

	DEVELOPMENT REGULATION TEXT AMENDMENT
	CASE NUMBER(S): LRN2018-00006
	STAFF REPORT Keelan McPhee

Applicant:	Yakima County Public Services Planning Division	
Representative:	Lynn Deitrick, Yakima County Public Services Planning Division	
Request:	Type of Amendment:	Development Regulation Text Amendment
General Description of proposed Text Amendment:	2018 text amendments to Title 19 Yakima County Unified Land Development Code regarding standards relating to: <ol style="list-style-type: none"> 1. Automotive wrecking/dismantling yards 2. Nurseries 3. Accessory Dwelling Units 4. Final Approval of Plats 	

A. SUMMARY OF RECOMMENDATIONS

Staff recommends Approval of the requested Development Regulation Text Amendment, subject to consideration of testimony from neighbors and interested parties.

B. SUMMARY

Yakima County Public Services Planning Division is seeking to amend the Unified Land Development Code (YCC Title 19) in order to better implement the code. The proposed amendments will apply to:

1. Automotive wrecking/dismantling yards (TABLE 19.14 -1)
2. Nurseries (YCC 19.01 and Table 19.14 -1)
3. Accessory Dwelling Units (YCC 19.18.020(vi)(a))
4. Final Approval of Plats – Administrative Official Authorized. Revise Title 19.34.070(m)(i) to allow Administrative Official to sign final plats/subdivisions per RCW 58.17.100.

C. PROPOSED EDITS TO YCC 19 UNIFIED LAND DEVELOPMENT CODE (ULDC)

1. Automotive wrecking/dismantling yards (YCC TABLE 19.14-1):

Automotive wrecking/dismantling yards (auto wrecking yards) are not included in the table of allowable uses (YCC Table 19.14 -1. Address “Automotive wrecking/dismantling, salvage or junk yard” (auto wrecking/dismantling yard) to YCC Table 19.14 -1 – Allowable Land Use Table.

Issue(s):

“Automotive wrecking/dismantling yard” is not included in the Allowable Land Use Table (YCC TABLE 19.14 -1). If an applicant wants to open or expand an auto wrecking yard, there are currently no guidelines in the code for doing so.

Auto wrecking yards are defined in 19.01 – Definitions. Auto wrecking yards are also referenced in 19.01 - Definitions under “Storage facilities” (bulk, commercial, mini and vehicle”). However, auto wrecking yards are listed as exclusions in each of these definitions, and there is no associated land use for auto wrecking yards listed in the Allowable Land Use YCC Table 19.14 -1 for them (*emphases added*). For changes in the Allowable Land Use Table see Table 2.

Table 1. Automotive wrecking, dismantling, salvage or junk yard - YCC 19.01 Definitions

Automotive wrecking, dismantling, salvage or junk yard	“Automobile wrecking, dismantling, salvage or junk yard” means a place used for the storage and/or sale of used automobile parts or other salvage materials and for the storage, dismantling, sorting, cleaning, or baling of wrecked automobiles, trucks, trailers, machinery and other discarded or salvage materials.
Storage facilities, bulk	“Storage facilities, bulk” means either enclosed (see warehouse) or outdoor areas designed for the storage of either large quantities of materials or materials of large size. Includes the storage of vehicles when such storage is not incidental and subordinate to another land use and <i>is not vehicle parking, automotive wrecking/dismantling</i> or vehicle sales lots. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11 , unless use is automotive wrecking/dismantling.
Storage facilities, commercial	“Storage facilities, commercial” means enclosed storage areas designated as support facilities for commercial activities and used for the storage of retail materials. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11 , <i>unless use is automotive wrecking/dismantling</i> .
Storage facilities, mini	“Storage facilities, mini” means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or businesses for self-service storage of personal property, and/or recreational vehicles within the structure or screened fenced areas where allowed. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11 , <i>unless use is automotive wrecking/dismantling</i> .

Storage, Vehicle	“Vehicle storage” means keeping vehicles on a given site that are not actively used by the principal occupants of the site. This definition does not include <i>automotive wrecking/dismantling yards</i> or vehicle sales lots. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11 , <i>unless use is automotive wrecking/dismantling</i> .
waste material processing and junk handling	“Waste material processing and junk handling” means a place where waste, discarded or salvaged metal, used plumbing fixtures, discarded furniture and household equipment, and other materials are bought, sold, exchanged, stored or baled, and places or yards for the storage of salvaged materials and equipment from building demolition and salvaged structural steel materials and equipment, but <i>excluding</i> establishments for the processing and sorting of garbage, or for the sale, purchase, <i>storage or dismantling of automotive vehicles</i> and machinery. This definition does not include the processing, storage or disposal of hazardous materials.”

Staff Recommendation:

Include auto wrecking yards in the Allowable Land Use Table (YCC Table 19.14 -1-1). Classify them in the same way as “waste material processing and junk handling” in YCC Table 19.14 -1.

Analysis: Even though “waste material processing and junk handling” excludes auto wrecking yards from the definition of “waste material process, junk yard handling” the definitions for each are very similar (YCC 19.01).

Current definition of “Automobile wrecking, dismantling, salvage or junk yard” (YCC 19.01):

“A place used for the storage and/or sale of used automobile parts or other salvage materials and for the storage, dismantling, sorting, cleaning, or baling of wrecked automobiles, trucks, trailers, machinery and other discarded or salvage materials.

Current definition of “waste material processing and junk handling” (YCC 19.01):

“A place where waste, discarded or salvaged metal, used plumbing fixtures, discarded furniture and household equipment, and other materials are bought, sold, exchanged, stored or baled, and places or yards for the storage of salvaged materials and equipment from building demolition and salvaged structural steel materials and equipment, but excluding establishments for the processing and sorting of garbage, or for the sale, purchase, storage or dismantling of automotive vehicles and machinery. This definition does not include the processing, storage or disposal of hazardous materials.”

The distinction of the uses from one another allows them to be reviewed based on their specific characteristics. However, since they are very similar, the proposed fix is to apply the same level of review to the two land uses as described in YCC Title 16B.

Classifying auto yards in Table 19.14 -1 in the same way as waste material processing and junk handling will solve the problem of the absence of automobile wrecking/dismantling yards in the table without affecting the definition of “waste material processing and junk handling.”

Proposed changes to the Allowable Land Use Table (YCC Table 19.14-1) are shown in Appendix 1.

2. Proposed changes to definitions and allowable land uses of “nurseries”

Background:

Retail nurseries, wholesale nurseries, and greenhouses are differentiated from one another in YCC 19.01 Definitions, but not in the Allowable Land Use Table (YCC Table 19.14 -1). This can lead to confusion when applicants wish to have wholesale nurseries and greenhouses that do not include on-site retail sales, or greenhouses on their property. See current definition of nurseries in Table 3 below.

Table 3. Nursery – Definitions YCC 19.01

Nursery	<p>“Nursery” means facilities used for the propagation and sale of agricultural or ornamental plants and related products. Nurseries are further classified as follows:</p> <p>(1) Retail nursery: A nursery that offers products to the general public including plant materials, planter boxes, fertilizer, sprays, garden tools, and related items.</p> <p>(2) Wholesale nursery: A nursery that raises nursery stock for sale to a retail nursery or other business. –put this use as its own in the land use table.</p> <p>(3) Greenhouse: A nursery facility constructed with transparent or translucent materials for indoor propagation of plants.</p>
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Staff Recommendations:

Alternative 1 of 2: Combine retail and wholesale nursery in YCC 19.01 definitions: *“Nursery” can include retail nursery, wholesale nursery, and greenhouses.* The YCC Table 19.14 -1 Allowable Land Use Table, list “nurseries” as Type 2 uses in the AG zone, FW and R/ELDP zones. The current review process (Type 1, 2 or 3) will continue to apply in other non-resource/remote zones. Nurseries may require SEPA review, depending on the footprint of any structures, such as large greenhouses.

Analysis:

Some nurseries in Yakima County that are considered wholesale nurseries sell to customers on the premises without significant impacts. In the Agriculture, Forest Watershed and Remote zones, impacts, from any type of nursery, such as increased traffic and activity, may be mitigated through the Type 2 land use approval process. The Rural Transitional, Suburban Residential zone will require a Type 3 review process, which may also be able to mitigate the impacts if possible. If mitigation is

not possible and substantial impacts are identified, a project will be denied. SEPA review may be required, depending on the proposal.

Proposed changes to the definition of nursery in YCC 19.01 Definitions (Tables 4 and 5):

Table 4. *Alternative 1* - Proposed Nursery Definitions, YCC 19.01

Nursery	<p>“Nursery” means facilities used for the propagation and sale of agricultural or ornamental plants and related products. Nurseries can include retail nurseries, wholesale nurseries, and greenhouses. are further classified as follows:</p> <p>(1) Retail A-nursery: A nursery that offers products to the general public including plant materials, planter boxes, fertilizer, sprays, garden tools, and related items.</p> <p>(2) Wholesale-nursery : A nursery that raises nursery-stock for sale to a retail-nursery-or other business. –</p> <p>(3) Greenhouse: A nursery facility constructed with transparent or translucent materials for indoor propagation of plants.</p>
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Alternative 2 of 2: List “retail nursery” and “wholesale nursery” each as their own use in the Allowable Land Use Table. Because of the difference in potential impacts between the two, different review processes (Type 1, 2 or 3) will apply. Retail nurseries may continue to be regulated in the same way “nurseries” currently are. Wholesale nurseries will be listed as a Type 1 use in resource and remote zones (AG, FW and R/ELDP). Wholesale nurseries will be classified as Type 2 uses in all rural zones, and no changes will be made in other zones where nurseries are currently allowed.

Analysis:

Retail nurseries are designed for customers to visit and buy plants onsite, while wholesale nurseries sell nursery stock to other businesses, such as retail stores and landscaping companies. The distinction between the two is that the general public does not visit wholesale nurseries, so impacts to neighbors may be different (instead of visitors from the general public, the primary visitors will be retailers and landscaping companies).

Table 5. *Alternative 2* - Proposed Nursery Definitions, YCC 19.01

Nursery, retail	<p>“Nursery, retail” means facilities used for the propagation and retail sale of agricultural or ornamental plants and related products. are further classified as follows:</p> <p>(1) Retail nursery: A nursery that offers products to the general public including plant materials, planter boxes, fertilizer, sprays, garden tools, and related items.</p> <p>(2) Wholesale nursery: A nursery that raises nursery stock for sale to a retail nursery or other business.</p> <p>(3) Greenhouse: A facility constructed with transparent or translucent materials for indoor propagation of plants.</p>
Nursery, wholesale	<p>“Nursery, wholesale” means facilities that raise nursery stock for sale to a retail nursery or other business.</p>

Proposed changes to the Allowable Land Use Table (YCC Table 19.14-1) are shown in Appendix 1.

3. Proposed changes to Accessory Dwelling Units:

YCC 19.18.020 ((vi)(a)) requires accessory dwelling units to be located 100 feet or less from the primary residence:

YCC 19.18.020((vi)(a)) Compatibility:

(a) Where authorized by the Allowable Land Use Table 19.14-1 in Chapter [19.14](#) accessory dwelling units may be:

1. Attached to the primary residence;
2. Attached to or above an existing detached garage serving the primary residence; or
3. Detached from the primary residence and/or detached garage.

The attached or detached ADU shall be located within 100 feet from the primary residence.

Background:

Applicants with existing accessory buildings and aged/infirm residences previously permitted by Yakima County zoning ordinances (YCC 15 and 15A), that are located further than 100 feet away from the primary home, cannot obtain land use approval under Title 19. Because no adjustment to the 100’ standard is allowed, applicants must apply for Variances under YCC 19.35 to the standard if they wish to proceed with permits. Variances require a situation to meet strict criteria, which in the majority of situations is very difficult to prove, and therefore they are usually denied.

Alternative 1: Remove the 100’ restriction will for the most part naturally cause accessory dwelling units to remain close to the primary development. The assumption is that accessory dwelling units will generally be close to the primary residence, because of limitations on sharing water and sewer or septic systems on the property where the ADU is proposed.

Edit language in YCC 19.18.020(vi)(a):

19.18.020 (vi) Compatibility:

- (A) Where authorized by the Allowable Land Use Table 19.14-1 in Chapter [19.14](#) accessory dwelling units may be:
1. Attached to the primary residence;
 2. Attached to or above an existing detached garage serving the primary residence; or
 3. Detached from the primary residence and/or detached garage.

The attached or detached ADU shall be located within 100 feet from the primary residence.

Alternative 2: Allow for Administrative Adjustments to the review criteria for accessory dwelling units. Edit language in YCC 19.35.020(b)(v).

19.35.020 Administrative Adjustments.

- (b) The Reviewing Official shall not have the authority through the administrative adjustment process to modify the requirements for:
- (i) Density or minimum lot size or width;
 - (ii) Height of buildings or structures as limited in Section [19.17.010](#) Airport Safety Overlay District;
 - (iii) The number of signs or size of signs, or to allow any prohibited sign;
 - (iv) The siting of manufactured and mobile homes as set forth in Chapter [19.18](#) within Urban Growth Areas or the Rural Transitional and Rural Settlement zoning districts;
 - (v) Standards in Chapter [19.18](#), except adjustments to visibility of a front entrance of an accessory dwelling unit, the distance of an accessory dwelling unit from the primary residence, the siting of manufactured and mobile homes outside Urban Growth Areas or the Rural Transitional and Rural Settlement zoning districts, resource setbacks as specified in this Section and special events for bed and breakfasts in excess of 12 per year;
 - (vi) The requirements in other Titles of Yakima County Code, which may have their own adjustment processes outside the scope of this Title; or
 - (vii) Road standards which are subject to Road Design Modifications set forth in section [19.35.040](#).

4. Proposed change to YCC 19.34 Divisions of Land:

Administrative Official authorized to approve final plats.

Background: Senate Bill 5674 (2017) amended RCWs 58.17.100, 58.17.170 and 58.17.190 to authorize legislative bodies (the Yakima Board of County Commissioners) to delegate final approval of plats to administrative personnel by Ordinance. The proposed text amendment to YCC 19.34.070(m)(i) will be amended to give the Administrative Official authority to sign a final plat already approved by the Board of County Commissioners in a closed record public hearing, as per RCW 58.17.100, which states: *“The legislative authorities of cities, towns, and counties may by ordinance delegate final plat approval to an established planning commission or agency, or to such other administrative personnel in accordance with state law or local charter.”*

Proposed changes will amend YCC 19.34.070(m)(i) in accordance with RCW 58.17.170:

1. 19.34.070(m)(i)

(m) Approvals, Certificates, Affidavits, Covenants, Disclaimers and Endorsements. Include the following information, if practicable, or, if not, on a separate attached statement. Any required signatures shall be in permanent black ink on the original document to be filed.

(i) Approvals by Administrative Official for short subdivision, and upon receipt of a final plat for a subdivision meeting the requirements of YCC Title 19.34.070, the Administrative Official shall review the final plat and shall approve the final plat if determined that the final plat conforms to the conditions of preliminary plat approval and applicable state laws and meets the requirements of YCC Title 19 as they existed when the preliminary plat was approved by the chairperson of the Board of County Commissioners. for subdivision;

1. The Yakima County Planning Division has not identified any significant environmental impacts that would result from the proposed Development Regulation Comp Plan Amendments. However, environmental impacts resulting from future applications reviewed under Title 19 as revised, may still require mitigation based on SEPA review.

J. RECOMMENDATIONS

The Yakima County Planning Division recommends **Approval** of the **YCC Title 19** text amendment, subject to consideration of testimony from neighbors and interested parties.

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