

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

PROJECT NAME:	Fryslan Ranch Calf Yard CAFO
REVIEW PROCESS:	Type 3 - Pursuant to Title 16B.03.040, the proposed Type 2 Administrative Review has been elevated to a Type 3 review process.
FILE NUMBER:	PRJ2016-00350 / CUP2016-00019 / SEP2016-00007
ZONING DISTRICT:	Agricultural
COMPREHENSIVE PLAN DESIGNATION:	Agricultural Resource
PARCEL NUMBER	230817-21001, 230808-33001 and 230808-34001
PROPOSAL:	The proposal is for a new 30 acre Ranch Calf Yard located within three adjoining parcels (2301817-21001/160 acres, 230808-33001/35 acres, and 230809-34001/18 acres). Proposed new facilities include: 16 acres of corrals, 4 acres of hutch yard with about 1500 calf hutches, one to four buildings totaling 15,000 square feet or less to house various support functions, and a 5 Mg waste water pond. The calf population is proposed to be about 1,300 animal units.
OWNERS:	Fryslan Ranch 650 Hornby Road Grandview, WA 98930
APPLICANT:	Tim Bardell B7 Engineering P.O. Box 487 Sunnyside, WA 98944
PREPARED BY:	Dinah Reed, Senior Project Planner, Zoning and Subdivision
RECOMMENDATION:	Approval with conditions:

RECOMMENDATION

Based on the findings and analysis, staff recommends APPROVAL of the Type 3 Conditional Use Permit to establish a feedlot as described in application CUP2016-00019/SEP2016-00007, subject to the following conditions:

1. As a Condition of Approval, Yakima County requires a Deed Restriction submitted by the applicant. The Deed Restriction will limit future water withdrawal from the existing CAFO's on parcel nos. 230909-33001, 230917-21001 and 230918-34001 to only domestic use for the houses and shops on those properties, and eliminating stock watering use from those existing wells. The Deed Restriction will be reviewed and approved by Yakima County Planning Division and recorded with the Yakima County Auditor's office prior to issuance of building permits.
2. As a Condition of Approval and prior to the issuance of building permits, the applicant shall provide a phased schedule to the Yakima County Planning Division for the process of moving the cows from the existing CAFO's on parcel nos. 230909-33001, 230917-21001 and 230918-34001, the cessation of stock watering at those CAFO's, and an ongoing inspection plan by Yakima County as an assurance that the Deed Restriction is in compliance.
3. The applicant shall obtain all necessary Building & Fire Safety Division permits relevant to the construction of the proposed structures prior to the commencement of construction. Please contact the Yakima County Public Services Building and Fire Safety Division at (509) 574-2300.
4. The applicants shall obtain Road Approach Permits (RAP) for access from Glade Road from the Yakima County Public Services: Transportation Division prior to the issuance of building permits, for the existing accesses to the county roadway system.
5. All mitigation measures in SEP2016-00007 are adopted as conditions of this decision.
6. A stormwater site plan in accordance with Yakima County Code Title 12.10 along with supporting documentation must be submitted to Yakima County Public Services Water Resources Division. The plan must be approved by Water Resources before any ground disturbing activities occur, and prior to the issuance of building permits.
7. The applicant shall comply with all Federal, State, and Local jurisdiction regulations pertaining to operations of a Concentrated Animal Feeding Operation.
8. Fifteen parking spaces shall be provided for employee parking. Parking areas shall be surfaced with a minimum of screened gravel or crushed rock, or better. Parking areas shall be graded and drained so all surface water is disposed of on-site and shall be designed according to accepted engineering standards. Handicapped parking shall be provided in accordance with RCW 19.27.031.5.

9. New signs shall comply with the sign standards of YCC 19.10.040(12) in the AG zoning district.

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

10. All structures shall meet a 50 foot setback from the centerline of the private road, and meet the requirements of side and rear setbacks in the AG zoning district per Title 19.11.010-2.
11. Exterior lighting shall be directed downward and otherwise arranged, 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 into any adjacent or nearby residential uses or interfere with the safe operation of motor vehicles on nearby roads.
12. All stormwater is required to be retained on site and upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.130.
13. The project shall be completed in conformance with the application and site plan submitted with the application referenced as file number CUP2016-00019 and SEP2016-00007. Any changes may require a modification to this authorization. If any changes are planned in the future, please contact the Yakima County Public Services Planning Division at (509) 574-2300 for assistance with the permitting process.
14. The owners, their grantees and assignees in interest will abide by the terms of YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement attached to this decision. 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.

Based upon information supplied by the applicant, a review of the Yakima County Comprehensive Plan (*Plan 2015*) and the Yakima County Zoning Ordinance (YCZO), the Administrator enters the following:

FINDINGS AND ANALYSIS

Location

1. The three subject parcels totaling 258 acres are located and accessed off of Glade Road, also known as Mabton Bickelton Road, and approximately 2 miles southeast from the City of Mabton.

Project Description

2. The applicants have proposed to establish a new 30 acre Ranch Calf Yard located within three adjoining parcels (2301817-21001/160 acres, 230808-3300135 acres, and 230809-34001/18 acres) in the Agriculture (AG) zoning district.

The new facilities include: 16 acres of corrals, 4 acres of hutch yard with about 1500 calf hutches, one to four buildings totaling 15,000 square feet or less to house various support functions, and a 5 Mg waste water pond. The calf population is proposed to be about 1300 animal units. This project will not increase cattle populations in Yakima Valley, as the applicant proposes to move the young calf (70-150 lb range) and elementary calf (150-350 lb range) raising operations to this new facility from locations at parcels on Stover Road and Forsell Road (nos. 230909-33001, 230917-21001 and 230918-34001).

The applicant's narrative states that the use of the shop is to shelter and repair equipment, and for new-born formula preparation, and to provide shelter for young and sick calves as needed. The waste water pond will be used to ensure that potentially contaminated storm water is captured, and to receive water used to clean and sanitize new-born formula equipment.

The Fryslan Ranch will draw water from one of the four wells under the exempt water right for stock watering purposes.

The Wind Mill Estates (Parent Company to Fryslan Dairy) has four dairies each with an approved Dairy Nutrient Management Plan (DNMP).

A Complaint Management System is included in the Operations Plan. Compliant management and other communications with neighbors and regulatory agencies is the responsibility of Ruurd Vandenberg.

Access is off of Glade Road, a County rural major collector. According to the applicant's narrative, "This proposal transfers what many people perceive as a nuisance land use to a more remote location. This proposed calf yard CAFO will be less visible than the current operations. The location is undeveloped farm land without water rights.

Zoning, Land Use, and Comprehensive Plan

3. The subject property is zoned Agriculture (AG). The AG zoning district is intended to preserve and maintain areas for the continued practice of agriculture and to permit only those new uses that are compatible with agricultural activities. The subject parcels total approximately 258 acres in size and are completely surrounded by AG zoned parcels that are large in size, some are DNR grazing leased acreage. The property owner has several contiguous parcels in ownership in this area: 220813-11001/581 acres, 230818-11002/82 acres, 230818-12001/41 acres, 230818-21001/124 acres, 230818-22001/74 acres. These parcels in addition to the three subject parcels associated with the proposal total 1,115 contiguous acres of ownership. There are single-family residences on the project subject parcels. Additionally, there are few single-family residences located quite a distance to the north of this area (closest are 12/mile distance). Adjacent land uses east, west, north and south are compatible with the proposed calf yard use, all within the AG zoning district.

The intent of Yakima County's Agricultural Resource land use category is to implement the Growth Management Act planning goals related to maintaining and enhancing natural

resource-based industries, which includes productive agricultural industries. The project has been reviewed for consistency with the following goals and policies of the Yakima County Comprehensive Plan (*Plan 2015*).

- GOAL ED 4: Preserve and enhance the County’s resource-based economy.
 - POLICY ED 4.1: Encourage resource-based industries which are consistent with resource lands goals and policies.
- GOAL LU-ER-AG 1: Maintain and enhance productive agricultural lands and discourage uses that are incompatible with farming activities.
 - POLICY 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.

Hearing Examiner Jurisdiction

4. The proposal is subject to Yakima County Unified Land Development Code (Title19). The definition of the proposal is “Concentrated Animal Feeding Operations” which is considered a Type 2 review in the AG zoning district. Pursuant to Title 16B.03.040 “Classification of Project Permit Applications”, the level of review has been elevated to require a public hearing due to the comments received from adjoining property owners and interested agencies.

According to Title 16B.03.030 Project Permit Procedures-Defined, “Type 3 applications are quasi-judicial actions and 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.”

Timeline of Application Process

- | | |
|---|-------------------|
| 5. Application intake | Feb. 25, 2016 |
| Application incomplete – 1 st Request for information sent | March 24, 2016 |
| ➢ General zoning incompleteness &SEPA incompleteness | |
| Information received | March 25, 2016 |
| Application complete | April 1, 2016 |
| 1 st Notice of Application/Completeness/Environmental Review | April 7, 2016 |
| Applicant Representative (Tim Bardell) requested meeting | April 21, 2016 |
| 1 st Notice of SEPA Threshold Determination sent | April 26, 2016 |
| 2 nd Request for More Information (45 day deadline) | May 11, 2016 |
| ➢ Water quality – request CAFO Nutrient Mgmt. Plan | |
| ➢ Water quantity – request hydrogeological studies | |
| Meeting with Tim Bardell re: water withdrawal | May 25, 2016 |
| Comments received from DOE re: groundwater | June 8, 2016 |
| Received Hydrogeological Impact Assessment | October 31, 2016 |
| 3 rd Request for More Information (45 day deadline) | November 10, 2016 |
| ➢ 2 nd Request of 5/11/16 was not adequately addressed | |
| DOE Technical Memo re: Hydrogeological Impact Assessment | January 6, 2017 |
| Meeting between County and applicant re: water quantity | February 15, 2017 |
| ➢ Agreed to a “Deed Restriction” pertaining to withdrawal of water as a condition of approval | |

2 nd Notice of SEPA Threshold Determination sent	April 26, 2017
Elevated to Type 3	May 26, 2017
Notice of Final Action SEPA and Notice of Hearing	June 16, 2017

Noticing Procedures

6. The first combined Notice of Application, Notice of Completeness, and Notice of Environmental Review was mailed to the applicant, property owner, agencies with jurisdiction, and adjoining property owners on April 7, 2016 with the comment period ending April 21, 2016.

Notice was provided in accordance with the applicable ordinance requirements in the following ways:

Mailing of hearing notice to property owners w/in 300 feet	June 16, 2017
1 st SEPA Threshold issued	April 26, 2016
Final Threshold published in Yakima Herald-Republic	June 14, 2017
Publishing of open record hearing in Yakima Herald-Republic	June 14, 2017
Posting of hearing notice on the property	June 19, 2017

Comments

7. Comments were received from four notified agencies, Yakima County internal Divisions, and eight neighbors, as follows:

AGENCY COMMENTS:

- a) State of WA Department of Fish and Wildlife (WDFW) – Letters were received dated April 26, 2016 and May 5, 2017 on the current proposal for Frysland Ranch as follow-up letters to the original comment letters submitted for Wind Mill Estates (8/26/2015 & 1/26/2016).

The subject parcel likely qualifies as an Upland Wildlife Habitat Conservation Area (YCC Title 16C.11) in the Yakima County Critical Areas Ordinance. Comments provided centered on concerns of shrub-steppe habitat conversion, and that habitat mitigation be a condition of approval. WDFW requests that the habitat mitigation is a purchase or conservation easement of approximately a 2:1 ration of conservation acres, impact acres, totaling approximately 60 acres. Steps have been outlined that would satisfy WDFW habitat concerns for the subject parcel. Among those steps are the following:

- i. Converted footprint would be limited to 40 acres and not further encroachment into the shrub-steppe habitat to the south.
- ii. Habitat mitigation ratios are requested as a general guideline of 2:1 and could be accomplished through either habitat acquisition or a conservation easement.
- iii. If a conservation easement is selected, site restoration would be needed as the parcel was mowed in 2015, as evidenced by aerial imagery taken in May 2015 showing the site not mowed, but then in January 2016 when a site visit was conducted, the site had been mowed.
- iv. Conditions to ensure no grazing on the easement

- v. Monitoring to ensure revegetation is successful, fire protection and weed control.
- vi. Site selection is critical to ensure that easement is not an island in the middle of development or disturbed areas.

Staff finding: SEP2016-00007 lists the requested habitat mitigation-Mitigation Measure EI: A permanent form of protection (conservation easement, deed restriction, etc.) that prohibits land disturbing activities shall be established on the subject property. The area of protection shall meet ratios of protection established by WDFW. Evidence that this mechanism has been approved by WDFW and established shall be provided to Yakima County Planning prior to construction and grading activities within the CAFO area.

- b) State of WA Department of Ecology (DOE) – A comment letter was received dated April 21, 2016 and an email received June 8, 2016. In summary, DOE commented that the two deep wells proposed to provide water to the project will cause a persistent state of decline in the Wanapum aquifer and will impair water availability rights, Time Immemorial Federal rights and State instream rights held in perpetuity. “If the project is to go forward, main stem Yakima River mitigation for the impacts would be required.”

Staff finding: As a Condition of Approval, Yakima County requires a Deed Restriction submitted by the applicant. The Deed Restriction will limit future water withdrawal from the existing CAFO's on parcel nos. 230909-33001, 230917-21001 and 230918-34001 to only domestic use for the houses and shops on those properties, and eliminating stock watering use from those existing wells. The animal units at Stover Road, Hornby Road and Den Boer Road will be re-located to the new Fryslan Ranch, as proposed, combining the operations to one facility. The purpose is to eliminate an increase in water withdrawal in the Yakima Basin.

As a Condition of Approval, the applicant shall provide a schedule for the process for moving the cows from the existing CAFO's on parcel nos. 230909-33001, 230917-21001 and 230918-34001, the cessation of stock watering on those parcels, and an ongoing inspection plan by Yakima County, as an assurance that the Deed Restriction is in compliance. Yakima County will work with the applicant and representative on the proposed schedule.

- c) Sunnyside Valley Irrigation District – Letter was received dated May 1, 2017 stating:
 - 1. SVID does have a facility adjacent to the parcels for development. The Mabton West Lateral right of way, which is 80' in width centered on the lateral, is fee title right of way adjacent and parallel to the north boundary of parcel 230808-33001 and 230808-34001.
 - 2. Runoff or discharge into the Mabton West Lateral will not be allowed.
 - 3. Buildings will not be allowed within SVID easements or right-of-way.
 - 4. Grading or removal of soil will not be allowed within SVID easements or right-of-way.
 - 5. Obstructions including fences, roadways, gravel asphalt, etc. will not be allowed within SVID easements or right-of-way unless it is approved through the permitting process.

6. Crossing the Mabton West Lateral will not be allowed unless approved through the permitting process.

Staff finding: The applicant shall comply with the comments provided by SVID.

- d) City of Mabton – Submitted an email dated April 21, 2016 with attached comment letter from former proposal CUP2015-00036/SEP2015-00015 dated June 3, 2015. In summary, “The City of Mabton operates a Class “A” public water supply that provides drinking water to 2,300 people. The City of Mabton is concerned that the proposed Veldhuis Mabton Feedlot project will impact the City’s wells and water production. The City is currently starting the process to construct \$7.2 million of improvements to its water supply which includes the construction of a new well....”

Staff finding: Inland Earth Sciences conducted a Hydrogeological Impact Assessment and provided a report dated October 31, 2016 and The Washington State Department of Ecology provided a Technical Memorandum dated January 6, 2017 as a response to the Hydrogeological Impact Assessment.

YAKIMA COUNTY DIVISION COMMENTS:

Yakima County Water Resources Division –

“These parcels are located within the Lower Yakima Valley Groundwater Management Area. More information is available at, <http://www.co.yakima.wa.us/541/Groundwater-Management-Area>.

The primary topographic features of this area are multiple gulleys that drain a portion of the Horse Heaven Hills onto alluvial fans. All of the gulleys are considered natural drainageways regardless of whether or not they contain mapped Type 5 streams. Drainageways are defined as, “an open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water. It may be permanently or temporarily inundated and may or may not contain aquatic vegetation or aquatic life”, YCC 12.10.110 (14). Precipitation events that are most likely to activate the gulleys in this area are thunderstorms or long duration rain, though this year they may have conveyed some snowmelt too.

Yakima County requires that stormwater be retained on site and upland drainage must be conveyed through the property in accordance with criteria found at YCC 12.10.130. The natural drainageways described above must not be altered or impeded. For the proposed project this means the emergency storm water lagoon shown on the site plan and described in the application must be relocated outside the gully. To prevent washouts and other erosion damage the natural drainages crossed by access roads require properly sized culverts or another design that does not redirect runoff, change runoff velocity or increase erosion. Washington State law prohibits burial of deceased livestock in locations prone to flooding so burial of carcasses may not occur in the drainageways/gulleys.

It's not clear which stormwater permitting requirements will be applied to this project. The application materials reference: the voluntary Nutrient Management Plan (NMP); an approved Dairy Nutrient Management Plan (DNMP) (doesn't state which one); and a common dispersal plan that includes all 4 approved DNMPs and solid waste from Fryslan Ranch cattle operations. Because the area included within the NMP is not identified on the site plan; and information about the relevant DNMP is not provided; and a pond is proposed in the bottom of a gully, a stormwater site plan along with supporting documentation must be submitted to Public Services. The plan must be approved by Water Resources before any ground disturbing activities occur. Graveled areas including parking and loading areas should be included in the plan as semi-pervious surfaces. It's likely a Washington State Department of Ecology Construction Stormwater Permit will be required before construction begins.

If the applicant prefers to do the stormwater plan as part of a DNMP or NMP, contact Water Resources stormwater staff to clarify which plan is being referenced for the stormwater calculations and design. Any expansion of this facility shall receive an extensive review to ensure concerns about the original larger proposal can be addressed.”

Staff finding: The applicant shall provide a stormwater site plan along with supporting documentation to the Yakima County Water Resources Division before any ground disturbing activities occur. Please contact Dianna Woods at (509) 574-2300.

NEIGHBOR COMMENTS:

Several comment letters were submitted addressing the following complaints –

- a) Traffic Impacts - The use of a road that is not the proposed Glade Road access – which places heavy truck traffic on both S. Fisher Road and Rusk Road year round, and crosses over Mabton Lateral canal. The road is unpaved thereby generating daily dust. Additionally, there is heavy track out of manure and mud onto S. Fisher Road and Rusk Road.

Staff finding: The applicant proposes access from Glade Road, a County Road that is west of the subject parcels. The proposed access is reviewed by the Yakima County Transportation Division. The Transportation Division only provides comment on the access roads for the proposed application and does not review usage and traffic on roads (such as S. Fisher Road and Rusk Road) that are not proposed for the subject proposal.

- b) Manure stockpile - use does not meet agronomic standards (NRCS guidelines) and creates an environmental hazard.
- c) Violation of Dumping Rules - Illegal use of proposed site as mass grave for dairy cows.
- d) Illegal spraying of manure on snow.
- e) Ground and surface water contamination – dumping of dead cows into an excavated trench in the bottom of a drainage gully.
- f) Ground water depletion.
- g) Habitat destruction of shrub-steppe ecosystem.
- h) Odor, Dust, Noise, Flies, Light Pollution, Biosecurity, Fire hazard.

***Staff finding:** Concentrated Animal Feeding Operations (CAFO) are categorized as a Type 2 allowable land use in the AG zoning district per Title 19.14 Allowable Land Use Table. Pursuant to Title 19.01 a CAFO “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 Regulation and regulated as a CAFO by the Washington State Department of Ecology.” Type 3 - Pursuant to Title 16B.03.040, the proposed Type 2 Administrative Review has been elevated to a Type 3 review process.*

According to the Washington State Department of Ecology’s website (<http://www.ecy.wa.gov/programs/wq/permits/cafo>), “The CAFO permit requires large-scale livestock operations in Washington to implement practices to better protect groundwater, rivers, lakes and marine water from manure pollution. It builds on the Department of Agriculture’s (WSDA) Dairy Nutrient Management Program. WSDA will continue as the principal inspector of dairies and will partner with Ecology to implement the permit.”

Yakima County reviews applications for CAFO’s under Title 19 with regards to zoning, development standards, and under Title 16 with regards to environmental impacts. The Yakima County Planning Division relies on the Dairy Nutrient Management Plan as the overriding regulatory document that enforces environment impacts from CAFO’s. The applicant shall comply with all Federal, State, and local regulations pertaining to operations of a Concentrated Animal Feeding Operation, such as: Natural Resources Conservation Service Washington (NRCS/USDA), Yakima County Clean Air Agency, State of Washington Department of Ecology, Washington Department of Fish and Wildlife, the Dairy Nutrient Management Plan, etc.

Environmental Review

8. The application is subject to review under the State Environmental Policy Act (SEPA) because feed lots are not categorically exempt from the environmental review process (WAC 197-11-800(1)(b)(iii)).

Yakima County is lead agency under SEPA and performed environmental review under file number SEP2016-00007. The lead agency has determined that the subject proposal will not have a probable significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c), provided the mitigation measures listed in the Final Mitigated Determination of Non-Significance (MDNS) that is being issued concurrently with this application are taken to mitigate potential adverse impacts.

***Staff finding:** Yakima County issued a Final Action on June 16, 2017 of a Mitigated Determination of Non-Significance (MDNS). The applicant shall comply with the mitigation measures of SEP2016-00007.*

Development Standards

9. The following development standards are applicable to this proposal:

- a. **Conformity with All Regulations Required** YCC 19.10.040(1) specifies that “any development, structure or part there of shall conform to all of the regulations specified in Title 19 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: All proposed new structures will comply with the standards of the AG zoning district and the development standards of YCC 19.10.040 provided the above conditions are met.

- b. **Yards, Lots, Open Space and Off-Street Parking and Loading Spaces** YCC 19.10.040(2)(b) “No part of a yard, other open space, off-street parking or loading space required in connection with any development for the purpose of complying with this Title, shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other development...”.

Staff Finding: Per YCC 19.22, prior to any change in the use of land or structures and/or prior to the occupancy of any new or enlarged structures off-street parking and loading shall meet the requirements outlined in YCC 19.22 and on Table 19.22-2. Parking facilities within the AG zoning district shall be surfaced with a minimum of screen gravel or crushed rock, or better. The applicants narrative proposes there will 10-15 employees and proposes 15 parking spaces.

- c. **Access** YCC 19.10.040(3) when a proposed use requires access to a County roadway, the approach location shall be reviewed by the County Engineer.

Staff Finding: According to the Yakima County Transportation Division, the applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for the existing Glade Road accesses to the county road system prior to the issuance of building permits.

The Transportation Division provided the following comment:

“Per title 10.08.020 the applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for the existing accesses to the county roadway system. The fact that the road approach application is in conjunction with a CUP must be disclosed by the applicant at the time of application. No future build permits cannot be issued without the completion and approval of a Road Approach Permit. In addition to the Road approach Permit the applicant should verify or establish easements necessary to access the proposed new CAFO.”

- d. **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.”

Staff Finding: The new calf yard falls under 'concentrated animal feeding operations' in Allowable Land Use Table 19.14-1, as a Type 2 review in the AG zoning district. Because of the significance of the responses that were submitted during the comment period for the second MDNS issued for SEP2016-00007 it was determined that CUP2016-00019/SEP2016-00007 will be elevated to a Type 3 review process.

Pursuant to Title 16B.03.040 "Classification of Project Permit Applications", Note (2) Type 2 review, Administrative Use applications and Substantial Development permits may be referred by the Administrative Official to the Hearing Examiner for final decision, in a manner similar to a Type 3 application.

- e. **Building Permits** YCC 19.10.040(5) "No building or other structure shall be erected, moved added to or structurally altered with 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 Title 19."

Staff Finding: The applicant shall obtain and finalize all necessary permits for the proposed new calf yard from the Yakima County Public Services: Building & Fire Safety Division prior to construction. Please contact the Yakima County Building & Fire Safety Division at (509) 574-2300.

- f. **Setbacks, Easements and Rights-of Way** YCC 19.10.040(6) In the Agriculture (AG) zoning district structural setbacks shall meet the setbacks set out in Table 19.11.010-2. Front and street side setbacks in the AG zoning district shall be 50 feet from centerline for private roads and a 10 foot side setback from a shared property line when there is no right-of-way or access easement. Rear setbacks are 10 feet from the property line of the adjoining lot.

Staff Finding: Glade Road is a County Road, classified as a major collector. The subject parcels do not abut Glade Road, but are accessed from a Private Road that runs east/west intersecting Glade Road. All structures shall meet a 50 foot setback from the centerline of the private road, and meet the requirements of side and rear setbacks in the AG zoning district.

- g. **Vision Clearance Triangles at Intersections and Driveways** YCC 19.10.040(7) "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. The third side of the triangle shall be a straight line connecting the 15 foot sides described above."

Staff Finding: New structures must comply with the standards of the Vision Clearance Triangle.

- h. **Maximum Building Height** YCC 19.10.040(8) “Lot coverage is the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces” (YCC 19.01.070(12)). Building height means the vertical distance from grade plane to the average height of the highest roof surface (YCC 19.01.070(2)).

Staff Finding: Lot coverage and building height are not specified for the AG zoning district (YCC Table 19.11.010-2).

- i. **Fences, Walls and Recreational Screens** YCC 19.10.040(9) 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.”

Staff Finding: The applicant proposes pipe and cable fence materials that will be five feet in height. The fencing proposed in the application meets the requirements of YCC 19.10.040(9).

- j. **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: The applicant is proposing outdoor lighting around the shop and mixing area. As a recommendation of the decision that applicant shall comply with YCC 19.10.040(10) for exterior lighting.

- k. **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: The subject parcels are not within the floodplain and therefore a pre-application meeting was not required.

- l. **Stormwater Requirements** YCC 19.10.040(12) “...to ensure public and private development projects comply with the National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act where applicable. Stormwater quality concerns for project permits shall be addressed through a. YCC Chapter 12.10; b. The environmental review process established by RCW 43.21C and YCC Chapter 16.04; or c. The requirements of the Washington Department of Ecology.”

Yakima County Water Resources Division provided the following comments:

“Stormwater must be retained on site and upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.130. The addition of more than one acre of impervious surface will increase runoff rates. The applicant should review their Dairy Nutrient Management Plan (DNMP) to ensure the stormwater facilities are adequate. If the DNMP needs to be updated, the revised plan should be submitted to the regulatory authority. A U.S. Environmental Protection Agency Construction Stormwater Permit may be required. For more information contact Margaret McCauley, mccauley.margaret@epa.gov, (206) 553-1772.”

Staff Finding: The applicant is required to retain all stormwater on site and upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.130. For additional questions, please contact Dianna Woods at Yakima County Public Services: Water Resources Division at (509) 574-2300.

- m. **Signs** YCC 19.10.040(12) “All on-premises signs are accessory uses 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. Off-premises signs and billboards are permitted as shown in Section 19.20.130.”

Staff Finding: In the AG zoning district one freestanding sign is allowed as an accessory use to the primary use, which can be 10 feet in height and not more than 32 square feet in size. The applicant proposes one sign that is 5' in height and 4'x5' in size, that is not illuminated and will be located at the entrance to the calf yard, which meets the requirements of YCC 19.20.

CONCLUSION AND RECOMMENDATION

Based on the findings and analysis, staff recommends APPROVAL of the Type 3 Conditional Use Permit for the Fryslan Ranch CAFO. Please see the recommended Conditions as they are listed on Pages 2-3 of this report.

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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.