

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 6-2014

IN THE MATTER OF AMENDING YAKIMA COUNTY CODE (YCC) TITLE 16B PROJECT PERMIT ADMINISTRATION PERTAINING TO LIMITED PROCEDURAL CHANGES REQUIRED TO MAINTAIN CONSISTENCY WITH OFFICIAL CONTROLS.

WHEREAS, the Board of Yakima County Commissioners engaged in a systematic update of several of its adopted codes, in collaboration with internal and external customers, to help improve procedures and regulations consistent with the law; and,

WHEREAS, the Board directed the Planning Commission and planning staff to systematically update its environmental, zoning and subdivision ordinances (called 'official controls'), procedural codes and fee structure; and,

WHEREAS, YCC Title 19 Unified Land Development Code integrates/consolidates official controls and procedural requirements for land development and division in unincorporated areas within County land use jurisdiction originally codified as the 1974 Subdivision Ordinance (Title 14), 2000 Zoning Ordinance (Title 15) and 2011 Urban Growth Area Zoning Ordinance (Title 15A); and,

WHEREAS, Section 19.01.040 directs that references to other Titles of County Code, notably Title 16B Project Permit Administration and YCC Chapter 16.04 SEPA, shall be corrected consistent with the proper citations to Chapters, Sections and Subsections within Title 19 and that Titles 14, 15 and 15A repealed upon the effective date of Title 19; and,

WHEREAS, YCC Title 16B Project Permit Administration is Yakima County's land use procedural code enacted pursuant to 36.70 RCW; and,

WHEREAS, the procedures set forth in YCC 16B must be consistent with its official controls; and,

WHEREAS, the limited amendments to YCC 16B are required to coordinate the procedural code with Title 19 Unified Land Development Code adopted by the Board on May 5, 2015; and,

WHEREAS, the Board held a duly advertised public hearing for the purpose of considering adopting Ordinance 6-2014 amending Yakima County Code Title 16B on December 9, 2014, pursuant to Resolution No. 392-2014 dated November 18, 2014, wherein testimony was heard from all persons present who wished to be heard; and,

WHEREAS, the Board deliberated on the proposed legislation and text amendments after considering all written comments received, the testimony at its public hearing, and staff recommendations; and,

WHEREAS, after considering the testimony and materials presented, the Board believes it is in the best public interest to amend Yakima County Code Title 16B limited to procedures and related sections of Yakima County Code necessary to maintain consistency with official controls; now, therefore,

BE IT HEREBY ORDAINED BY THE BOARD OF YAKIMA COUNTY COMMISSIONERS:

Section 1 Legislative Intent. The Board's intent and purpose in adoption of Ordinance 6-2014 amending YCC Title 16B as set forth in Section 2 attached hereto is to establish consistency in the administration and interpretation of Yakima County Code. To that end, the provisions of YCC Title 16B as amended shall be controlling. Those titles, chapters and sections of Yakima County Code not modified by this ordinance remain as originally adopted together with all amendments to date; except that YCC Title 16B shall supersede and replace any other titles, chapters and sections of Yakima County Code that are found by the Administrative Official to be inconsistent with and or conflict with the provisions of YCC 16B as amended by this Ordinance.

Section 2. Adoption. The Board hereby adopts the following amendments to YCC Title 16B to read as set forth in Exhibits "A" to Ordinance 6-2014.

Section 3. Findings. The Board adopts the following findings related to the proposed legislative action as follows:

A. The Board finds that all statutory and County prerequisites for the review and evaluation of YCC Title 16B, as well as the requirements for ensuring adequate public notification and opportunities for comment and participation in the amendment process, have been met.

B. The Board finds the amendments to Yakima County Code made in Section 2 of this Ordinance are related solely to governmental procedures containing no substantive standards respecting use or modification of the environment. Such exempt procedural actions are exempt from SEPA consistent with the provisions of WAC 197-11-800 (19).

C. The Board finds that the limited procedural amendments to Yakima County Code made in Section 2 of this Ordinance are related solely to governmental procedures and as such are not official controls as that term is used in 36.70 RCW.

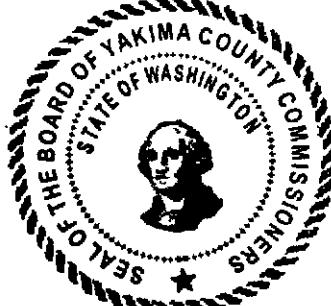
D. The Board finds that the limited procedural amendments to YCC Title 16B are consistent with and supportive of official controls enacted by the Board including YCC Title 19, the Unified Land Development Code.

E. The Board further finds and concludes that adoption and implementation of the procedural amendments to Yakima County Code in Section 2 of this Ordinance to be in the public interest, necessary to maintain compliance with State law and consistent with its objectives for the Code Update/Simplification Project initiative.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, sections, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 5. Effective date. This ordinance shall be effective at 12:01 A.M. on the Wednesday, August 3, 2016.

DONE this 2nd day of August, 2016

A handwritten signature in black ink.

Attest: Tiera L. Girard
Clerk of the Board

A handwritten signature in black ink.

Michael D. Leita, Chairman

A handwritten signature in black ink.

Kevin J. Bouchey, Commissioner

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J. Rand Elliott, Commissioner

*Constituting the Board of County Commissioners
for Yakima County, Washington*

Exhibit A

Amendments to ***YCC 16B Project Permit Administration*** are limited to changes required to maintain consistency with the new YCC Title 19 **Unified Land Development Code** and to delete references to YCC Titles (14, 15 and 15A) repealed with adoption of Title 19.

- Section 16B.01.020 Applicability,
- Selected definitions in Chapter 16B.02,
- A replacement Table of Procedural Classifications 3-2 and related Table notes,
- Section 16B.03.070 Administrative Interpretations; and
- Section 16B.04.010 Pre-application conference.
- Section 16B.10.090 Major Rezones

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Chapter 16B.01 PURPOSE AND AUTHORITY

Sections:

- 16B.01.010 Purpose and Authority.
- 16B.01.020 Applicability.
- 16B.01.030 Legislative Decisions.
- 16B.01.040 Legislative Enactments not restricted.
- 16B.01.050 Conflict of Provision.

16B.01.010 Purpose and Authority.

- (1) It is the purpose of this Title to effectively and efficiently administer applications for land use development activities (entitled "Project Permit Applications" by this Title) by creating a permit classification system with consistent procedures for similar application types, and by combining the environmental review process (SEPA), both procedural and substantive, with the procedures for review of project applications.
- (2) When a project permit application is filed, the project review process shall include land use, environmental, public, and governmental review so that documents prepared under different requirements can be reviewed together by the public and other agencies, in one project review process.
- (3) This integrated review process features the following elements.
 - (a) A determination of application completeness issued to the applicant within twenty-eight days of application submittal (Chapter 16B.04);
 - (b) A combined Notice of Application to the public and agencies with jurisdiction (Chapter 16B.05);
 - (c) A determination of the consistency of a proposed project with applicable development regulations and comprehensive plans (Chapter 16B.06);
 - (d) An optional consolidated permit review process for development proposals involving more than one application procedure (Section 16B.03.060);
 - (e) Provisions for use of existing comprehensive plans and development regulations in the environmental review of proposed projects subject to SEPA (Chapter 16B.06);
 - (f) Provisions for joint public hearings or meetings held with other local, state, regional or federal agencies with jurisdiction over a proposed project (Section 16B.08.070);
 - (g) A single report stating all the decisions made as of the date of the report on all project permits, including any environmental determinations, on a proposed permit project (Chapter 16B.07);
 - (h) Except for the appeal of a Determination of Significance under SEPA, no more than one open record hearing on a project permit (Section 16B.03.050); and,

(i) A notice of final decision issued within 120 days of the determination of application completeness (Chapter 16B.07).

16B.01.020 Applicability.

The provisions of this Title shall apply to all applications for land use or environmental permits subject to review under the following Chapters and Titles of the Yakima County Code.

- (1) Chapter 12.10 – Stormwater Authority.
- (2) Title 14 – Subdivision
- (3) Title 15 – Yakima County Zoning
- (4) Title 15A – Yakima Urban Growth Area Zoning
- (5) Title 16A – Critical Areas
- (6) Title 16 – Environment [REDACTED]
- (7) Title 16A and 16C - Critical Areas.
- (8) Title 16D - Yakima County Regional Shoreline Master Program.
- (9) Title 19 – Unified Land Development Code

16B.01.030 Legislative Decisions.

The following actions are legislative, and are not subject to the project permit procedures in Chapters 16B.03, 16B.04, 16B.07, 16B.08, 16B.09 and 16B.11 of this Code, unless otherwise specified:

- (1) [REDACTED];
- (2) Adoption and amendment of development regulations as defined by RCW 36.70A;
- (3) Area-wide rezones to implement new County policies; and
- (4) Adoption of the County comprehensive plan, sub-area plans, other general purpose or specific County plans and any plan amendments.

16B.01.040 Legislative Enactments not Restricted.

Nothing in this Title shall limit the authority of the Board of County Commissioners to amend the County's comprehensive plan or development regulations.

16B.01.050 Conflict of Provision.

In the event of conflicts between any portion of this Title and other rules, regulations, resolutions, ordinances or statutes lawfully adopted by Yakima County, the procedures contained in this Title shall govern.

Chapter 16B.01 - 3

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Ordinance 6-2014 Title 16B_te7_26_16.docx 7/27/2016

Chapter 16B.02 DEFINITIONS

Sections:

<u>16B.02.010</u>	Definitions.
<u>16B.02.020</u>	Administrative Official.
<u>16B.02.030</u>	Agency with Jurisdiction.
<u>16B.02.040</u>	Board of County Commissioners.
16B.02.045	Buildable Land.
<u>16B.02.050</u>	Closed Record Appeal.
16B.02.055	Day.
<u>16B.02.060</u>	Decision Maker.
<u>16B.02.070</u>	Hearing Examiner.
<u>16B.02.080</u>	Open Record Hearing.
16B.02.082	Optional Consolidated Permit Review.
16B.02.085	Policy Plan Map.
<u>16B.02.090</u>	Project Permit Application.
16B.02.093	Public Meeting.
16B.02.095	Reviewing Official.
<u>16B.02.100</u>	SEPA.
<u>16B.02.105</u>	Subdivision Exemption Authorization

16B.02.010 Definitions.

Certain terms and words used in this Title are defined in the following Sections. When not inconsistent with the context, words used in the present tense include the future; the singular includes the plural and the plural the singular; "shall" is always mandatory and "may" indicates a use of discretion in making a decision. Whenever terms defined elsewhere in the Yakima County Code appear in this Title, they shall be given the meaning attributed to them.

16B.02.020 Administrative Official.

"Administrative Official" means the duly appointed Yakima County Planning Director or the director's designee. This term is synonymous with "Director" or "Administrator."

16B.02.030 Agency with Jurisdiction.

"Agency with Jurisdiction," for purposes of this Title, means any agency with authority to approve, veto, or finance, all or part of any project permit application as defined by this Title.

16B.02.040 Board of County Commissioners.

"Board of County Commissioners," also abbreviated as "BOCC," or "Board," means the legislative authority of Yakima County.

16B.02.045 Buildable Land.

"Buildable Land," for the purposes of 16B.10.095(2)(a), means land suitable and available for residential, commercial, and industrial uses and includes both vacant land and developed land that, in the opinion of the planning agency, i.e., the Planning Division together with its Planning Commission as defined in RCW 36.70.020(13)(b), is likely to be redeveloped.

16B.02.050 Closed Record Appeal.

"Closed Record Appeal" means an administrative appeal or hearing, conducted by the Board of County Commissioners following an open record hearing conducted by the Hearing Examiner on a project permit application. The appeal or hearing is on the record with only appeal argument allowed. See also RCW 36.70B.020(1).

16B.02.055 Day.

"Day" means calendar day. For purposes of computing any period of time, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the computed period is included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the close of Planning Division business on the next day which is neither a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven days, the intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

16B.02.060 Decision Maker.

"Decision maker" means the person or body that is authorized by Yakima County Code to render the final decision on a project permit application. Table 3-1 herein designates the decision maker by project permit procedure type.

16B.02.070 Hearing Examiner.

"Hearing Examiner" or "Examiner" means that person appointed by the Board of Commissioners. The Hearing Examiner shall conduct open record hearings on project permit applications.

16B.02.080 Open Record Hearing.

"Open record hearing" means a public hearing, conducted by the Hearing Examiner. The hearing creates the evidentiary record pursuant to procedures prescribed by ordinance or resolution. Open record hearings either result in a recommendation to the Board of Commissioners or a final decision on a project permit application, or constitute an appeal of an administrative decision on a project permit application. See also RCW 36.70B.020(3).

16B.02.082 Optional Consolidated Permit Review.

"Optional consolidated permit review" means that process authorized by RCW 36.70B.060 and 36.70B.120 which is the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all project permits requested by an applicant for all or part of a project action.

16B.02.085 Policy Plan Map.

"Policy Plan Map" means the official Future Land Use Map adopted in a comprehensive plan or sub-area plan. This definition includes any overlay maps adopted in a comprehensive plan or sub-area plan.

16B.02.090 Project Permit Application.

"Project permit," or "project permit application," or "project application," or "permit," means any land use or environmental permit or license required for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional use permits, Shoreline permits, site plan review, permits or approvals required by critical area ordinances, site-

specific rezones authorized by a comprehensive plan or sub-area plan, but excluding the adoption or amendment of a comprehensive plan, sub-area plan, or development regulations except as otherwise specifically included in this Section. See also RCW 36.70B.020(4).

16B.02.093 Public Meeting.

"Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file. See also RCW 36.70B.020(5).

16B.02.095 Reviewing Official.

"Reviewing Official" means Administrative Official, Building Official, Hearing Examiner, or the Board of County Commissioners, when engaged in any review or decision-making procedure under the provisions of the Titles of Yakima County Code listed in Section 16B.01.020 of this Title.

16B.02.100 SEPA.

"SEPA" refers to the State Environmental Policy Act, (Chapter 43.21C RCW), ~~it's implementing rules, (Chapter 197-11 WAC), as it now exists or is hereafter amended and the County's SEPA procedures (Yakima County SEPA Ordinance, Chapter 16.04).~~

16B.02.105 Subdivision Exemption Authorization

~~A "Subdivision Exemption Authorization" means the document issued by the Administrative Official which formally exempts a division of land as defined by YCC Title 14, from full compliance with certain state and local land development laws and regulations as identified in the qualified exemption provisions of YCC Title 14.~~

Chapter 16B.03 CLASSIFICATION BY PROJECT PERMIT TYPE

Sections:

- 16B.03.010 Introduction.
- 16B.03.020 Project Permits Excluded from Some Review Procedures.
- 16B.03.030 Project Permit Procedures – Defined.
- 16B.03.040 Classification of Project Permit Applications.
- 16B.03.050 Limitations on Open Record Public Hearings and Closed Record Appeals.
- 16B.03.060 Optional Consolidated Permit Review Process.
- 16B.03.070 Administrative Interpretations.
- 16B.03.080 Development Agreement Review Procedures.

16B.03.010 **Introduction.**

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Exempt, Type 1, Type 2, Type 3, or Type 4. Legislative decisions are addressed in Sections 16B.01.030 -- 16B.01.040.

16B.03.020 **Project Permits Excluded from Some Review Procedures.**

- (1) All Type 1 applications listed in Table 3-2, building permits or other construction permits, or other similar administrative approvals; that are categorically exempt from environmental review under SEPA, or for which environmental review has been completed in connection with other project permits, are excluded from the following procedures. See also RCW 36.70B.140.
 - (a) Notice of Application (Chapter 16B.05);
 - (b) Consolidated permit review processing (Section 16B.03.060);
 - (c) Joint public hearings (Section 16B.08.070);
 - (d) Single report (Notice of Decision) stating all the decisions and recommendations made as of the date of the report (Chapter 16B.07).
- (2) All of the review procedures listed in Subsection (1) of this Section applies to Type 1 and other project permits that are not categorically exempt from environmental review under SEPA, unless environmental review has been completed in connection with other project permits. See also RCW 36.70B.140.
- (3) The development, activities and modifications to development listed in YCC Section 19.30.020(2) may require project permits under Yakima County Code, but are typically not required to obtain a project permit from the Administrative Official under Title 19.

16B.03.030 Project Permit Procedures – Defined.

- (1) The Administrative Official shall determine the procedural classification (Type 1 – 4) for all development applications. If there is a question as to the appropriate procedure type, the Administrative Official shall resolve it in favor of the higher procedural classification.
 - (a) Type 1 applications involve ministerial actions and are exempt from public notice requirements. Type 1 applications that are not categorically exempt from environmental review under SEPA are subject to public notice requirements. Final determinations on the project permit shall be made by the Administrative Official without a prior public hearing. Final determinations on Type 1 projects can be appealed to the Hearing Examiner, except as noted in Table 3-1, other sections or Titles.
 - (b) Type 2 applications are administrative actions which may generate public interest. Public notice will be provided for Type 2 actions. The final determination will be made by the Administrative Official. The Administrative Official's determination can be appealed to the Hearing Examiner. The Hearing Examiner's determination is subject to a closed record appeal to the Board of County Commissioners, except as provided in Subsection (2) below.
 - (c) 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. The Hearing Examiner's determination is subject to a closed record appeal to the Board of County Commissioners, except as provided in Subsection (2) below. Public notice will be provided on Type 3 actions.
 - (d) Type 4 Project permit applications are quasi-judicial actions which require an open record hearing before the Hearing Examiner. The Examiner's written decision constitutes a recommendation to the Board of County Commissioners, except as provided in Subsection (2) below. The Board shall conduct a closed record hearing to act on the Examiner's recommendation. Public notice will be provided on Type 4 actions.
 - (e) Final administrative decisions may be appealed to Superior Court pursuant to Section 16B.09.060 of this Code.
- (2) SEPA decisions of the Hearing Examiner shall be final and binding and not subject to further administrative appeal even in the event that the underlying project permit application may be subject to further administrative appeal processes. Further appeal of the Hearing Examiner's decision on a SEPA administrative appeal shall be to Superior Court pursuant to Ch. 36.70C RCW, unless state law provides for a different appeal process.
- (3) Table 3-1 identifies the final decision maker, recommending body, hearing body, and appeal body for the four procedural types. Table 3-2 identifies the procedural classification for the various land use permits. Notice provisions for each procedural classification are contained in Table 5-1.

Table 3-1 Procedures for Type 1, 2, 3, and 4 Permit Applications

Process Type	Public Notice	Recommending Body	Open Record Hearing Body	Decision Maker	Appeal Body
Type 1	N/A	N/A	N/A	Administrative Official ⁽³⁾	Hearing Examiner ⁽¹⁾ (Open Record Hearing)
Type 2	Yes	N/A	N/A	Administrative Official	Hearing Examiner ⁽²⁾ (Open Record Hearing)
Type 3	Yes	Administrative Official	Hearing Examiner	Hearing Examiner	BOCC (Closed Record Hearing)
Type 4	Yes	Hearing Examiner	Hearing Examiner	BOCC (Closed Record Hearing)	Superior Court

Notes:

- (1) Type 1 Shoreline exemptions are not subject to appeal.
- (2) Appeal determinations by the Hearing Examiner on Type 2 applications may be further appealed to the Board of Yakima County Commissioners for a closed record appeal in accordance with YCC 16B.09.050. Appeal determinations of the Hearing Examiner on Type 1 appeals shall be final and binding and not subject to further administrative appeal. Final administrative decisions may be appealed to Superior Court pursuant to Ch. 36.70C RCW, unless state law provides for a different appeal process.
- (3) Not all Type 1 project permits decisions are made by the Administrative Official. Refer to Title 19.

16B.03.040 Classification of Project Permit Applications.

The following project permits or actions are subject to the decision making processes specified in Table 3-1 and Section 16B.03.030 of this Code, except where indicated in other Titles.

Table 3-2 Table of Procedural Classifications

Title 14 – Yakima County Subdivision Code	
Application	Process Type
Subdivision Exemption Authorization	Type 1
Binding Site Plan	Type 4
Segregation within an Approved Commercial or Industrial Binding Site Plan:	Type 1
Short Plats:	Type 2
Preliminary Plats:	Type 4
Final Plats:	N/A ⁽⁴⁾
Variances:	Type 3

Title 15 – Yakima County Zoning Code or Title 15A – Yakima County Urban Growth Area Zoning Ordinance	
Application	Process Type
Non-Conforming Use Expansion or Alteration ⁽⁵⁾ :	Type 3 ⁽⁵⁾
Minor Modification to a Planned Development:	Type 1
Major Modification to a Planned Development:	Type 4
Permitted or Class 1 Uses:	Type 1 ⁽²⁾
Administrative or Class 2 Uses:	Type 2 ⁽²⁾
Conditional or Class 3 Uses:	Type 3
Modifications to existing or approved uses under YCC 15.70.030 or Chapter 15A.17:	Type 1
Variances:	Type 3
Administrative Adjustments:	Type 2 ⁽²⁾
Master Planned Resort, Master Planned Development Overlay or Institutional Overlay:	Type 4
Modification to a Master Planned Resort, Master Planned Development Overlay or Institutional Overlay:	Type 1 or 4, as determined by zoning code
Site-specific rezones authorized by a comprehensive plan or subarea plan:	Type 4

Chapter 16.04 – Yakima County SEPA Ordinance	
Application	Process Type
Environmental Review (SEPA Checklist)	Type 2 ⁽⁴⁾

Title 16A, 16C and 16D – Yakima County Critical Areas Ordinance and Yakima County Regional Shoreline Master Program
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Application	Process Type
Floodprone Permits	Type 1
Floodprone Development Variances	Type 2 ⁽²⁾
Standard Development Permits	Type 1 ⁽³⁾
Substantial Development Permits	Type 2 ⁽²⁾
Adjustment	Type 2
Reasonable Use Exception	Type 3
Minor Revision	Type 4
Non-Conforming Use/Alteration	Type 2 ⁽⁵⁾
Non-Conforming Structures or Areas	Type 2 ⁽⁶⁾
Shoreline Exemption	Type 4
Shoreline Conditional Use Permit	Type 2
Shoreline Variance	Type 2

Title 19 – Yakima County Unified Land Development Code

Type 1 Review (2, 4,7)

Type 1 Permitted Uses shown in the land use table in YCC Chapter 19.14 except when Type 2 review is required (19.30.030(1)(c))

Interpretations and similar use determinations by the Administrative Official (Chapter 19.31)

Reconstruction of damaged buildings or structures not involving expansion or nonconforming use (19.33.050(2)(d))

Legal Non-conforming use determination by the Administrative Official (19.33.060(1)(a)).

Replacement or restoration of legal nonconforming dwelling (19.33.060(6)(a))

Utility divisions (19.34.090)

Boundary Line Adjustments (19.34.020)

Minor amendments of approved preliminary plats (19.34.050(9)(b))

Final Subdivisions and Short Subdivision⁽¹⁾ (19.34.070)

Segregations within an approved Binding Site Plan for commercial or industrial development (19.34.080(3)(b))

ESLU Setback modifications exceptions (19.35.020(6)(d))

Administrative Modifications to existing or approved uses (19.35.030(3))

Minor modification to a previously approved Master Planned Resort, Resort Development Plan or Planned Development (19.35.050(1))

Future projects or actions in compliance with an approved Master Development Plan or Development Agreement (19.35.055(1)).

Type 1 Uses require Type 2 review when: (3, 4,7)

All or part of the **development**, except for agricultural buildings, single-family dwellings and duplexes are located **within the 100 year floodplain or the Greenway Overlay** (GO) District (19.17.050);

All or part of a **development that is in a Master Planned Development Overlay** (MPDO) District and is identified in a development agreement requiring Type 2 review; (19.17.040)

The Reviewing Official cannot determine from the application submitted that the use will meet the approval standards in Section 19.30.090;

The permitted use could be approved subject to broader conditioning authority (19.30.100).

The Administrative Official cannot conclusively determine the legal status of a nonconforming use (19.33.060(1)(c));

The proposed use includes hazardous material as defined in Section 19.01.070;

Type 2 review^(3, 4, 5)

Type 2 Administrative Uses shown on the land use table in Chapter 19.14 are generally allowed in the zoning district.

Change of a legal non-conforming use to another non-allowed use subject to review criteria in Subsection 19.33.060(5)(b)

Amendments to an approved preliminary short subdivision (19.34.040(5))⁽¹¹⁾

Alteration or vacation of a recorded short plat (19.34.040(9))⁽¹¹⁾

New Binding Site Plans for commercial and industrial development (19.34.080)

Administrative Adjustments to standards authorized (19.35.020).

Type 3 Review

Conditional Uses shown on the land use table in Chapter 19.14

Plat vacations or alterations under Chapter 58.17 RCW

Major modifications to a Master Development Plan or Development Agreement (19.35.055(3))

Type 4 Review⁽¹⁰⁾

Type 4 Quasi-judicial uses or development shown on the land use table in Chapter 19.14

Master Planned Resorts (MPRs) in rural or resource areas (19.11.050)

New or expanded Master Planned Developments in Urban Growth Areas (19.17.040)

Subdivision Applications (19.34.050)⁽¹²⁾

Major amendments to approved preliminary subdivision (19.34.050(9)(c))⁽¹¹⁾

Major modification to a Master Planned Resort or Planned Development (19.35.050(2))

Major modifications to a Master Development Plan or Development Agreement (19.35.055(3))

Minor Rezones (19.36.030)⁽¹⁰⁾

Title 16 -Chapter 16.04 - Yakima County SEPA Ordinance

<u>Application</u>	<u>Process Type</u>
Environmental Review (SEPA Checklist)	Type 2 ⁽⁷⁾

Titles 16A and 16C - Yakima County Critical Areas Ordinances⁽¹³⁾

and

Title 16D - Yakima County Regional Shoreline Master Program

<u>Application</u>	<u>Process Type</u>
<u>Floodprone Permit</u> (16A.05) ⁽¹⁴⁾	Type 1
<u>Floodprone Development Variance</u> (16C.05.52 or 16A.05.52) & (16D.05.52) ⁽¹⁴⁾	Type 2 ⁽⁴⁾
<u>Flood Hazard Permit</u> (16C.05.44.040 or 16A.05.44) & (16D.05.44.050) ⁽¹⁴⁾	Type 1
<u>Standard Development Permit</u> (16C.03.20 or 16A.03.10)	Type 1 ⁽⁶⁾
<u>Critical Areas Adjustment</u> (16C.03.23 or 16A.03.13 & 16A.04.25)	Type 2
<u>Critical Areas Reasonable Use Exception</u> (16C.03.24)	Type 3

<u>Minor Revision to approved uses/development (16C.03.25 or 16A.03.15) & (16D.03.25)</u>	Type 1
<u>Non-Conforming Use / Facility Alteration (16C.03.26) & (16D.03.26)</u>	Type 2 ⁽⁸⁾
<u>Non-Conforming Structures or Areas (16C.03.26 or 16A.03.26) & (16D.05.40.020)</u>	Type 2 ⁽⁹⁾
<u>Shoreline Exemption (16D.03.05) & Exemption from Critical Area development authorizations (16A.01.06)</u>	Type 1 ⁽¹⁵⁾
<u>Shoreline Substantial Development Permit (16D.03.19 & 16D.10.05 & Table 10-1)</u>	Type 2 ⁽⁴⁾
<u>Shoreline Conditional Use Permit (16D.03.21 & 16D.10.05 & 16D Table 10-1)</u>	Type 2
<u>Shoreline Variance (16D.03.22)</u>	Type 2

Notes:

- (1) Final plat applications are subject to determination of completeness as required by Section 16B.04.030 - 060. However, once the application is deemed complete, i.e. – all requirements of the preliminary plat resolution as signed by the BOCC have been met, the final plat is forwarded to the BOCC for signature at its next regular agenda meeting.
- (2) The Administrative Official reviews applications subject to Type 1 review under the procedures of Section 19.30.090 and YCC Chapter 16B.03 for compliance with Title 19. Type 1 Uses listed in Subsection 19.30.030(1)(d) are generally not subject to project review by the Administrative Official provided all applicable standards of this Title are met and/or when categorically exempt from environmental review under YCC Section 16.04.100, or for which environmental review has been completed in connection with other project permits, and when locating on an existing lot.
- (3) The compatibility between a Type 2 Administrative Use and the surrounding environment cannot always be determined in advance. Therefore, a Type 2 Administrative Use may be conditioned to ensure compatibility and compliance with the provisions of the zoning district and the goals, objectives and policies of the Comprehensive Plan.
- (4) Type 2 review, Administrative Use applications, Floodprone (as defined in YCC Titles 16A, 16C and 16D) Development Variances, Zoning Variances, Administrative Adjustments 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.
- (5) Type 3 review required for Type 2 Administrative Uses referred by the Administrative Official for Hearing Examiner review and for other specific reviews established by Title 19. Such referred reviews are subject to the criteria of 19.30.020(2)(b)(iv) for Type 2 uses.
- (6) Standard Development permits under the Critical Areas Ordinance may be processed for final decision as Type 2 project permits rather than as Type 1 permits at the discretion of the Administrative Official.
- (7) SEPA determinations where the underlying permit is Type 1 shall be circulated to agencies with expertise or jurisdiction as defined in WAC 197-11-714 and listed in YCC 16B.05.030(3) but notice to adjacent property owners is not required.
- (8) The term “alteration” in a zoning context may include changing from one nonconforming use to another nonconforming use, but does not include intensification. Certain nonconforming use alterations may not be subject to additional critical area or Shoreline review as described in YCC 16C.03.26(2)(b) and 16D.03.26(2)(b).
- (9) No additional Critical Area or Shoreline review required if reconstruction cost of a conforming use with a nonconforming structure or area is less than 75 percent of value before damage or destruction. See YCC 16C.03.26(2)(a) and 16D.03.26(2)(a).
- (10) The process for review of Type 4 applications shall be as set forth in YCC Subsection 16B.03.030(1)(d) and Section 19.30.080 and the process for Minor Rezone applications shall be as set forth in Section 19.36.030.
- (11) Minor changes or correction of errors to approved preliminary short plats and alteration or vacation of recorded short plats not involving a change in lot lines or conditions may be made by the surveyor

through the Type 1 review process by recording an affidavit with the County Auditor referencing the short plat by number and the correction.

(12) Administrative preliminary plat review is authorized under Section 19.34.040(11).

(13) Critical Areas Titles 16A or 16C may apply to property based on agricultural use. Refer to Title 16C to determine jurisdiction.

(14) The Building Official issues flood hazard permits under Chapter 5 of Titles 16A, 16C and 16D. (N)

(15) Shoreline exemptions are not subject to appeal.

16B.03.050 Limitations on Open Record Public Hearings and Closed Record Appeals.

Except for the appeal of a SEPA Determination of Significance, no more than one consolidated open record appeal or hearing may occur on SEPA threshold determinations or project permit decisions and no more than one consolidated closed record appeal or hearing may occur on project permit decisions.

16B.03.060 Optional Consolidated Permit Review Process.

Two or more project permits relating to a proposed project action may be processed collectively under the highest numbered category of project permit required for any part of the proposal or processed individually under each of the procedures identified by the code. The applicant may determine whether the project permits shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to and separately from the subsequent lower numbered procedure. Construction permits may be issued only after all other required land-use decisions have been made and all applicable appeal periods have passed.

16B.03.070 Administrative Interpretations.

Upon request the applicable official designated in Subsections 2 through 4 of this Section shall issue a formal written interpretation of a development regulation. The purpose of an interpretation is to clarify conflicting or ambiguous wording or the scope or intent of the County Code.

- (1) The interpretation request shall be on a form provided by the Planning Division and shall include identification of the regulation in question, a description of the property (if applicable), a clear statement of the issue or question to be decided, a statement addressing why an interpretation is necessary and shall set forth a legal and factual basis in support of the proposed interpretation.
- (2) The Administrative Official; or his/her designee shall interpret and apply the provisions of YCC Title 14 - Subdivision Code, Title 15 - County Zoning Ordinance, Title 15A - Yakima County Urban Growth Area Zoning Ordinance, Title 16 (SEPA) Environment, Titles 16A and 16C - Critical Areas Ordinances, Title 16B - Project Permit Administration, and Title 16D - Yakima County Regional Shoreline Master Program, and Title 19 - Unified Land Development Code. Interpretations shall be first presented to the Administrative Official but are subject to appeal to the Hearing Examiner.
- (3) The Administrative Official is authorized under Chapter 19.31 to determine whether a proposed use is not classified in any category of the land use table in Chapters 19.14 but is consistent in character with the purpose of the Zoning District.

- (4) The Hearing Examiner shall issue ~~unclassified~~ similar use interpretations regarding any provisions of the Yakima County Unified Land Development Code (Title 19) Urban Growth Area Zoning Code (Title 15A), as specified by Chapter ~~19.31~~ 15A.22, and any interpretation matter referred by the Administrative Official. The Hearing Examiner shall determine when a hearing is required for such interpretations. Interpretations by the Hearing Examiner are final and not subject to further administrative appeal.
- (5) An interpretation of the provisions of a development regulation shall not be used to amend any development regulation in Yakima County Code, such as any provision affecting required location of land uses or review requirements. Administrative interpretations may be specific to the fact situation presented in the request for the interpretation and therefore may not apply to circumstances or situations other than that considered in the interpretation.
- (6) In making an interpretation of the provisions of the development regulation, the Reviewing Official shall state the analysis and reasons upon which the interpretation is based in considering the following factors:
 - (a) The applicable provisions of development regulations in Yakima County Code including their purpose and context; and
 - (b) The impact of the interpretation on other provisions of Yakima County Code; and
 - (c) The implications of the interpretation for development within the County as a whole; and
 - (d) The applicable provisions of the Comprehensive Plan and other relevant codes and policies; and
 - (e) Any other factors the Reviewing Official wishes to consider.

16B.03.080 Development Agreement Review Procedures.

- (1) The County may enter into a development agreement with a person having ownership or legal control of real property within its jurisdiction or outside its jurisdiction as part of an outside utility service agreement. A development agreement sets forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.
- (2) Notice of the hearing shall be provided by publishing in a newspaper of general circulation within the County in the manner prescribed for project permits in YCC 16B.05.030.
- (3) The determination of completeness under YCC 16B.04.030, notice of decision under YCC 16B.07.010 and time frame of YCC 16B.07.030 do not apply to development agreements.
- (4) When a request for a development agreement is consolidated with a Type 3 or 4 project permit, the public hearing shall be consolidated with the open-record hearing on the permit before the Hearing Examiner. The Hearing Examiner shall make a recommendation to the BOCC on the development agreement and approval of the project permit shall be conditioned on BOCC approval of the development permit.
- (5) The BOCC may approve a development agreement by ordinance or resolution only.

Chapter 16B.04 APPLICATION PROCESS

Sections:

- 16B.04.010 **Pre-application Conference.**
- 16B.04.020 Application, Withdrawal of Application and Refunds.
- 16B.04.030 Determination of Completeness.
- 16B.04.040 "Complete" Application -- Additional Information.
- 16B.04.050 Incomplete Application Procedure.
- 16B.04.060 Date of Acceptance of "Complete" Application.
- 16B.04.070 Identification of Other Agencies with Jurisdiction.

16B.04.010 Pre-application Conference.

- (1) Prior to formal submittal of a project permit application, an applicant may obtain early assistance from County staff through informal conversations or on-site visits. In addition, one or more conferences with appropriate County department representatives and other public agency representatives may be requested by the applicant, required by ordinance, or required at the discretion of the Administrative Official. The date, time and place of such conferences shall be at the mutual agreement of the participants. While pre-application conferences are optional on some application types, applicants for those applications specified in YCC Section 19.30.040(1), Type 3 and 4 project permits, legislative actions described in YCC Chapter 16B.10, linear transmission facilities, critical areas and Shoreline permits are required to request this exploratory conference. The Administrative Official may waive in writing the requirement for a pre-application conference, upon written request by the owner or authorized prospective applicant, for projects that the Administrative Official determines are of a size and complexity to not require the detailed analysis of a pre-application conference, notwithstanding any provision of this Code to the contrary.
- (2) Such conferences are intended as an informal discussion and review of possible applications to assist the applicant in discovery of appropriate county regulations, standards, application materials and review processes that would be required of a project. The pre-application conference is intended to provide an applicant with preliminary direction regarding the required content of the proposed application. However, the conference is not intended to provide an exhaustive review of all the potential issues that a given application could raise. A pre-application conference shall not include extensive field inspection or correspondence. The pre-application review does not prevent the County from applying all relevant laws to the application and does not constitute an approval of the project. The discussion at the conference and the information provided shall not bind or prohibit the County's future application or enforcement of all applicable laws and regulations.
- (3) Such conferences are not publicized and the public is not permitted to attend in order that a potential applicant's interests be protected.

- (4) A request for a pre-application conference is initiated by completing a pre-application form supplied by the Planning Division. The submittal requirements for pre-application conferences shall include a site plan of the entire project, a written narrative describing the proposal, other information as specified by the Administrative Official, and any additional information that the applicant wishes to provide.
- (5) The conference will be held within thirty days of the pre-application conference request. The applicant shall be informed of the time and place of the meeting using the contact information provided on the pre-application conference request form.
- (6) A pre-application conference does not vest a proposed project permit application. Pre-application submittals or materials do not constitute project permit applications. All project permit applications are vested under relevant County codes in effect at the time of filing a completed application.

Chapter 16B.10
COMPREHENSIVE PLAN AND REGULATORY AMENDMENT PROCEDURES

Sections:

- 16B.10.010 Purpose.
- 16B.10.020 Reserved.
- 16B.10.030 Applicability.
- 16B.10.040 Procedures.
- 16B.10.050 Reserved.
- 16B.10.060 Submittal Requirements
- 16B.10.070 Timing of Amendments.
- 16B.10.080 Public Process and Notice.
- 16B.10.090 Major Rezones.**
- 16B.10.095 Approval Criteria.

16B.10.090 Major Rezones.

Legislative rezones necessary to maintain consistency between the comprehensive plan policy plan map and the official zoning map shall be completed concurrently with the plan amendment process wherever appropriate. Major rezones shall not require additional fees or review processes. Rezones completed as part of the plan amendment process shall be reviewed against the criteria as for plan amendments in Section 16B.10.095, ~~Section 15.76.036 and/or Chapter 15A.23 of this code, and YCC Section 19.36.040 and must be consistent with the requested plan designation as indicated in Table 19.36-1.~~ Rezones not requiring a plan amendment involving the County Zoning Ordinance are subject to Section 15.76.050 and those for Yakima County Urban Growth Area Zoning Ordinance are subject to Chapter 15A.23 the Minor Rezone procedures of YCC Section 19.36.030 and consistency with Table 19.36-1.