa.gov
Scott.downes@dfw.wa.gov

sepa@dahp.wa.gov

Clean Air Agency
186 Iron Horse Court, Suite 101
Yakima, WA 98901

S.V.I.D.
P.O. Box 239
Sunnyside, WA 98944

Fire Chief
Fire District #5
P.O. Box 447
Zillah, WA 98953

Sunnyside School District
Attn: Kevin McKay
1110 S. 6th Street
Sunnyside, WA 98944

Eric & Tonya Morrow
1261 Cemetery Rd
Sunnyside, WA 98944

Jason Merritt
Steel Structures America
jason@findssa.net

AGENCY MAILING LIST

HIGHLIGHTED = EMAILED

CUP2024-00009

5/24/2024

6 LABELS

FILED

HEARING EXAMINER

EXH # 2 DATE 05/24/2024
FILE NO. WPR2024-00009

22102414004

CELSO ALVAREZ AMEZCUA
1231 WASHOUT RD
SUNNYSIDE, WA 98944

22102413002

DUANE A & MOLLY A SCHUTT
151 CANTRELL RD
SUNNYSIDE, WA 98944

22102421006

TERESA M LARA-SOTO
1461 CEMETERY RD
SUNNYSIDE, WA 98944

22102424005

EMILY RADY
1351 CEMETERY RD
Sunnyside, WA 98944

22102413401

ERIC & TONYA MORROW
1261 CEMETARY RD
SUNNYSIDE, WA 98944

22102411402

SUNNYSIDE ZERO STORAGE LLC
PO BOX 916
SUNNYSIDE, WA 98944

22102414003

GILBERTO S & YOLANDA VILLALOBOS
1435 S 8TH ST
SUNNYSIDE, WA 98944

22102424003

HUMBERTO G & HILDA BARRON
1391 CEMETERY RD
SUNNYSIDE, WA 98944

22102421002

RAFAEL & MARTHA MORFIN
1431 CEMETERY RD
SUNNYSIDE, WA 98944

22102414004

IDOLINA A ALVAREZ
1231 WASHOUT RD
SUNNYSIDE, WA 98944

22102424012

JAMES B & KATRINA J VAN WINGERDEN
1271 CEMETERY RD
SUNNYSIDE, WA 98944

22102424016

JOHN W & DEANNA L VAN WINGERDEN
1291 CEMETERY RD
SUNNYSIDE, WA 98944

22102412001

PAUL C WARMENHOVEN
1500 CEMETERY RD
SUNNYSIDE, WA 98944

22102424005

JUD MANTINI
1351 CEMETERY RD
SUNNYSIDE, WA 98944

22102424013

LUIS E HERNANDEZ
1341 CEMETERY RD
SUNNYSIDE, WA 98944

FILED

HEARING EXAMINER

EXH # 2 DATE 05/24/2024
FILE NO. WP2024-00009

Karri Espinoza

From: Karri Espinoza
Sent: Friday, May 24, 2024 7:59 AM
To: 'crosepacoordinator@ecy.wa.gov'; 'jessica@yakama.com';
'corrine_camuso@yakama.com'; 'THPO@yakama.com'; Yakama SEPA; 'R10-NEPA@epa.gov'; YHD Help Desk; 'Bright, Robert D CIV USARMY ID-READINESS (USA)'; 'elizabeth.torrey@dfw.wa.gov'; 'scott.downes@dfw.wa.gov'; 'DAHP SEPA (DAHP)'
Subject: CUP2024-00009 - Notice of Open Record Hearing
Attachments: CUP2024-00009 Notice of Open Record Hearing.pdf

Karri Espinoza

Office Supervisor
128 N 2nd St, 4th Floor
Yakima, WA 98901
(509)574-2300
Karri.espinoza@co.yakima.wa.us

This email and replies to it are subject to public disclosure under Washington state statute (RCW 42.56 - Public Records Act).

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Karri Espinoza

From: Karri Espinoza
Sent: Friday, May 24, 2024 7:59 AM
To: Marivel Garcia; Joe Stump; Jase Testerman; Troy Havens; Jack Wells; Jason Earles; Tua Vang; David Haws; Ivan Klingele; Nellie Soptich
Subject: CUP2024-00009 Notice of Open Record Hearing
Attachments: CUP2024-00009 Notice of Open Record Hearing.pdf

Karri Espinoza

Office Supervisor
128 N 2nd St, 4th Floor
Yakima, WA 98901
(509)574-2300
Karri.espinoza@co.yakima.wa.us

This email and replies to it are subject to public disclosure under Washington state statute (RCW 42.56 - Public Records Act).

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NOTICE OF OPEN RECORD HEARING

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

I, Karri Espinoza, being first duly sworn, and as an employee of the Yakima County Public Services, Planning Division, dispatched through the United States Mails, or otherwise by electronic mail, a NOTICE OF OPEN RECORD HEARING a true and correct copy of which is enclosed here-with; that a NOTICE OF OPEN RECORD HEARING was addressed to the applicant, agent and parties of record pursuant to Yakima County Code Title 16B.05, that said parties are individually listed on the Mailing List retained by the Planning Division and that said notice was mailed by me on the 24th day of May, 2024.

That I mailed said notice in the manner herein set forth and that all of the statements are made herein are just and true. Dated this 24th day of May 2024.

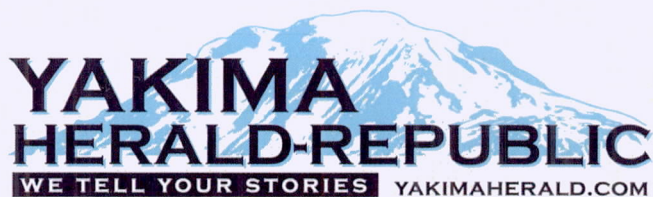
Kari A. Espinoza

Karri A. Espinoza
Office Supervisor

FILED
HEARING EXAMINER
EXH # 3 DATE 05/24/2024
FILE NO. WP2024-00009

Yakima Herald-Republic

PO Box 9668
Yakima, WA 98909



Yakima County Planning Division
Karri Espinoza
Courthouse - Room 417
128 N 2ND STREET
Yakima, WA 98901
USA

Order Confirmation

Order #:	79089
Order Ref #:	
Date:	5/23/2024
Advertiser #:	23402
Advertiser Name:	Yakima County Planning Division
Agency #:	
Agency Name:	
Account Manager:	Simon Sizer ssizer@yakimaherald.com

\$ 259.00

Ad No.	Date	Description	Position	Format
429066	5/30/2024	Yakima County Public Services Planning Division Notice of Hearing File No.: CUP2024-00009- Morrow Destination ATO. Description o	Yakima Herald Republic Broadsheet - CL-Legals	3.46 × 8.76 in × 2.0000 col.
429067	5/30/2024	Yakima County Public Services Planning Division Notice of Hearing File No.: CUP2024-00009- Morrow Destination ATO. Description o	Yakima Herald Republic CL Online - CL-Legals	3.46 × 8.76 in × 2.0000 col.

Summary

Total Net Amount	\$ 259.00
Taxes	\$ 0.00
Total Amount	\$ 259.00

Remittance Address:

Yakima Herald-Republic
PO Box 9668
Yakima, WA 98909
Tel: (206) 464-2550

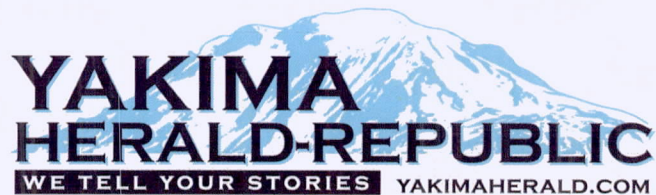
FILED

HEARING EXAMINER

EXH # 4 DATE 05/23/2024
FILE NO. CUP2024-00009

Yakima Herald-Republic

PO Box 9668
Yakima, WA 98909



Classified Category: Legals|Public Notices

**Yakima County Public Services
Planning Division
Notice of Hearing**

File No.: CUP2024-00009– Morrow Destination ATO.

Description of Proposal: The applicants are proposing to establish an Agricultural Tourist Operation, Destination (ATO) on the subject property.

Location of Proposal: 1261 Cemetery Road, Sunnyside. The subject parcel is located east of Cemetery Road, north of Woodin Road, and approximately 650 feet north of the intersection of Cemetery Road and Woodin Road, about 2,000 feet north of the City of Sunnyside.

An open record public hearing is scheduled before the Yakima County Hearing Examiner on Thursday, June 20, 2024, at 9:30 a.m.

• The hearing will be conducted both in-person in the BOCC Conference Room (Yakima County Courthouse Basement, Room B33, 128 N. 2nd Street, Yakima) and virtually/telephonically using Microsoft Teams. For joining information go to

<https://www.yakimacounty.us/2566/Upcoming-Public-Hearings>. The link will provide information with the options to either "Join the meeting via Microsoft Teams" or to call in on a telephone.

• If you wish to speak during the Public Hearing, there will be an allotted time for public comments. You will then be asked to state your name and provide your contact information into the record. Virtual/telephonic participants should not mute or unmute themselves; the host will do this for you. All virtual participants must put their names in the Microsoft Teams Meeting application window.

Comment and Appeal Information: To view the application materials online go to **<https://yakimacountypermits.us>** (select *Planning* tab, enter record number(s) in the search box and hit enter, select the record info drop-down, and then select the attachments) or you can view the documents at the Planning Division on the 4th floor of the Courthouse. A staff report will be available a week before the hearing and will be posted on the Hearing Examiner's webpage:

<https://www.yakimacounty.us/843/Hearing-Examiner>. Your views on the proposal are welcome. Written comments should be mailed to: Yakima County Planning Division, 128 N. 2nd St., 4th Floor Courthouse, Yakima, WA 98901; or by email to:

planning_info@co.yakima.wa.us. Be sure to reference the above case numbers in your correspondence. Comments submitted up to and during the hearing on **June 20, 2024**, will be considered. Anyone who submits comments will automatically become a party of record and will be notified of any decision on this project. Notice of the final decision will be sent to those who commented or may be obtained upon request. There will be no administrative appeal of the final decision under the Yakima County Code. The final decision will contain specific appeal information. If you have any questions on this proposal, please call Olivia Story, Planner IV, at **olivia.story@co.yakima.wa.us** or 509-574-2300 or 1-800-572-7354 ext. 2300.

If you are a person with a disability who needs any accommodation in order to participate in this program, hearing or service, you may be entitled to receive certain assistance at no cost to you. Please contact the ADA Coordinator at Yakima County no later than five (5) working days prior to the date service is needed.

Yakima County ADA Coordinator
128 N. 2nd Street, Room B27
Yakima, WA 98901
(509) 574-2210

7-1-1 or 1-800-833-6384 (Washington Relay Services for deaf and hard of hearing)

Dated this 23rd day of May 2024

(79089) May 30, 2024

FILED
HEARING EXAMINER 10
EXH # 4 DATE 05/23/2024
FILE NO. CUP2024-00009



Public Services

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

LISA H. FREUND Director

DATE: March 20, 2024

TO: Eric and Tonya Morrow, Adjacent Property Owners, and Interested Agencies

FROM: Olivia Story, Yakima County Public Services Department: Planning Division

SUBJ: CUP2024-00009 – Morrow ATO - Destination
Notice of Application, Notice of Completeness, and Notice of Future Hearing

DESCRIPTION OF PROPOSAL

Owner/Applicant: Eric and Tonya Morrow

Location: 1261 Cemetery Road, Sunnyside. The subject parcel is located east of Cemetery Road, north of Woodin Road, and approximately 650 feet north of the intersection of Cemetery Road and Woodin Road, about 2,000 feet north of the City of Sunnyside.

Tax Parcel No.: 221024-13401

Application Submittal Date: February 15, 2024

Completeness Date: March 14, 2024

Proposal: The applicants are proposing to establish an Agricultural Tourist Operation, Destination (ATO) on the subject property. The event facility is proposed to be in a 2,925-square-foot pole barn on site. All ATO facilities and activities will be limited to no more than one acre of the subject parcel. Juice grapes will be grown on-site and the site will be available for educational classes. Ingress and egress to the property is from Cemetery Road. 19 parking spaces are proposed to serve the facility. Operation hours are proposed from Tuesday to Saturday, 9:00 a.m. to 11:00 p.m.

A land use application has been submitted near your property. To view the application materials online go to <https://yakimacountypermits.us> (select Planning tab, enter record number(s) in the search box and hit enter, select the record info drop down, and then select attachments) or you can view a copy of application materials at the Planning Division on the 4th floor of the Courthouse. Your views on the proposal are welcome and any person may provide written comments on issues related to the proposal. **All written comments must be received by 4:00 p.m., April 3, 2024.** To be considered prior to making the final decision, all submitted comments must identify the name and physical or post office address of the sender. **An open record public hearing will be scheduled before the Hearing Examiner. Mail your comments on this project to Yakima County Planning Division, 128 N. 2nd St., 4th Floor Courthouse, Yakima, WA 98901. Be sure to reference the above case number in your correspondence.**

The date of the Hearing is not yet known. A Notice of Hearing will be issued in the future. Written comments may be provided at the hearing. Interested parties may request copies of the hearing notice or participate in the hearing. A staff report on the project will be available about a week before the hearing. Notice of the final decision will be sent to those who comment or may be obtained upon request. The final decision will contain specific appeal information. If you have any questions on this proposal, please call Olivia Story, Planner IV, at (509) 574-2300 or 1-800-572-7354 ext. 2300.

FILED

HEARING EXAMINER

EXH # 5 DATE 05/20/2024
FILE NO. CWP2024-00009

[illegible]

Parcels 221024-13401, 221024-13402



Mapscale 1" = 600'
February 15, 2024



If this letter pertains to a meeting and you need special accommodations, please call us at 509 574 2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509 574 2300.

FILED

HEARING EXAMINER

EXH #

DATE 0

DATE 05/20/2024

FILE NO. CUP2024-00009

22102414004
CELSE ALVAREZ AMEZCUA
1231 WASHOUT RD
SUNNYSIDE, WA 98944

22102424005
EMILY RADY
1351 CEMETERY RD
Sunnyside, WA 98944

22102414003
GILBERTO S & YOLANDA VILLALOBOS
1435 S 8TH ST
SUNNYSIDE, WA 98944

22102414004
IDOLINA A ALVAREZ
1231 WASHOUT RD
SUNNYSIDE, WA 98944

22102412001
PAUL C WARMENHOVEN
1500 CEMETERY RD
SUNNYSIDE, WA 98944

22102413002
DUANE A & MOLLY A SCHUTT
151 CANTRELL RD
SUNNYSIDE, WA 98944

22102413401
ERIC & TONYA MORROW
1261 CEMETARY RD
SUNNYSIDE, WA 98944

22102424003
HUMBERTO G & HILDA BARRON
1391 CEMETERY RD
SUNNYSIDE, WA 98944

22102424012
JAMES B & KATRINA J VAN WINGERDEN
1271 CEMETERY RD
SUNNYSIDE, WA 98944

22102424005
JUD MANTINI
1351 CEMETERY RD
SUNNYSIDE, WA 98944

22102421006
TERESA M LARA-SOTO
1461 CEMETERY RD
SUNNYSIDE, WA 98944

22102411402
SUNNYSIDE ZERO STORAGE LLC
PO BOX 916
SUNNYSIDE, WA 98944

22102421002
RAFAEL & MARTHA MORFIN
1431 CEMETERY RD
SUNNYSIDE, WA 98944

22102424016
JOHN W & DEANNA L VAN WINGERDEN
1291 CEMETERY RD
SUNNYSIDE, WA 98944

22102424013
LUIS E HERNANDEZ
1341 CEMETERY RD
SUNNYSIDE, WA 98944

Marivel Garcia
Joe Stump
Jase Testerman
Troy Havens
Jack Wells
Jason Earles
Tua Vang
David Haws
Ivan Klingele
Nellie Soptich

WA. State Dept. of Ecology
Attn: Joy Espinoza
crosepacoordinator@ecy.wa.gov

Yakama Nation
Cultural Resources
jessica@Yakama.com
corrine_camuso@Yakama.com
THPO@Yakama.com

Yakama Nation Environmental
enviroreview@yakama.com

Superintendent
Bureau of Indian Affairs
P.O. Box 632
Toppenish, WA 98948

Bureau of Indian Affairs
Nichole.pebeahsy@bia.gov

Rebecca Chu
EPA Region 10
R10-NEPA@epa.gov

Yakima Health District
Help Desk
yhd@co.yakima.wa.us

Robert Bright
Air Traffic & Airspace Officer
Joint Base Lewis-McChord
robert.d.bright10.civ@army.mil

WA Dept. of Fish & Wildlife
Elizabeth Torrey and Scott Downes
Elizabeth.Torrey@dfw.wa.gov
Scott.downes@dfw.wa.gov

sepa@dahp.wa.gov

Clean Air Agency
186 Iron Horse Court, Suite 101
Yakima, WA 98901

S.V.I.D.
P.O. Box 239
Sunnyside, WA 98944

Fire Chief
Fire District #5
P.O. Box 447
Zillah, WA 98953

Sunnyside School District
Attn: Kevin McKay
1110 S. 6th Street
Sunnyside, WA 98944

Eric & Tonya Morrow
1261 Cemetery Rd
Sunnyside, WA 98944

Jason Merritt
Steel Structures America
jason@findssa.net

AGENCY MAILING LIST

HIGHLIGHTED = EMAILED

CUP2024-00009

3/20/2024

6 LABELS

FILED 14

HEARING EXAMINER

PAGE 5 DATE 05/20/2024
FILE # CUP2024-00009

Casey Dunbar

From: Casey Dunbar
Sent: Wednesday, March 20, 2024 9:00 AM
To: David Haws; Ivan Klingele; Jack Wells; Jase Testerman; Jason Earles; Joe Stump; Marivel Garcia; Nellie Soptich; Troy Havens; Tua Vang
Subject: CUP2024-00009 Notice of Application, Notice of Completeness & Notice of Future Hearing
Attachments: CUP2024-00009 Notice of Application Notice of Completeness & Notice of Future Hearing.pdf

Casey Dunbar

SHE/HER/MS.
Planning Office Specialist
128 N 2nd St, 4th Floor
Yakima, WA 98901
(509)574-2300
Casey.dunbar@co.yakima.wa.us

This email and replies to it are subject to public disclosure under Washington state statute (RCW 42.56 - Public Records Act).

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Casey Dunbar

From: Casey Dunbar
Sent: Wednesday, March 20, 2024 9:00 AM
To: crosepacoordinator@ecy.wa.gov; jessica@yakama.com; corrine_camuso@yakama.com; THPO@yakama.com; Yakama SEPA; nichole.pebeahsy@bia.gov; R10-NEPA@epa.gov; Health District E-Mail; Bright, Robert D CIV USARMY ID-READINESS (USA); elizabeth.torrey@dfw.wa.gov; Downes, Scott G (DFW); DAHP SEPA (DAHP); jason@findssa.net
Subject: CUP2024-00009 Notice of Application, Notice of Completeness & Notice of Future Hearing
Attachments: CUP2024-00009 Notice of Application Notice of Completeness & Notice of Future Hearing.pdf

Casey Dunbar

SHE/HER/MS.

Planning Office Specialist

128 N 2nd St, 4th Floor

Yakima, WA 98901

(509)574-2300

Casey.dunbar@co.yakima.wa.us

This email and replies to it are subject to public disclosure under Washington state statute (RCW 42.56 - Public Records Act).

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FILE NO.: CUP2024-00009

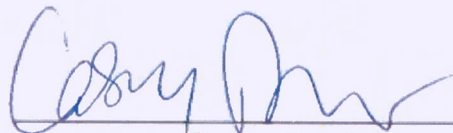
NOTICE OF APPLICATION, NOTICE OF COMPLETENESS & NOTICE OF FUTURE
HEARING

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

I, Casey Dunbar, being first duly sworn, and as an employee of the Yakima County Public Services, Planning Division, dispatched through the United States Mails, or otherwise by electronic mail, a NOTICE OF APPLICATION, NOTICE OF COMPLETENESS & NOTICE OF FUTURE HEARING, a true and correct copy of which is enclosed here-with; that a NOTICE OF APPLICATION, NOTICE OF COMPLETENESS & NOTICE OF FUTURE HEARING was addressed to the applicant and agencies pursuant to Yakima County Code Title 16B.05, that said parties are individually listed on the Mailing List retained by the Planning Division and that said notice was mailed by me on the 20th day of March, 2024.

That I mailed said notice in the manner herein set forth and that all of the statements are made herein are just and true. Dated this 20th day of March, 2024.



Casey Dunbar
Office Specialist

FILED 17
HEARING EXAMINER
EXH # 6 DATE 05/20/24
FILE NO. CUP2024-00009



GENERAL APPLICATION FORM

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

Public Services

RECEIVED
FEB 15 2024
FINAL
Revised 4/30/20
Received By: [Signature]

(Staff Use Only – Fill In / Circle As Applicable)

Zoning District: Ag ATO Destination Reviewed By: Olivia Story
Proposed Land Use: Destination Case #(s): CUP 24-09 Date Submitted: 2/13/24
Overlay: Airport / Greenway / Floodplain
UGA: _____ CAO/Shoreline: _____
Sewer: Septic Clearance / As Built
Potable Water: N/A or Exempt
Purveyor: _____ YCWRS Well: _____
FAAR: _____ WUI-FD: _____ M/H/E
Occupancy: A B E F H I M R R1 R2 R3 S U
Type of Construction: IA IIA IIIA IB IIB IIIB IVA IVB VA VB
Name of Short Plat, Subdivision or Manufactured Home Park: _____ Lot or Space # _____

Please Tell Us About Your Proposal: (If you need assistance call us at (509) 574-2300 or in person during office hours)

Parcel Numbers(s): A. 221024-13401 B. _____ C. _____
Property Owner's Name: ERIC & TONYA MORROW
Day Phone: (509) 305-1516 Company (if any): _____
Mailing Address: 1261 CEMETERY RD City: SUNNYSIDE State: WA Zip: 98944
Subject Property Address: (if Different) 1410 CEMETERY RD. SUNNYSIDE WA 98944
E-mail Address: TONYA@SUNWESTGROWERS.COM
Scope of Work: _____

Are you requesting the Optional Consolidated Permit Review Process as provided under YCC 16B.03.060? Yes ☐ No ☐

Applying For A Building Permit? Please Fill Out The Following:

Number of Bedrooms: Existing: _____ New: _____ Total: _____ Total Number of Bathrooms: _____
☐ New ☐ Addition Size/Dimensions: _____ Square Footage: _____

Construction Valuation (Contractor Estimate) \$ _____

How will you provide legal domestic water for your project? Please check one below:

- ☐ Water right permit from Department of Ecology (Please attach a copy to this application), or
☐ Letter from an approved water purveyor stating the ability to provide water, or
☒ A Yakima County Water Resource System (YCWRS) domestic well within the Agriculture zoning district, or
☐ A Yakima County Water Resource System (YCWRS) domestic well outside of the Agriculture zoning district, or
☐ Other adequate evidence of interest in a suitable water right held for mitigation proposed by an existing water bank, or
☐ Yakima Nation Water Code permit for properties located within the exterior boundaries of the Yakima Nation, or
☐ Documentation that the well site is located outside the Yakima River watershed.

Please note that evidence of an adequate water supply must be submitted to Yakima County prior to the issuance of the permit.

By signing this form, I agree to the following:

- I hereby state as true that all ownership interests of the property have reviewed the proposal as presented in the application materials and support the proposed change(s).
- I hereby give Yakima County permission to enter my property during this review to inspect my property as needed.
- I hereby agree to pay all additional fees associated with the processing of this application including but not limited to the Hearing Examiner fees, Transportation fees or any other fees that may be associated with the proposed project.

CONTINUE ON BACK

FILED

HEARING EXAMINER

EXH # 7 DATE 02/15/2024
FILE NO. CUP2024-00009

- I hereby acknowledge that the application with the Yakima County Permit Services Department has been filled out completely.
- I hereby acknowledge that verification of an approved potable water supply is a requirement and part of the procedure to obtain a permit from Yakima County.
- I shall provide Yakima County with proof of an adequate water source as indicated in Ordinance 13-2017 or obtain a YCWSR domestic well permit.
- I understand that Yakima County shall be held harmless for misinterpretation or misrepresentation of documents to obtain my permits.
- I am aware my Permit WILL NOT be issued until I provide proof of an approved source of potable water and associated documentation.

(If the property is owned by a corporation or LLC please attach documentation showing that the person signing has the authority to sign on behalf of the corporation or LLC.)

Please Fill Out This Section In Blue or Black Ink. (Please check the box to indicate the primary contact person)

☒ **Property Owner Signature:** Tonya Morrow (required) Date: 12-18-23

☐ Check If You Are Acting As Your Own Contractor – (Signature required at declaration at bottom of page)

☐ **Applicant/Agent:** Tonya Morrow

Day Phone: 509 305-1566 Company (if any) _____

Mailing Address: 1261 Cemetery Rd. City: Sunnyside State: WA ZIP: 98944

E-mail Address: tonya@sunwestgrowers.com

Signature: Tonya Morrow Date: 12-18-23

☐ **Contractor Name:** Jason Merritt

Day Phone: () _____ Company (if any) Steel Structures America

Mailing Address: _____ City: _____ State: _____ ZIP: _____

E-mail Address: Jason@findssa.net

Contractor License Number: _____

Signature: _____ Date: _____

If there are additional owners, provide an attachment in the same format and with the same declarations

This Section To Be Completed For Construction Permits Only

Pursuant to RCW 19.27.095 (2)(i-ii) The requirement for a fully completed construction application shall include:

- i. The name, address, and phone number of the office of the lender administering the interim construction financing, if any; OR
- ii. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50% of the total amount of the construction permit.

If for any reason the information requested below is not available at the time of application, the applicant shall provide the information as soon as it can be reasonably obtained.

☐ **Lending Agency Name:** _____ Phone: () _____
Mailing Address: _____ City: _____ State: _____ Zip: _____

☐ I acknowledge by checking this box that this project has no lending agency for construction financing.

Bonding Agency Name: _____ Phone: () _____
Mailing Address: _____ City: _____ State: _____ Zip: _____

☐ I acknowledge by checking this box that this project has no bonding agency.

If you are the Property Owner and Acting as Your Own Contractor, Please Complete the Following Declaration:

- I acknowledge that I am applying for a permit thru the Yakima County Public Services Department.
- I also acknowledge that I am not a licensed contractor, specialty or general, or that I am not acting as a contractor and wish to be exempt from the requirements of the Washington State Contractor's Act, per RCW 18.27.090, and will abide by all provisions and conditions of the exemption as stated.
- I agree that if I use the assistance of any person(s) to provide labor and/or assistance, I will retain only contractors registered and currently licensed as required under the laws of the State of Washington.

I (print name) _____ certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

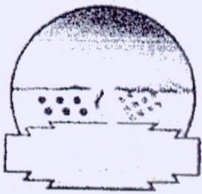
Owner Signature: _____ **Date:** _____

Yakima County will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Yakima County, should contact the Yakima County ADA Coordinator at 509-574-2210 as soon as possible but no later than 48 hours before the scheduled event.

FILED

HEARING EXAMINER

FILE # 7 DATE 02/15/2024
FILE NO. CWP2024-00009



CONDITIONAL USE PERMIT FORM

FINAL
Revised: 052819

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

Please answer all of the following questions as completely as possible. (If a question is not applicable, write N/A.) In your narrative, please describe your project in detail to help reviewers understand what you want to accomplish.

Annotation by Planner

1. What are you proposing? Applying for Type 3 Destination ATD

2. Have you had an Early Assistance Meeting? ☒ Yes, Case no. EAC2023 ☐ No
- 00036

3. Are you:

a. Proposing a new structure(s). ☒ Yes ☐ No

b. Changing the Use of an existing structure? ☐ Yes ☒ No

I. If you answered yes to either a. and/or b. above, what is the structure used for? Provide details (such as: type of business, estimated customers/guests, will the new structures be pertinent to any existing structures).

U-Pick grapes, retail for selling pre-packaged Welch products and merchandise.

Host: educational classes, business meetings wedding & funeral receptions. The new structure is not pertinent to any existing structure.

II. What are the dimensions (length, width, height) of new structure(s)?

65' x 45' x 116' Steel Structure America Building

4. Will the project be conducted entirely within a structure? ☐ Yes ☒ No

a. If No, describe the outdoor activities (e.g., outdoor eating, playground, park):

U-Pick grapes in vineyard, farm tours, picnics, educational field trips. Wedding reception, & dancing.

b. What is the approximate square footage, or seating capacity of your outdoor use area(s)?

1950 sq ft.

c. What type of noises will the outdoor use generate? (e.g. music, machinery, vehicles)

music & vehicles

EMPLOYEES

5. Number of Full-time 1 Part-time 1 Seasonal _____

6. Maximum number at any given shift 2

7. What are the days & hours of operation? (List all)

- ☐ Monday Hours Closed
- ☒ Tuesday Hours 9:00 AM - 2:00 PM
- ☒ Wednesday Hours 9:00 AM - 2:00 PM
- ☒ Thursday Hours 9:00 AM - 2:00 PM
- ☒ Friday Hours 9:00 AM - 11:00 PM
- ☒ Saturday Hours 12:00 PM - 11:00 PM
- ☐ Sunday Hours Closed

8. Will the operation be seasonal? If so, list months _____

U-PICK will be seasonal. Retail, educational classes, business meetings and weddings all year.

PARKING & LOADING (YCC 19.22)

9. How many **existing** parking spaces do you have? 0

a. Surface type (e.g., paved, gravel, dirt)? _____

10. How many **new** parking spaces are you proposing? 19

a. Surface type (e.g., paved, gravel, dirt)? gravel

11. Does the use require loading or unloading from trucks or other large vehicles?

☐ Yes ☒ No (If yes, designate areas on your site plan.)

Note: Depending on the proposed use, Americans with Disabilities Act (ADA) facilities may be required. Our Building Division can assist you.

SIGNS (YCC 19.20)

12. Will you have signage? ☒ Yes ☐ No (if yes, please use the separate sig m.)

PRIVATE ROAD OR SHARED DRIVEWAY (YCC 19.23)

13. If you are on a Private Road or Shared Driveway, is there an existing Road Maintenance Agreement? N/A

☐ Yes ☒ No (If yes, please attach a copy to your application)

14. What is the name of the private road? N/A

15. Is the road paved, gravel, dirt? gravel

16. What is the width of the road? 21' Driveway

17. Do you have a recorded access easement? ☐ Yes ☒ No Width? _____

18. Have you been told you may need to do Road Improvements? ☐ Yes ☒ No

a) If yes, have you met with the Transportation Division? ☐ Yes ☐ No

Please explain _____

STORMWATER

19. How are you proposing to manage your stormwater runoff? If you have questions pertaining to stormwater runoff you can talk with our Water Resources Division.

Gravel excavating around building to direct stormwater away.

20. Will the proposal disturb more than one acre of ground? ☐ Yes ☒ No

FENCES (YCC 19.10.040(9))

21. Is there an **existing** fence? ☐ Yes ☒ No (If yes, answer the following)

a. Fence Material _____

b. Is the fence a view obscuring fence? ☐ Yes ☐ No

c. Is there barbed wire on the top of the fence? ☐ Yes ☐ No

d. What is the total height of the fence (including the barbed wire)? _____

22. Are you proposing a **new** fence? ☐ Yes ☒ No (If yes, answer the following)

a. Fence Material _____

b. Will the fence be a view obscuring fence? ☐ Yes ☐ No

c. Will you be placing barbed wire on the top of the fence? ☐ Yes ☐ No

d. What is the total height of the fence (including the barbed wire if proposed)? _____

23. Are you proposing, or do you have a retaining wall and/or recreational screen?

☐ Yes ☒ No (If yes, please describe)

SITESCREENING AND/OR LANDSCAPING (YCC 19.21)

24. Does your proposed use require?

Sitescreening? ☐ Yes ☒ No (e.g, fences, walls)

Landscaping? ☐ Yes ☒ No (e.g, trees/shrubs/groundcover)

If yes, what type (E.g., trees/shrubs/groundcover/view obscuring)?

Indicate the locations on your site plan, E.g. parking areas, along street frontages, perimeters.

What is the proposed source of irrigation water? N/A

OUTDOOR LIGHTING (YCC 19.10)

25. Is any outdoor lighting proposed? ☒ Yes ☐ No

Building light entrance

If yes, indicate type and the locations on your site plan.

WATER

26. Does this project require potable water? ☒ Yes ☐ No

27. What is the proposed source of potable water?

a. ☐ Public Water: Name of provider: _____

b. ☐ Community Well: What is the well ID number? _____

i. Parcel # where the well is located? _____

ii. Is there an existing Well Maintenance Agreement? ☐ Yes ☐ No

(If yes, please attach a copy with this application)

c. ☐ Shared Well

i. Parcel # where the well is located? _____

ii. Is there an existing Well Maintenance Agreement? ☐ Yes ☐ No

(If yes, please attach a copy with this application)

d. ☒ Individual Well

e. ☐ Other, explain: _____

SANITARY DISPOSAL

28. Does this project require sanitary disposal? ☒ Yes ☐ No

29. What is the proposed method of sanitary disposal?

- a. ☐ Public Sewer: Name of provider: _____
- b. ☐ Community Septic System:
Parcel where the septic system is located _____
- c. ☒ Individual Septic System
- d. ☐ Other, explain: _____

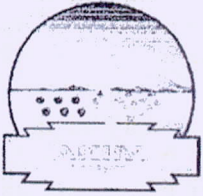
COMPLETION OF PROPOSAL

30. What is your proposed timeline for completing your proposal? If phases are proposed, please describe in detail.

September 2024

Use this form to answer the questions. Use addition pages as needed.

Yakima County will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Yakima County, should contact the Yakima County ADA Coordinator at 509-574-2210 as soon as possible but no later than 48 hours before the scheduled event.



AG TOURIST OPERATION FORM

FINAL
Revised 4-9-18

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

Please Answer the Following Questions: (attach sheet if needed)

What Type of Agricultural Tourist Operation are you proposing?

☐ Retail ☒ Destination ☐ Resort

1. On the attached Narrative Form please describe the proposal in detail.
2. What is the principle farming activity that is taking place on the subject property(s)? We grow juice grapes
3. How many acres are currently in agricultural production? 15 Acres
4. How many acres will be used for nonagricultural accessory uses and activities? 1 acre
5. Will there be food services? ☒ Yes (if Yes answer the following questions) ☐ No
 - a. Is the food grown on-site? ☒ Yes ☐ No
 - b. Will you sell pre-packaged foods? ☒ Yes ☐ No
 - c. Are you proposing a restaurant which will be open to the general public? ☐ Yes ☒ No
 - d. What are the days & hours of operation? Days: Tues-Sat Hours: 9:00am-2:00pm
 - e. Will it be conducted inside or outside? ☒ Inside, which structure? Proposed Pole barn ☐ Outside
 - f. Number of employees associated with food service: Full Time: _____ Part Time: 1
 - g. Have you obtained a food handlers license from the Yakima Health District? ☐ Yes ☒ No
6. Will there be educational services? ☒ Yes (answer the following questions) ☐ No
 - a. What aspect of the farm will be taught? The process of growing juice grapes
 - b. What is the maximum class size? 20 How many classes per day will be offered? 1
 - c. What are the days & hours of operation? Days: Tues-Sat Hours: 9:00-2:00pm
 - d. Will education services be conducted inside or outside?
☒ Inside, which structure? Proposed Pole barn ☐ Outside
 - e. Number of employees associated with education: Full Time: _____ Part Time: 1
7. Will there be Ancillary Entertainment and/or Special Events?
☒ Yes (answer the following questions) ☐ No
 - a. List out the types of entertainment and/or special events that will be held at the facility:
weddings, business seminars & parties.

- b. What is the maximum number of guests? 200
- c. How many special events will be held per year? 30
- d. How many ancillary entertainment events will be held per year? 0-5
- e. Will the events be conducted inside or outside? ☒ Inside ☒ Outside
- f. If the events are conducted inside, what is the maximum square footage? 2925 sqft.
- g. What are the days & hours of operation? Days: Friday & Saturday Hours: 12:00pm 11:00pm
- h. Number of employees associated with events: Full Time: _____ Part Time: 1
- i. What types of noise will be generated by the events? music
- j. At what time will the noises end? 10:00 pm
- k. Will site screening be installed to block headlights from cars as they leave the venue?
- ☐ Yes ☒ No: explain Surrounded by field crops

8. Will there be other commercial accessory uses proposed? ☒ Yes (answer the following questions) ☐ No

- a. List out the other commercial accessory uses that will be held at the facility: U-pick grapes, pre-packaged welch products for sale. Educational classes - farm
- b. What are the days & hours of operation? Days: Tues-Sat. Hours: 9:00-2:00pm
- c. Number of employees associated with commercial uses: Full Time: _____ Part Time: 1
- d. Are the products being sold produced on site? ☒ Yes ☐ No

9. Is the Ag. Tourist Operation being operated by the property owner? ☒ Yes ☐ No, Who? _____

10. Is the property accessed by a: ☒ County Road ☐ Private Road What is the surface type? Pavement

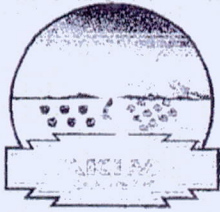
11. Will you be offering overnight lodging? ☒ Yes ☐ No How many guest rooms? 1

12. Are you proposing a gift shop? ☒ Yes ☐ No If Yes, what is the maximum square footage? 3100

13. Are you proposing an art gallery? ☐ Yes ☒ No If Yes, what is the maximum square footage? _____

Yakima County will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Yakima County, should contact the Yakima County ADA Coordinator at 509-574-2210 as soon as possible but no later than 48 hours before the scheduled event.



NARRATIVE FORM

FINAL
Revised 10/01/15

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

The Narrative Form is designed to help you, the application review, interested agencies, and adjacent property owners to the proposal understand the scope of your project and how your project meets the legal requirements in the Yakima County Codes. You should refer to the appropriate sections of the ordinance when describing your proposal if applicable. You can obtain a copy of the ordinance in our office or access it on the internet at:

<http://codepublishing.com/wa/yakimacounty/>

Narrative Content: Please tell us the “who”, “what”, “where”, and “why” of your proposal. A list of typical content is provided below. **Please do not limit your project’s description to just these items.** In order for us to conduct a timely review of your project please **be as detailed as possible**. Any missing/confusing information could result in the delay of our review.

Note: Not all content listed below will be pertinent to your proposal. These items are suggestions in order to help you draft your narrative.

Suggested Content:

- Describe the current use of the site including all existing structures with their dimensions, square footage and usage.
- Describe the proposed use in detail (including but not limited to the type of business and/or use, hours and days of operation, number of employees, number of people living on-site, maximum number of customers and/or guests, changes or additions to the driveways or other access points, the type of mitigation or adjustment requested).
- Describe which standards are proposed to be adjusted and justify why the standard needs to be adjusted.
- Describe any new or existing structures to be used as part of this proposal.
- Describe how the proposed use will be pertinent to the proposed/existing structures.
- Describe any parking facilities (number of spaces and surface type), landscaping, signage, and lighting that will be associated with your proposal.
- Describe your access to the property and the route of travel to the site.
- For commercial operations describe the travel ways that will be located onsite.
- Describe the timelines for completion of your proposal.

Please remember that your narrative must explain in detail the specifics of your proposal and any missing information may result in the need for future reviews. Your narrative can be typed and printed on a separate sheet of paper with “See Attached” written below, or you may print out legibly your narrative on the lines provided.

" See attached "

Eric & Tonya Morrow
1410 Cemetery Rd.
Sunnyside, WA 98944
Parcel #221024-13401
17.58 Acres, Zoning-AG
January 10, 2024

Narrative Form

Eric and Tonya Morrow purchased 1410 Cemetery Rd., Sunnyside, WA 98944 in 2018. We live at 1340 Cemetery Rd. Sunnyside, WA 98944 which is located to the North-West side of parcel #221024-13401. We currently grow about 15 acres of juice grapes and have a contract with Welches.

Our goal is to apply for an ATO Destination and build a new metal pole barn building to be used for a wide range of different activities. We would like to be able to get the local community involved with our farm and offer u-pick grapes along with farm tours, picnics, and host educational classes about farming. We would have for sale prepackaged welch products (produced from our grape vineyard and local farms).

With such a beautiful and serene setting off the beaten path, we could offer a wonderful space to be used for weddings, funeral receptions, business meetings, company parties, and other social gatherings. We believe this would bring much enjoyment to our town and provide educational information to help build and strengthen our agriculture industry.

Looking through the requirements for a Destination Agricultural Tourist Operation. We are applying for a Type 3, ATO Destination. This would not interfere with agricultural operations on our site or on any nearby properties.

The general requirements for ATO:

This will be operated by the owners-Eric and Tonya Morrow and we will not use more than 1 acre of our property for the ATO.

Parties would need to provide their own catering.

We have at least five acres of producing juice grapes and would be able to incorporate our working farm into this ATO.

We would like to sell our grape juice that is packaged by Welches, and have u-pick grapes, farm tours, and offer educational classes on agriculture.

We own the driveway and do not share it with anyone else.

The proposed building is not larger than 7500 Square ft.

On the one acre proposed for the ATO, we would like to build a 65' X 45' X 16', 2925 Sqft. metal pole barn from American Steel structures, located in Zillah. Jason, from American steel Structures, stated that they would pull all the needed permits and have site plans drawn up.

We would also like to have a covered concrete patio area, 65' X30', 1,950 Sqft. located to the East of the building. We would provide 19 graveled parking spots.

FILED

HEARING EXAMINER 28

EXH # 7 DATE 02/15/2024
FILE NO. WP2024-00009

The Pole Barn would be available for use Tuesday-Saturday. We would be closed on Sundays and Mondays. There would be noise control at 10PM or we would follow the city noise ordinances. Traffic would be kept mainly Tuesday – Saturday.

There are no houses located directly beside it. There is a mint field to the south, A corn field located on the North and East side. Our home is located on the North-West corner bordering the parcel. The grape vineyard would sit also to the North and West side of the one acre.

For lighting, we would have outside lights on the front of the metal pole barn building with string lights across the patio.

Landscape- we would like to plant trees, shrubs and flowers around the facility with an underground sprinkler system. We will need to install a well along with power and a septic.

There are no existing structures, power, septic, or well on the south-East corner of property. We have our own private driveway that is currently dirt that runs along the South border of parcel. There is direct access to it from Cemetery Rd. If we are approved for an ATO we would gravel this whole driveway. It is about 21'-22' wide and there is room for passing vehicles. There is an open area of land not growing anything on it located in the SE corner of parcel that could be used for a fire truck turn around.

The land is mostly level with not much slope and is not located in a flooding zone.

The acre that we are proposing to use for the ATO is located from of all existing property lines by 150' minimum.

We are first waiting to see if we are approved to operate as a Destination ATO before we make any more detailed decisions.

Our goal to complete this project is Fall 2024.

Thank you,
Eric and Tonya Morrow



CWRS – Water Availability
Yakima County Water Resource System
Application, Checklist and Procedure
Ordinance 13-2017 (Section 12.08.390)

STEP
1 & 2

Revised:
October 30, 2018

REQUIRED: Tax Parcel Number: (11 digits) (Reference WWW.YAKIMAP.COM for assistance) Example: 18 13 23 -- 12345 221024-13401 <hr/> Subdivision or Short Plat Number Lot # <small>(Road name or address if assigned)</small> Site address: <u>1410 Cemetery Rd.</u> <small>(print clearly)</small> Applicant Name: <u>Eric & Tonya Morrow</u> <input checked="" type="checkbox"/> Please check only if you are the Property Owner Mailing Address: <u>1340 Cemetery Rd.</u> City, State, ZIP: <u>Sunnyside WA 98944</u> E-mail: <u>tonya@sunwestgrowers.com</u> Signature: <u>Tonya Morrow</u> Date: <input type="checkbox"/> 1 Residence/1 Connection <input type="checkbox"/> 2 Residence/ADU or 2 Party Well <input type="checkbox"/> Other Has the well been drilled (constructed)? <input checked="" type="checkbox"/> No (Begin at Step 1) <input type="checkbox"/> Yes (Begin at Step 2)	<table border="1" style="width:100%"><tr><td>Office Use Only: DATE:</td></tr><tr><td>YCWRS Case: WRS</td></tr><tr><td>BLD / PLN Case:</td></tr><tr><td>County Staff:</td></tr></table>	Office Use Only: DATE:	YCWRS Case: WRS	BLD / PLN Case:	County Staff:
Office Use Only: DATE:					
YCWRS Case: WRS					
BLD / PLN Case:					
County Staff:					

Statements of Understanding
<ol style="list-style-type: none">1. (Step 1) I understand the well depth standard varies from location to location and that Yakima County will provide me with the well depth/and or water bearing unit standard for my property following their review of my properties eligibility.2. (Step 2) I understand that <u>following construction of the well</u> I must re-submit this form with a Water Well Report to Yakima County verifying the well meets the well depth standard.3. (Step 3) I understand that following construction of the well I must file an Adequate Water Determination Application with the Yakima Health District verifying the well provides an adequate quantity and quality of water. Please contact the Yakima Health District (509 249-6508 or 575-4040) for application, fees and requirements. (A completed copy of this form with your well report must accompany your AWD application, water test documentation, and the AWD associated fees).4. (Step 4) I understand a YCWRS well must be metered in accordance with Yakima County standards.5. I understand I must provide Yakima County with a completed Well Permit Application, (and associated permit fee) and a Water Metering Agreement before receiving a YCWRS Well Permit. <u>(Please provide a copy of your property legal description on a separate sheet of paper along with the signed water agreement.)</u>6. I understand Yakima County is not responsible for the quality or quantity of water provided from the well.7. I understand water from the well is for use on the parcel within this application only and is not transferable for use at other locations or additional connections.8. I understand Yakima County shall be held harmless for misinterpretation or misrepresentation of documents I provide to obtain my permits. <p>I, <u>Tonya Morrow</u> have read and understand the YCWRS Provisions and Statements of Understanding. <small>(print name)</small></p> <p>Owner/Applicant Signature <u>Tonya Morrow</u> Date: <u>1-10-24</u></p>

FILED

HEARING EXAMINER
EXH # 7 DATE 02/15/2024
FILE NO. WP2024-00009

30



CWRS – Water Availability
Yakima County Water Resource System
Application, Checklist and Procedure
Ordinance 13-2017 (Section 12.08.390)

STEP
1 & 2

Revised:
October 30, 2018

Tax Parcel Number 11 DIGITS (ie: 221022 - 54321)

221024-13401

Subdivision or Short Plat Number

Lot #

WRS

BLD / PLN Case:

Step 1

FOR OFFICIAL USE ONLY - Yakima County Public Services Water Resources Division
PROPERTY ELIGIBILITY REVIEW for YCWRS METERED WELL

☐ **YES** - Parcel is an eligible property as defined in 12.08.400

Required well depth standard/water bearing zone: (For new wells, provide the following to well driller.)

☐ **NO**, property is NOT eligible for YCWRS metered well. Provide documentation for the following:

☐ Water right permit from Department of Ecology.

☐ Water purveyor documentation.

☐ Documentation the well is located outside Yakima River watershed.

☐ Yakama Nation Water Code Permit.

☐ Other (specify reason):

Reviewer's Name: (Print)

Reviewer's Signature:

Date:

Step 2

FOR OFFICIAL USE ONLY - Yakima County Public Services Water Resources Division
WELL DEPTH STANDARD REVIEW

☐ **Yes** The well meets the depth standard as defined in 12.08.410.

☐ **No** Comment:

Reviewer's Name: (Print)

Reviewer's Signature:

Date:

FILED

HEARING EXAMINER

EXH # **7** DATE **02/15/2024**
FILE NO. **CWP2024-00009**



CWRS – Water Availability Yakima County Water Resource System Application, Checklist and Procedure Ordinance 13-2017 (Section 12.08.390)

STEP
1 & 2

Revised:
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There are several steps through the process to obtain approval for domestic water / potable water for construction of a residence or land use action.

Throughout the process at each step, always maintain a copy of the documents as they are updated for your records.

The forms will need to be reviewed by several departments signed and re-submitted. Please clearly print your information on the application form to ensure the review documents will be returned to the appropriate address.

"Yakima County Water Resource System (YCWRs)" is a water system organized pursuant to RCW 36.94.140 which provides service to the public in the form of "mitigated" or "water budget neutral" water supplies for domestic use through the withdrawal of domestic supply from a groundwater permit exempt well. The service area of the water system is all of the privately held property in Yakima County within the Yakima River watershed except those areas within the corporate limits of a City, within the exterior boundaries of the Yakama Reservation, or within the service areas of a Group A and Group B water systems in existence prior to January 1, 2018. The YCWRs holds senior water rights and allows the use of such rights by the public when wells are constructed and metered according to YCWRs procedures.

Check when Completed

- ☐ **Step 1:** (New well not yet drilled) Complete the Water Availability form and submit to Yakima County Public Services to determine **well depth/and or water bearing unit standard**.
 - ☐ When depth is determined by Yakima County as indicated (maintain a copy of the form for your records and provide a copy to the well driller. When completed, see Step 2 for well depth verification and (Step 3, a water sample/ test is required).
- ☐ **Step 2:** Submit the completed Water Availability form with your Water Well Report to Yakima County following construction of the well to verify the well meets the well depth standard. (Maintain a copy of the updated form) When completed, see Step 3.
- ☐ **Step 3:** (Well depth has been confirmed). Submit a copy of the Approved Water Availability form with your Water Well Report, and water test to Yakima Health District with an AWD-Adequate Water Determination application (and associated fees). When completed, see Step 4.
- ☐ **Step 4:** Property owner must apply for YCWRs Metered Well Permit. Provide records listed above with an YCWRs Well Permit application, Water Metering Agreement, and copy of property legal description (attach a separate page) to Yakima County Public Services. A metered well permit can only be issued when associated with a Building Permit or Land Use Action.

YCWRs Provisions

- 12.08.390 – Applicability** - An applicant for a building permit or land use permit necessitating an adequate water supply determination where potable water is not available from an approved water purveyor, may obtain a YCWRs domestic well permit for a permit exempt well as evidence of the legal availability of water up to 5,000 gallons per day, provided the applicant's property is an eligible property as defined in 12.08.400 and further provided that the well is an eligible well as defined in 12.08.410.
- 12.08.400 – Property Eligibility Criteria** - An applicant for an YCWRs domestic well permit for a specific property and use shall go through an eligibility review process. The review process shall include an evaluation of YCWRs water availability for the property and the proposed use of the well. Only those properties located within areas of the county where the YCWRs has water available shall be eligible properties for an YCWRs domestic well permit.
- 12.08.410 – Well Eligibility Criteria** - A permit exempt well on an eligible property may be permitted as an YCWRs domestic well provided the well meets the well depth standards contained in 12.08.420. In such cases, the applicant for an YCWRs domestic well permit shall provide a well report meeting the requirement of WAC 173-160-141 to the county for a well depth standard evaluation.
- 12.08.420 – Well Depth Standards** - The YCWRs holds senior water rights and allows the use of such rights by the public when wells are constructed according to YCWRs procedures. Accordingly, all permit exempt water wells permitted as an YCWRs domestic well must be constructed to the water bearing zone as specified by the public services director.
- 12.08.440 – Limitations on Use** - An YCWRs domestic well permit for a permit exempt well may only be obtained concurrent with a building permit or a land use permit. The amount of water withdrawal permitted shall not exceed 5,000 gallons per day.

Agency contact information or required documents:

Department of Ecology -	
Intent to drill a well or Water Well Report	(509) 575-2490
Yakima Health District	
Adequate Water Determination	(509) 249-6508

Yakima County	
Water Resources or Utilities Division	(509) 574-2300
Yakama Nation Water Code Permit	(509) 865-5121
214 Ivy Street, Wapato WA 98951	Ext. 6121 or 6122