

# YAKIMA COUNTY GROWTH MANAGEMENT ACT COMPLIANCE

A General Overview of Yakima County's  
Comprehensive Plan and Development Regulations  
as they relate to Agricultural Development

# AGENDA

- ❖ Introduction

- ❖ **Growth Management Act Requirements**

- ❖ Yakima County Comprehensive Plan – ***Plan 2015***

- ❖ Yakima County Development Regulations

- ❖ State Environmental Policy Act (SEPA)

- ❖ Questions and Answers

# GROWTH MANAGEMENT ACT 36.70A

By the 1980's the Washington State legislature found that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state.

As a result, the legislature in 1990 adopted the Growth Management Act (GMA) which established state goals, set deadlines for compliance, and offered direction on how Yakima County must prepare its comprehensive plan and development regulations and requirements for early and continuous public participation.



The Growth Management Act requires Yakima County to manage the County's growth by identifying and protecting critical areas and natural resource lands, designating urban growth areas, rural areas, preparing comprehensive plans and implementing them through capital investments and development regulations.

Comprehensive Plans must comply with the goals and requirements of the GMA, including requirements for the elements that must be included and the process used to prepare and adopt comprehensive plans.

**GMA Planning Goals** - The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

- (1) Urban growth.
- (2) Reduce sprawl.
- (3) Transportation.
- (4) Housing.
- (5) Economic development.
- (6) Property rights.
- (7) Permits.
- (8) Natural resource industries.
- (9) Open space and recreation.
- (10) Environment.
- (11) Citizen participation and coordination.
- (12) Public facilities and services.
- (13) Historic preservation.

Many of the GMA planning goals are incorporated into Comprehensive Plan elements or major topics.

For example:

- Transportation, Housing, Environment(SMP), Economic Development, Open Space and Recreation, Public Participation and Public Facilities are their own Comprehensive Plan Elements.

Whereas:

- Urban Growth, Permits, Property Rights, Sprawl, Historic Preservation and Natural Resource Industries are major topics of the Land Use Element of the Comp Plan.

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# COMPREHENSIVE PLAN DEVELOPMENT

THE STARTING POINT



GMA GOALS



## Goal (8) - Natural resource industries.

Requires Yakima County to maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

## **RCW 36.70A.170**

### **Natural resource lands and critical areas — Designations.**

- (1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:
  - (a) Agricultural lands.
  - (b) Forest lands.
  - (c) Mineral resource lands.
  - (d) Critical areas.
- (2) In making the designations required by this section, counties and cities shall consider the guidelines set forth in WAC 365-190-050.

## WAC 365-190-050 (3)

- (3) Lands should be considered for designation as agricultural resource lands based on three factors:
- (a) The land is not already characterized by urban growth.
  - (b) The land is used or capable of being used for agricultural production.
    - (i) Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation.
    - (ii) In determining whether lands are used or capable of being used for agricultural production, Yakima shall use the land-capability classification system of the US Dept of Ag Natural Resources Conservation Service (i.e. growing capacity, productivity and soil composition of the land).
  - (c) The land has long-term commercial significance for agriculture.

# GOAL AND POLICY DEVELOPMENT

Yakima County must adopt an internally consistent comprehensive plan that includes goals, policies and maps.

## GOALS

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 1.2: Land uses on commercial agricultural lands should include all standard agricultural practices and supporting activities, including farm worker housing and use of water resources for irrigation.



# MAP DEVELOPMENT

Yakima County developed mapping criteria as part of the designation process for agricultural.

1. Generally meets criteria for agricultural resource lands of long-term commercial significance as defined by state laws and regulations.
  - A. May contain prime soils according to the Natural Resource Conservation Service.
  - B. May include "pockets" of non-agricultural land uses.
  - C. May contain high-value crops; specifically, areas where tree fruits vineyards, hopyards, specialty field crops, and dairies are located.
  - D. May include a variety of residential uses related to agricultural activities including farm worker housing and family farm dwellings.
  - E. May include compatible uses such as the marketing of regional agricultural products from one or more producers; the production, marketing and distribution of value added agricultural products; or packing and cold storage plants.
  - F. May include non-agricultural accessory uses or activities as long as they are consistent with the size, scale and intensity of the existing agricultural use on a property.

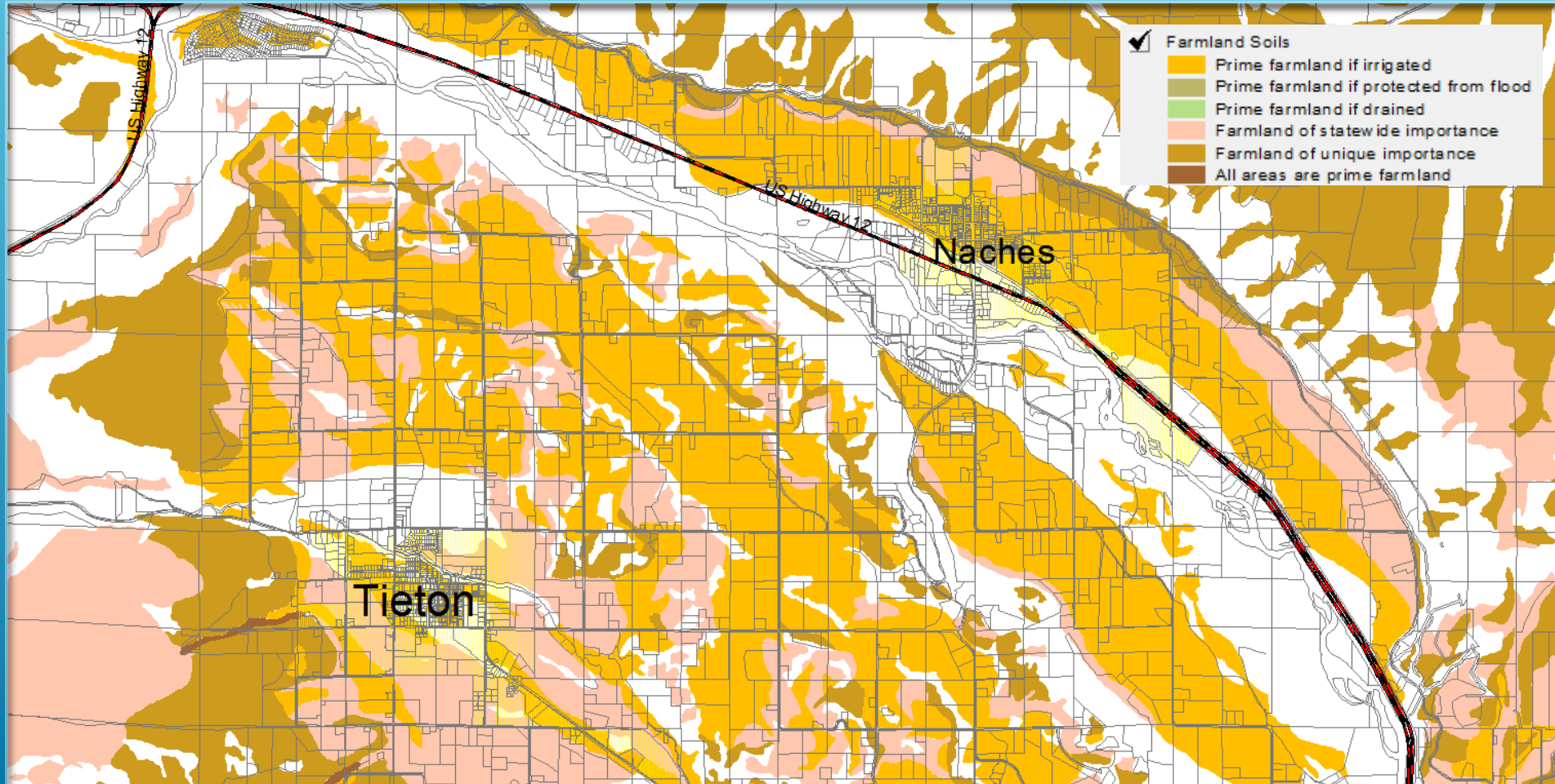


## Mapping Criteria Continued:

2. Lands historically zoned Exclusive Agricultural or General Agricultural (Pre-GMA Zoning).
3. Lands located within an irrigation district and receiving water, or
4. Lands where dryland farming, pasture or grazing outside of irrigation districts is predominant.
5. Lands enrolled in one of the current use assessment programs.
6. Lands located outside established Urban Growth Areas.

# MAPPING AGRICULTURAL LANDS

Yakima County used the WAC guidance language and the mapping criteria developed as part of the initial adoption of Plan 2015.

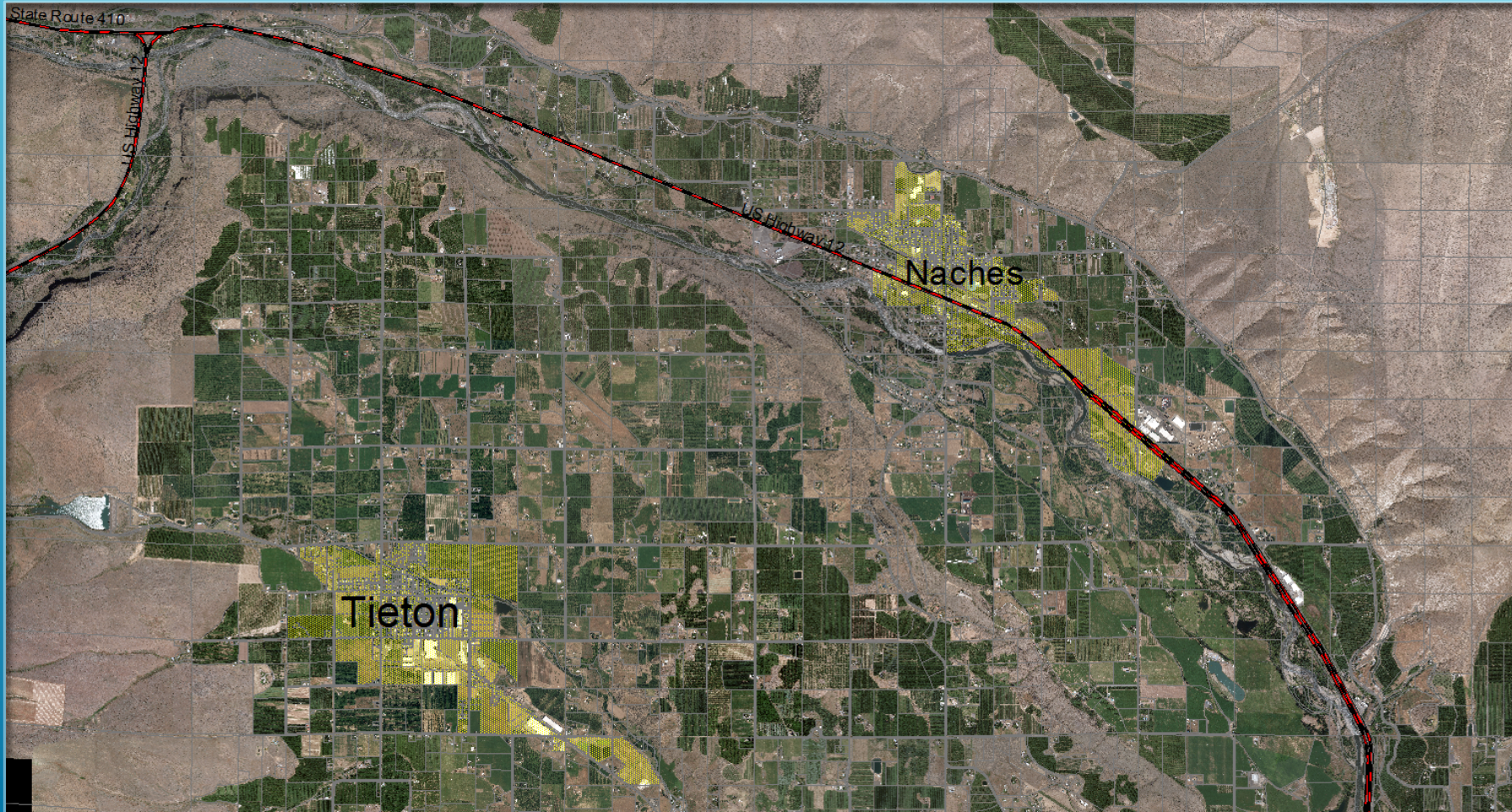


1. Identified  
Farmland Soils



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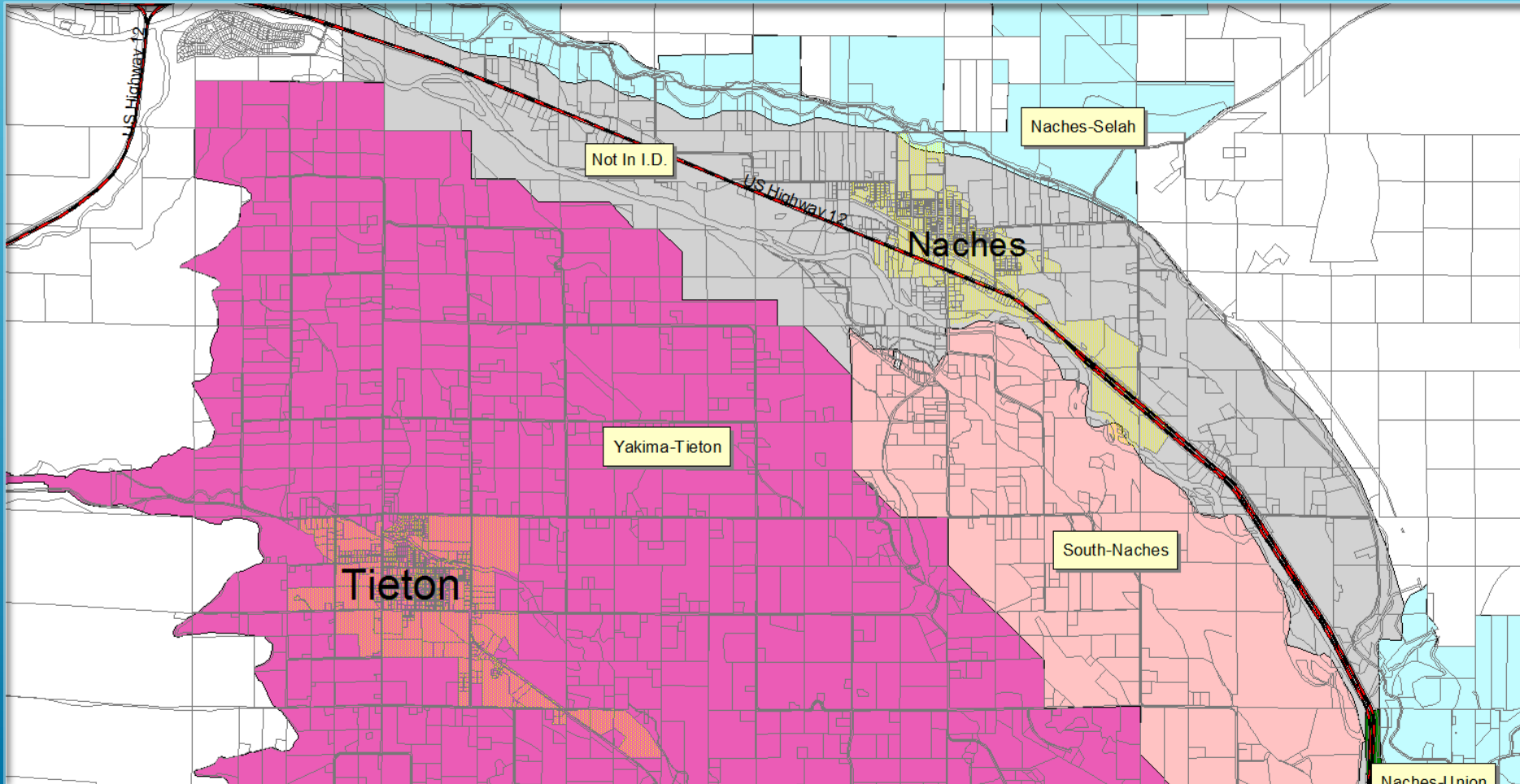


2. Identified Existing  
Agricultural Uses



# MAPPING AGRICULTURAL LANDS

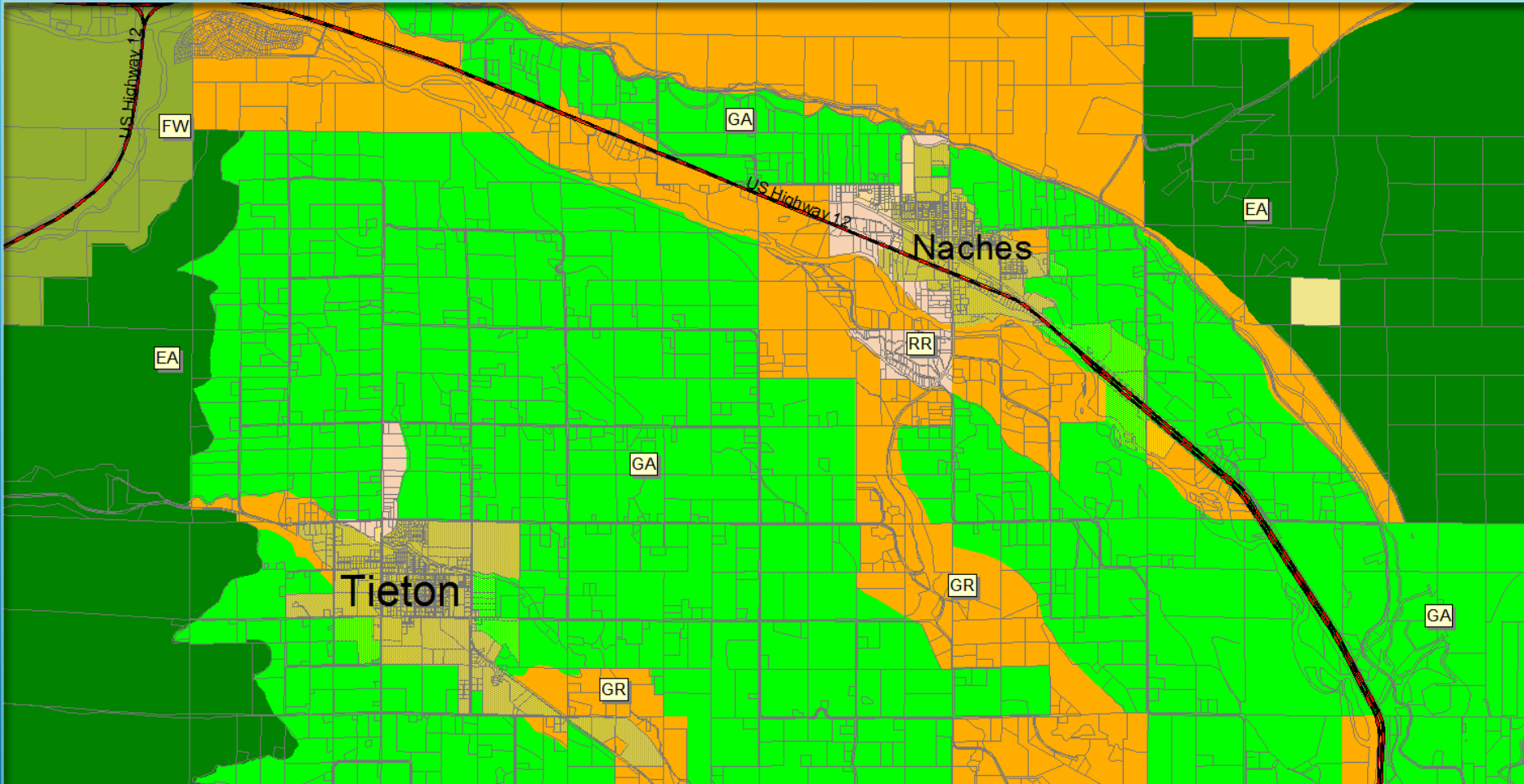
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3. Identified  
Irrigation Areas

# MAPPING AGRICULTURAL LANDS

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4. Identified Old Zoning

# MAPPING AGRICULTURAL LANDS

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## Mailing Information:

488 DILLEY RD  
TIETON, WA 98947

## Property Address:

DILLEY RD

Effective Date: 9/23/2010  
Assessor Taxlot Size: 37.22 Acre(s)  
Assessed Land Value: \$130100.00  
Assessed Improvement Value: \$180900.00  
New Construction Value: \$20900.00  
Current Use Land Value: \$75320.00  
Current Improvement Value: \$180900.00  
Land Use Code: 83 Current Use Agricultural  
TCA: 502  
Tax Year: 2016  
Neighborhood: 483  
Cycle: 5

## Narrative Description:

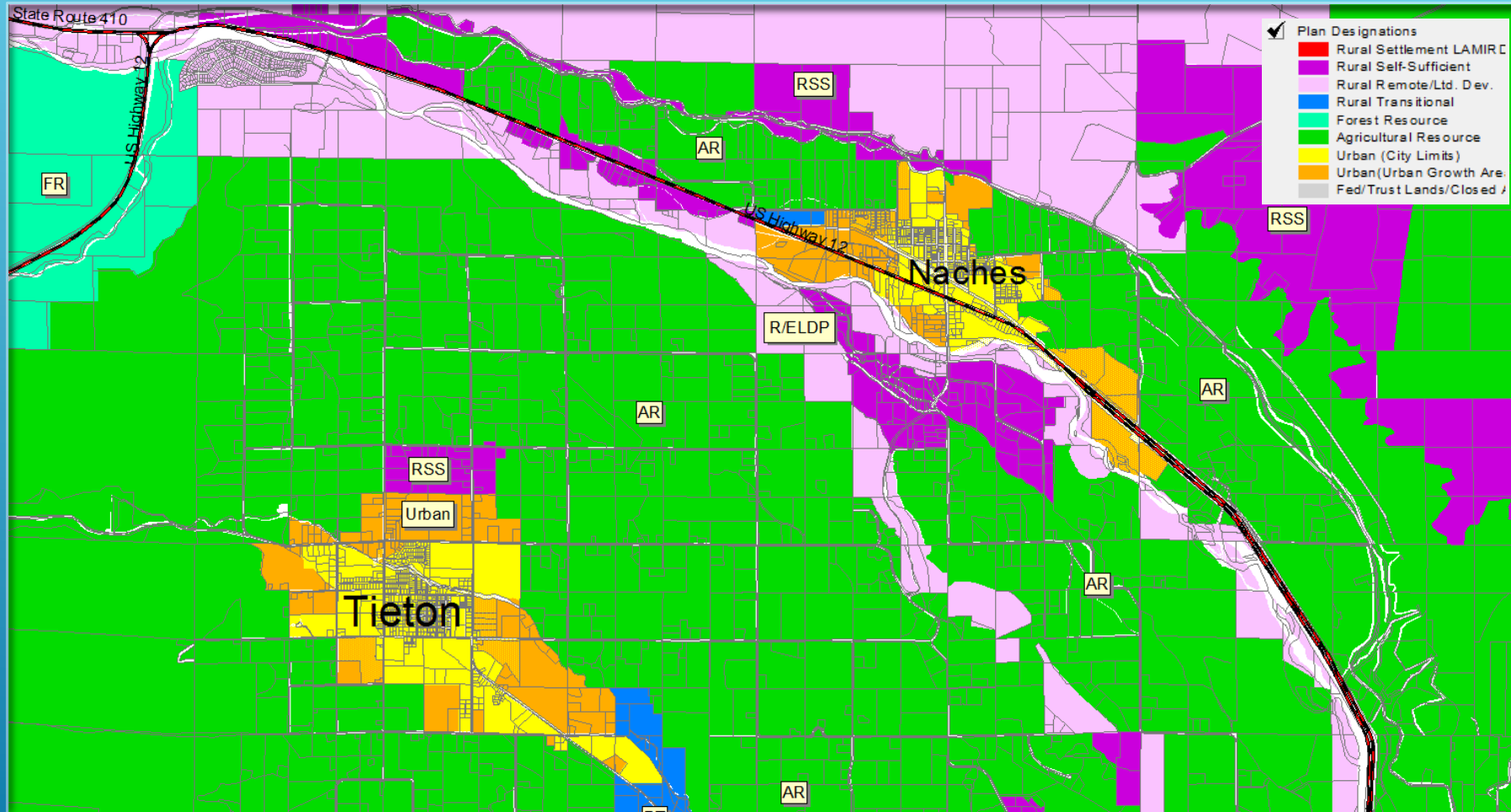
NW1/4 SE1/4 EX N 25 FT CO RD R/W AND EX E 140 FT  
OF W 361 FT OF S 411 FT OF N 436 FT OF NW1/4 SE1/4

## Sale Information:

4. Identified  
Current Use  
Assessment



# PLAN 2015 FUTURE LAND USE MAP



## NOW THAT YOUR PLAN IS DEVELOPED

- GOALS
- POLICIES
- MAPS



GMA REQUIRES DEVELOPMENT STANDARDS

## **RCW 36.70A.040(3)(b) and RCW 36.70A.060(1).**

Yakima County must adopt development regulations to assure the conservation of designated agricultural lands, forestlands, and mineral resource lands.

Development regulations are controls placed on development or land use activities by a county or city, including but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs and other official controls.

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# YAKIMA COUNTY DEVELOPMENT REGULATIONS

- Yakima County Unified Land Development Code – Title 19
- Yakima County Critical Areas Ordinance – Titles 16A and 16C
- Yakima County Shoreline Master Program – Title 16D
- Yakima County Stormwater and Drainage Ordinance – Chapter 12.10

# YCC TITLE 19 - ULDC

## 19.11.010 Resource and Rural Districts

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



## YCC Title 19.11.010 – Resource and Rural Districts

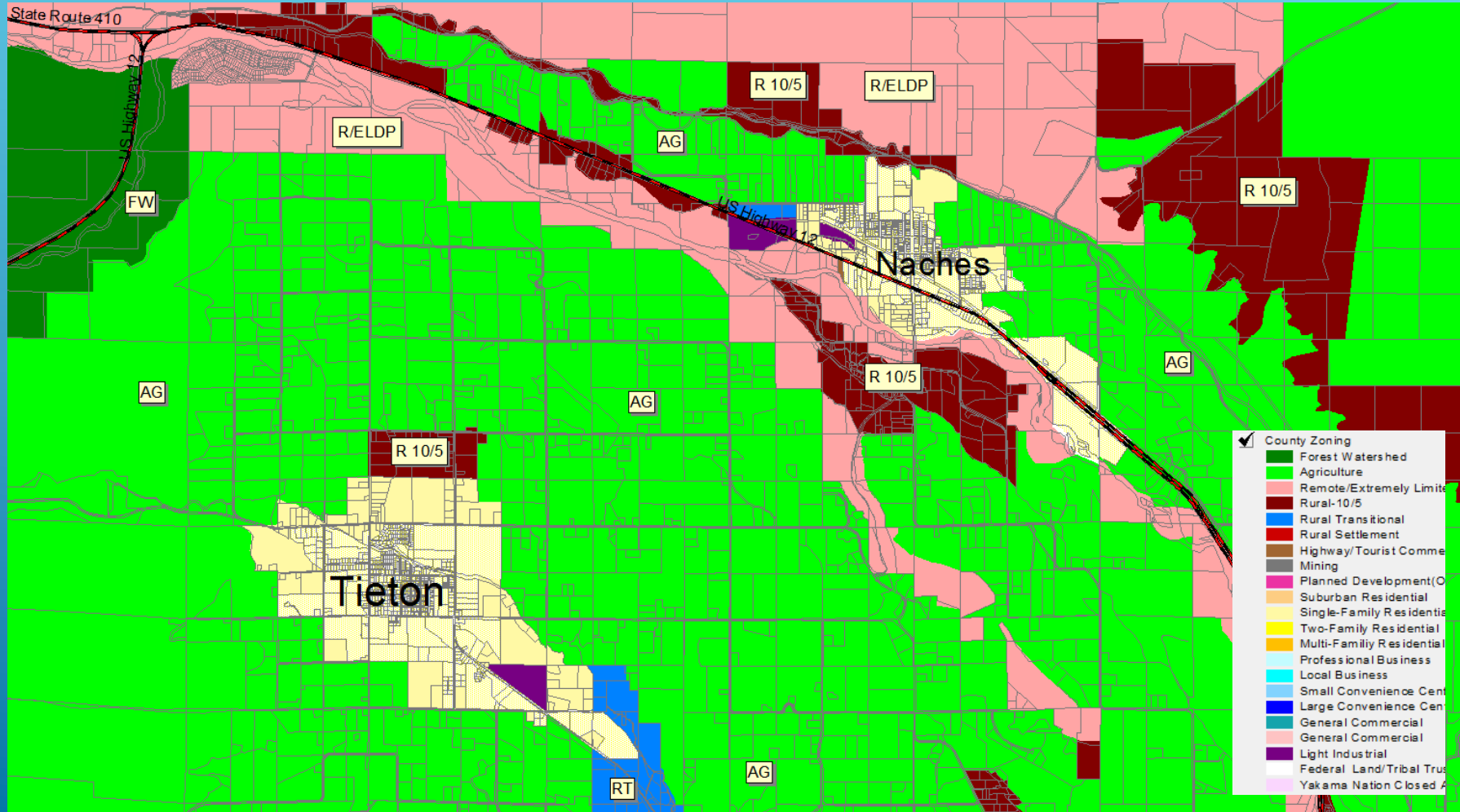
Provides the following development regulations regarding Agriculture:

- Official Zoning Map
- Allowable Land Use Table
- Lot Size Requirements
- Setbacks, Lot Coverage, Building Heights
- Special Provisions

The entirety of ULDC also provides:

- Special Land Use Standards  
(i.e. farm worker housing, Ag Tourist Operations, etc.)
- General and Specific Land Use Standards  
(i.e. parking, landscaping, transportation, sewer and water, etc.)

# YCC TITLE 19 – ULDC OFFICIAL ZONING MAP



# 19.14 ALLOWABLE LAND USE TABLE

Table 19.14-1 Allowable Land Uses																			
Uses	AG	FW	MIN	R/ELDP-40	RURAL 10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
<b>17. Resource Activities.</b>																			
Agriculture*, silviculture, and animal feeding operations* (Excluding: Concentrated animal feeding operations, livestock auction/sale yards, rendering plants and slaughter houses)	1	1	1	1	1	1	1	1	1	1	1	1						1	1
Animal husbandry	1	1	1	1		1	1	1	1	1								1	1
Livestock auction/sale yards*	2			2															
Agricultural building*	1	1	1	1		1	1	1	1	1	1	1						1	1
Aquaculture*	1	2	1	2		3			1	3								2	1
Concentrated animal feeding operations*	2			2															
Farm labor housing:																			
(a) Temporary worker housing located on a rural worksite, and used for workers employed on the worksite reviewed only for height, setback, and access requirements pursuant to RCW 70.114A.050	Note 14	Note 14		Note 14		Note 14													
(b) Second farm dwelling on a parcel at least 20 acres in size, in addition to the owner's single-family residence, that is in active agricultural use	1																		
(c) Farm labor shelter*	1																		
(d) Farm labor center*	2			3															
Forest industries*		1		2														2	1

## 19.01.070 DEFINITIONS:

*“Agriculture” means the tilling of the soil, the raising of crops, the gathering and harvesting of native plants, horticulture, viticulture, floriculture, apiary, livestock farming, dairying, animal feeding operations, animal husbandry, composting associated with the primary agricultural use, land application of soil amendments or agricultural waste at agronomic rates, and farm oriented storage for commercial value. Synonymous with farming or ranching.*



## 19.01.070 DEFINITIONS:

*“Animal feeding operation” means a lot or facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and, where crops, vegetation forage growth, or post-harvest residues are not sustained over any portion of the lot or facility in the normal growing season, and as further defined in the Code of Federal Regulations (CFR, currently 40 CFR 122).*

## 19.01.070 DEFINITIONS:

“Concentrated Animal feeding operation” means an animal feeding operation where more than 1,000 animal units are confined at the facility; and as further defined in the Code of Federal Regulations and regulated as a CAFO by the Washington State Department of Ecology. Concentrated animal feeding operations include: structure or pens for the concentrated feeding or holding of animals or poultry including, but not limited to, horses, cattle, sheep or swine. This definition includes dairy confinement areas, slaughter houses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms, but does not include animal husbandry.

# 19.11.010 GENERAL DEVELOPMENT STANDARDS

Table 19.11.010-2. Setbacks, Lot Coverage and Building Height					
Subject			Zone		
			AG	FW	
Maximum lot coverage			Not specified, however sitescreening may be required under Subsection 19.21.030(2)(f) and (g)		
Maximum building height <sup>(1)</sup>			Not specified	35 feet	
Minimum vision clearance triangle at intersections, railroads, curbcuts and driveways			See Subsection 19.10.040(7)		
Minimum setbacks					
Front and street side setbacks <sup>(2)*</sup>	Designated classified road (arterial or collector)*		25 feet from planned edge of right-of-way or easement		
	Roads with a right-of-way or vehicular access easement more than 60 feet in width				
	Turnaround or cul-de-sac bulb				
	Right-of-way or vehicular access easement 60 feet or less in width	Local access or private road <sup>(3)</sup>		50 feet from centerline	
		Private, shared driveway or alley <sup>(3)</sup> (see Chapter 19.23)		10 feet from edge of right-of-way or easement	
Interior side setback		Primary structure*		10 feet from property line	
		Accessory structure*		5 feet from property line	
Rear setback*		Right-of-way or vehicular access easement		Same as front setback	
		Adjoining lot		10 feet from property line	
*Dwellings and other especially sensitive land uses (ESLU) adjacent to designated resource lands and/or activities are subject to additional setbacks.			See Section 19.18.205		
Additional setback to accommodate required sitescreening			See Subsection 19.21.030(2)(f) and (g)		

Table 19.11.010-1. Lot Requirements				
	Special Standard Section	Zoning District	Minimum Lot Area (acres)	Maximum Lot Area (acres)
General lot requirements for newly created lots		FW	80	Not specified
		AG	40 <sup>(1)</sup>	Not specified
Exceptions to general lot requirements				
Residential lots in cluster developments	19.18.145	FW	1.0	3.0 or as modified by 19.34.035
		AG		
Remainder lots in cluster developments	19.34.035	FW	Determined by area of cluster lot(s)	None
		AG		
Small lot segregation for an existing residence	19.11.010 (4)	AG	1.0	3.0 or as modified by 19.11.010(4)
Special exception lot where residential development will not interfere with farming practices and is located on land unsuitable for farming	19.11.010 (4)	AG	1.0	3.0 or as modified by 19.11.010(4)
Agriculturally related industry lot	19.18.050	AG	1.0	Varies See 19.18.050
(a) Tracts limited to use for public utility services, dams for flood control and hydroelectric generating facilities	19.34.015 19.34.090	FW	None	Maximum necessary to encompass the use
(b) Division by highway or fee-owned irrigation canals		AG		
(c) Conservation tracts (N)				

Note:

(1) Quarter quarter section or legally described as 1/16 of a section.

# PROCESS

Application Submittal Stage



Completeness Review Stage



Project Permit Comment and Technical Review



Permit Issuance



Appeal



# YCC TITLE 16A & 16C – CRITICAL AREAS ORDINANCE

Why two Critical Areas Ordinances?

Answer:

At the time Yakima County was updating its CAO, the 2007 legislature consulted with the Ruckelshaus Center to work with a select *Agriculture and Critical Areas Committee* of interests (environmentalist, the tribes, Farm Bureau and an array of ag organizations, local governments and WSAC) to find a solution to the conflict over protection of critical areas on agricultural lands in Washington State.

The legislation (SSB 5248) imposed a three year moratorium that preempted Yakima County and other jurisdictions from adopting any new critical areas regulations with respect to agricultural activities while the Committee developed its report.

# THE VOLUNTARY STEWARDSHIP PROGRAM

The Voluntary Stewardship Program (VSP) is a new approach for counties to participate in a watershed-based, collaborative stewardship planning process. VSP uses incentives to promote agricultural and environmental stewardship. The program passed into Washington law in 2011 (ESHB 1886) as the result of an ongoing effort to advance common goals for environmental protection and agricultural viability using regulation as a last resort.

Yakima County opted into the program and is in the early stages of program development.

As a result of VSP – Yakima County has two CAO's.

# YCC TITLE 16A – CRITICAL AREAS ORDINANCE

Yakima County's 1995 Critical Areas Ordinance that was not updated as part of the 2007 GMA Update. This CAO only applies to Agricultural Uses and Activities.

YCC 16A CAO addresses:

- Stream Corridors
- Flood Hazard Areas
- Wetlands

This is the CAO that would apply (if critical areas are present) to new or existing Agricultural developments applying for land use approval in Yakima County.

# YCC TITLE 16C – CRITICAL AREAS ORDINANCE

Yakima County's 2007 Critical Areas Ordinance was updated as part of the 2007 GMA Update. This CAO only applies to all non-agricultural uses and activities.

YCC 16C CAO addresses:

- Stream Corridors
- Flood Hazard Areas
- Wetlands
- Fish and Wildlife Habitat
- Geologic Hazardous Areas
- Critical Aquifer Recharge Areas (CARAs)
- Upland Wildlife Habitat Conservation Areas

This is the CAO would NOT apply (if critical areas are present) to new or existing Agricultural developments applying for land use approval in Yakima County.



# CRITICAL AQUIFER RECHARGE AREAS (CARA'S)

## 16C.09.01 Purpose and Intent.

(1) The Growth Management Act (RCW 36.70A) requires local jurisdictions to protect, through designation and protection, areas with a critical recharging effect on aquifers used for potable water, or areas where a drinking aquifer is vulnerable to contamination that would affect the potability of the water. These areas are referred to as Critical Aquifer Recharge Areas (CARAs) in this title.

(2) Potable water is an essential life sustaining element. Much of Yakima County's drinking water comes from groundwater supplies. Once groundwater is contaminated it can be difficult, costly, and sometimes impossible to clean up. In some cases, the quality of groundwater in an aquifer is inextricably linked to its recharge area.

# INTENT OF THE CARA CHAPTER

The intent of this chapter is to:

- (a) Preserve, protect, and conserve Yakima County's CARAs from contamination;
- (b) Establish a protection approach that emphasizes the use of existing laws and regulations, and minimizes the use of new regulations.

It is NOT the intent of the CARA Chapter to:

- (a) Regulate everyday activities;
- (b) Enforce or prevent illegal activities;
- (c) Regulate land uses that use or store small volumes of hazardous substances (including in-field agricultural chemical storage facilities, which do not require permits, or are already covered under existing state, federal, or county review processes and have detailed permit review);
- (d) Establish additional review processes for septic systems, which are regulated by the Washington Department of Health and Yakima County Health District;
- (e) Establish additional review processes for stormwater control, which are covered under existing YCC Chapter 12.10 as required by Washington Department of Ecology's Eastern Washington Phase II Municipal Stormwater Permit; or
- (f) Require review for uses that do not need building permits and/or zoning review.

The above items are deemed to have small risks of CARA contamination or are beyond the development review system's ability to control.

# CRITICAL AREA REVIEW

Application Submittal Stage



Completeness Review Stage



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Permit Issuance



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# STATE ENVIRONMENTAL POLICY ACT (SEPA)

The State Environmental Policy Act (SEPA) provides a way to identify possible environmental impacts that may result from governmental decisions on both public and private projects. These decisions may be related to issuing permits for private projects, constructing public facilities, or adopting regulations, policies, or plans.

Information provided during the SEPA review process helps agency decision-makers, applicants, and the public understand how a proposal will affect the environment. This information can be used to change a proposal to reduce likely impacts, or to condition or deny a proposal when adverse environmental impacts are identified.

<b>Table 1. SEPA Process</b>		
<b>Is SEPA required?</b>	Is the entire proposal defined?	WAC 197-11-060
	Is there an agency “action”?	WAC 197-11-704
	Is the action “categorically exempt”?	WAC 197-11-305 and 800 through 880
	Has SEPA already been completed?	WAC 197-11-164, 600, and 660
<b>Who is lead agency?</b>	Identify the “lead agency.”	WAC 197-11-922 through 944
<b>Are there likely to be impacts?</b>	Review the checklist and identify likely significant adverse environmental impacts.	WAC 197-11-330
<b>Are there existing documents that analyze the impacts?</b>	Identify documents that analyze probable impacts of the proposal.	WAC 197-11-600 and 330(2)(a)
<b>Can impacts be mitigated?</b>	Identify mitigation required by development regulations, and other local and state laws.	WAC 197-11-158, and 330(1)(c)
	Is the applicant willing to change the proposal to reduce impacts?	WAC 197-11-350
	Consider using SEPA substantive authority for other impacts not adequately addressed.	WAC 197-11-660
<b>After application of identified mitigation, is the proposal likely to have any significant adverse environmental impact?</b>	If not, issue a determination of nonsignificance (which may include mitigation measures).	WAC 197-11-340, 350, and 355
	If yes, issue a determination of significance, and either include an adoption notice or begin the EIS process.	WAC 197-11-360 and Part Four
<b>How is SEPA used in decision-making?</b>	Mitigation under SEPA must be included as permit conditions, or in changes to permit applications for the proposal.	WAC 197-11-660
	Projects may be denied if identified significant adverse impacts cannot be mitigated.	

SEPA environmental review is required for any state or local agency decision that meets the definition of an “action” and is not categorically exempt. Actions are divided into two categories, “project actions” and “non-project actions”.

In Table 1. to the left the SEPA process is outlined.



**Table 2: SEPA Public Involvement Requirements**

Document	Comment Period?	Public Notice?	Distribution?	
<b>Determination of non-significance (DNS)</b>	14-day comment period	Yes	Agencies	See WAC 197-11-340(2) for criteria on whether a comment period is required
<b>Mitigated DNS</b>	14 days	Yes	Yes	WAC 197-11-340 and 350
<b>Optional DNS process</b>	Combined with NOA (14 to 30 days)	Yes	Yes	WAC 197-11-355
<b>DNS integrated with GMA planning document</b>	Combined with GMA document (14 to 60 days)	Yes	Yes	WAC 197-11-230(1) and (4)
<b>Determination of significance (DS) with Scoping notice</b>	21 days, up to 30 days for "expanded scoping"	Yes	Yes	WAC 197-11-360, 408, and 410

# KEY STEPS TO ISSUING SEPA DECISIONS

- Environmental Checklists
- Notification
- Comments
- Internal Review
- Consultations
- Threshold Determinations
- Permit Issuance
- Appeal Opportunities

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# QUESTIONS AND ANSWERS