Chapter 2.23
HEARING EXAMINER

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2.23.010 Office Established.
There is established an office of hearing examiner. The office of the examiner shall be under the administrative supervision of the examiner and shall be separate from and not an administrative part of the planning department. Unless the context requires otherwise, the term examiner as used in this chapter shall include deputy examiners and examiners pro-tem.

(Ord. 8-1985 §1(part), 1986).

2.23.020 Appointment and Terms.
The board of county commissioners shall appoint the examiner and any deputy examiners after consideration of the recommendation of the joint hearings examiner committee created by and pursuant to the Intergovernmental Agreement for the Mutual Use of Hearing Examiner Services entered into by and between the city of Yakima and Yakima County, Washington, for terms which shall be reviewed one year following the date of original appointment and thereafter be reviewed four years following the date of each reappointment. The board may also appoint examiners pro-tem to serve in the event of absence or inability to act of the examiner and deputy examiners.

(Ord. 8-1985 §1 (part), 1986).

2.23.030 Qualifications.
Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them. Examiners shall hold no other elective or appointive office or position with the city of Yakima or the county of Yakima.

(Ord. 8-1985 §1(part), 1986).

2.23.040 Removal.
An examiner may be removed from office for cause by majority vote of the board after consideration of a recommendation as to removal or nonremoval from the joint hearings examiner committee.

(Ord. 8-1985 §1(part), 1986).
2.23.050 Standards of Conduct.
(1) No person, including city or county officials, elective or appointive, shall attempt to influence an examiner in any matter pending before him, except at a public hearing duly called for such purpose, or to interfere with an examiner in the performance of his duties in any other way; provided, that an official or employee of the city of Yakima or Yakima County may, in the performance of his official duties provide information to the examiner when the action is disclosed at the hearing or meeting nor shall this section prohibit rendering of legal services to the examiner or to the board.

(2) No examiner shall conduct or participate in any hearing or decision in which the examiner shall have a direct or indirect financial or personal interest or in which such conduct or participation shall violate any rule of law applicable thereto.

(Ord. 8-1985 §1(part), 1986).

2.23.060 Rules.
The examiner shall implement procedural rules for the conduct of hearings and other procedural matters related to the duties of his office in accordance with RCW 36.70.970.

(Ord. 8-1985 §1(part), 1986).

2.23.070 Time Computation.
In computing any period of time prescribed by this chapter, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or a county legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday or county legal holiday.

(Ord. 8-1985 §1(part), 1986).

2.23.080 Duties and Powers.
The examiner shall hear, make a record of, and decide matters provided in this chapter or by other ordinances including but not limited to the following land use and adult entertainment facility licensing matters:

(1) Matters prescribed by Title 19 of this code. Decisions of the examiner on such matters shall have the legal effect as set forth in the provisions of Title 19 of this code.

(2) Review of preliminary plats and modifications thereto within the county using the procedures and provisions for review by the planning commission as set forth in RCW Chapter 58.17. The decisions of the hearing examiner on such matters shall constitute recommendations to the board of county commissioners.

(3) Plat vacations or amendments pursuant to RCW Chapter 58.17. Decisions of the examiner on such matter shall constitute final decisions unless appealed to the board under the provisions of this chapter.

(4) The examiner shall conduct hearings pursuant to RCW Chapter 43.21C State Environmental Policy Act (SEPA) in Title 16 of this code.

(5) The matters prescribed by the Yakima County Critical Areas Ordinance – Titles 16A and 16C Yakima County Code, except Chapters 16A.05 and 16C.05.

(6) The matters prescribed by the Project Permit Administration Ordinance – Title 16B Yakima County Code.

(7) The matters prescribed by the Yakima County Regional Shoreline Master Program – Title 16D Yakima County Code, except Chapter 16D.05.

(8) Adult entertainment licensing appeals as set forth in the provisions of Chapter 5.06 of this code.

The provisions of this section designating and assigning the hearing examiner the duties and functions listed in this chapter shall supersede any and all conflicting provisions of this code.
2.23.090 Applications.
Applications for permits or approvals subject to review by the examiner shall be made to the county planning department (hereinafter referred to as the “department”). The department shall accept such applications only if applicable filing requirements are met. The department, in coordination with the hearing examiner, shall be responsible for assigning a date for and assuring due notice of public hearing for each application, which date and notice shall be in accordance with the statute or ordinance governing the application.

(Ord. 8-1985 §1(part), 1986).

2.23.100 Master Applications.
Any persons proposing a development or project which requires more than one of the permits or approvals listed in Section 2.23.080 of this chapter may submit a master application to the department on forms furnished by the department containing all necessary information. The master application shall thereafter be processed by the examiner subject to the longest time limitations applicable to any of the required permits for approval. If any of the required approvals constitute a recommendation to the legislative body, the decision of the examiner as to all such permits or approvals shall constitute a recommendation to the legislative body, otherwise the decision of the examiner shall be final subject to an appeal to the legislative body pursuant to this chapter.

(Ord. 8-1985 §1(part), 1986).

2.23.110 Report of Department.
Where no specific provision for a report of the department is contained in the statute or ordinance governing the application, the department may coordinate and assemble the reviews of other county/city departments, other state or local governmental agencies and franchised public utilities having an interest in the subject application and prepare a report summarizing the factors involved and the department’s findings and recommendations. At least seven calendar days prior to the scheduled hearing the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and made available for public inspection. Copies thereof shall be provided to interested parties upon request.

(Ord. 8-1985 §1(part), 1986).

2.23.120 Examiner’s Decision.
Within ten working days of the conclusion of a hearing, unless a longer period is agreed to in writing by the applicant, the examiner shall render a written decision which shall include findings and conclusions based on the record. Except as provided in Sections 2.23.080 and 2.23.100 of this chapter, the decision of the examiner shall be final and conclusive on the fifteenth day after the date of the decision unless a notice of appeal to the board of county commissioners is filed pursuant to Section 2.23.140 of this chapter. The examiner’s decision together with his findings, conclusions, and record of proceedings shall be filed with the department. If the effect of the decision is a recommendation to the legislative body, the original thereof shall be transmitted to the legislative body.

(Ord. 8-1985 §1(part), 1986).

2.23.130 Notice of Examiner’s Decision.
Unless different procedures are prescribed by the ordinance or statute governing the application, the department shall mail copies of the examiner’s decision by certified mail to the applicant and by regular mail to other parties of record not later than three working days following the filing of a written decision by the examiner.

For purposes of this chapter “parties of record” means the applicant and all other persons who have either submitted written comment on any action or proposed action, or who have appeared at a public hearing or public meeting and specifically requested notice of the decision by signing a register provided for such purpose at the hearing or meeting.

(Ord. 8-1985 §1(part), 1986).
Appeal from Examiner’s Decision.
Except as to those decisions which constitute recommendations to the board as provided in Sections 2.23.080 and 2.23.100 of this chapter, and except for decisions on adult entertainment licensing appeals as set forth in the provisions of Chapter 5.06 of this code, and except for appeals processed under Title 19 of this code, a final decision by the examiner may be appealed to the board by any aggrieved person, or by any officer, department, board or bureau of the county affected by the examiner’s decision, in the following manner:

1. The appealing party must file a complete written notice of appeal with the department upon forms prescribed by the department and accompanied by the appeal fee within fourteen days from the date of the examiner’s final decision.

2. Unless the statute or ordinance governing the application specifically states a different fee for an appeal to the board, the appeal fee shall be as established in YCC Title 20; provided, that such appeal fee shall not be charged to other than the first appellant.

3. The notice of appeal shall specify the claimed error(s) or issue(s) which are being appealed and shall specifically state all the grounds for such appeal. Issues or grounds of appeal which are not so identified shall not be considered by the board.

4. The department shall notify the parties of record that an appeal has been filed and that copies of the notice of appeal and any written argument or memorandum of authorities accompanying the notice of appeal may be obtained from the department. The notice to parties shall also state that parties of record wishing to respond to the appeal may submit written argument or memorandum to the board within fourteen days from the date that the notice to the parties is mailed and shall further specify that such written argument or memorandum shall not include the presentation of new evidence and shall be based only upon the facts presented to the examiner. A copy of the notice shall be sent to the appellant.

5. The appellant or any party of record may submit a written argument or memorandum of authority within fourteen days of the date of mailing of the notice of appeal to parties of record. Such written argument or memorandum of authorities shall be filed with the department. No written argument or authorities may be thereafter submitted. Memoranda, written argument or comments shall not include the presentation of any new evidence and shall be based only on the facts presented to the examiner.

6. When a timely appeal has been filed and the deadline for receipt of written memoranda has passed, the department shall, within five days, deliver to the board a copy of the examiner’s decision, the evidence presented to the examiner, an audio recording of the hearing before the examiner and any written argument or memorandum of authority which has been received.

Effect of Appeal.
The timely filing of an appeal under this chapter shall stay the effective date of the examiner’s decision until the appeal is adjudicated by the board or until the appeal is withdrawn.

Board Action on Appeals.
(1) General. When the record and the examiner’s decision has been transmitted to the board, the clerk of the board shall schedule a date for a public meeting by the board at which time the board shall consider the appeal. The date of the public meeting should not be later than twenty days following the date the board receives the information from the department.

(2) Public Notice of Meeting on Appeals. The clerk of the board shall mail written notice to all parties of record and the examiner to apprise them of the meeting date before the board.

(3) Site Views. The board may view the site.
(4) Scope of Review. Board review of the facts shall be limited to evidence presented to the examiner. The board may request additional information or memoranda in order to reach a decision, provided that all parties of record are given an opportunity to respond to the material provided.

(5) Action on Appeal. At the public meeting, the board may adopt, amend and adopt, reject, reverse, amend and reverse the findings, conclusions and decision of the examiner or remand the matter for further consideration or for purpose of taking and considering new factual evidence by the examiner. If the board renders a decision different from the decision of the examiner, the board shall adopt amended findings and conclusions accordingly.

(Ord. 8-1985 §1(part), 1986).

2.23.170 Appeal of Decisions Made by Board.
The action of the board on appeal of the decision of the examiner shall be final and conclusive unless, within thirty days from the date of final action, an aggrieved party obtains an appropriate writ of judicial review for the purpose of review of the action taken or files an appropriate appeal as allowed by law. The appellant shall provide or pay for, in advance, the cost of preparing any verbatim transcript of proceedings required for judicial appeal. With the consent of the superior court, the parties may agree to provide a verbatim audio record of proceedings for purposes of review by the superior court.

(Ord. 8-1985 §1(part), 1986).

2.23.180 Annual Report.
The examiner shall report in writing to and meet with the planning commission and board of county commissioners at least annually for the purpose of reviewing the administration of the county’s land use policies and regulating ordinances. The report shall include a summary of the examiner’s decisions since the prior report.

(Ord. 11-2009 § 2, 2010: Ord. 8-1985 §1(part), 1986).
Chapter 12.10

STORMWATER AND DRAINAGE AUTHORITY*

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12.10.490 Injunctive Relief.
12.10.500 Compensatory Action.
12.10.510 Effective Date.

* Prior legislation: Ords. 4-2009 and 1-2010 and Res. 80-2016.

12.10.010 Introduction.
This chapter is divided into four (4) parts as follows:

(1) Part 1 contains (a) the general provisions of this chapter; and (b) the authority to regulate stormwater.

(a) 12.10.100 Purpose.

(b) 12.10.110 Stormwater Authority.

(c) 12.10.120 Definitions.

(2) Part 2 covers when Stormwater Planning items are required for development. This includes: (a) project site plan requirements, stormwater plans, stormwater pollution prevention plans, and drainage easements; (b) application procedures for review of submittals; and (c) design requirements and other required content in the Stormwater Plan submittals.

(a) 12.10.200 What Is Required on a Site Plan.
12.10.210 When a Stormwater Plan Is Required.

12.10.220 When a Stormwater Pollution Prevention Plan Required.

12.10.230 When a Stormwater Drainage Easement Is Required.

12.10.240 Stormwater Plan Application Procedures.

12.10.250 Stormwater Plan Design Criteria.

12.10.260 Stormwater Plan Required Contents.

12.10.270 When Stormwater Treatment Is Required.

12.10.280 Stormwater Treatment Requirements.

(3) Part 3 contains (a) the stormwater requirements during construction; (b) the stormwater construction completion requirements; (c) operations and maintenance responsibilities during and after construction; and (d) the inspection requirements during and after construction.

(a) 12.10.300 Construction Stormwater Requirements.

(b) 12.10.310 Construction Performance Requirements.

(c) 12.10.320 Construction Project Completion Requirements.

(d) 12.10.330 Operation and Maintenance Requirements.

(e) 12.10.340 Inspections During and After Construction.

(4) Part 4 covers the prohibitions, penalties, and enforcement related to stormwater and consequences of non-compliance.

(a) 12.10.400 Prohibition of Illicit Discharges.

(b) 12.10.410 Prohibition of Illicit Connection.

(c) 12.10.420 Notification of Spills.

(d) 12.10.430 Right of Entry.

(e) 12.10.440 Violations, Enforcement and Penalties.

(f) 12.10.450 Civil Infractions.

(g) 12.10.460 Violation – Civil Remedies.

(h) 12.10.470 Appeals.

(i) 12.10.480 Remedies Not Exclusive.

(j) 12.10.490 Injunctive Relief.

(k) 12.10.500 Compensatory Action.

(Ord. 3-2016 (part), 2017).
12.10.100 Purpose.  
To provide for the protection of the citizens of Yakima County from stormwater and drainage damage through planning and the regulation of site drainage and discharges to stormwater control facilities, Underground Injection Control (UIC) wells, and waters of the state. All new development and redevelopment shall provide for drainage such that it does not conflict with present drainage patterns, or create a drainage, water quality or water quantity problem within itself, for its neighbors, or to stormwater control facilities.

(Ord. 3-2016 (part), 2017).

12.10.110 Stormwater Authority.  
(1) Authority. This chapter is adopted pursuant to authority conferred by and in accordance with the provisions of the State of Washington Revised Code of Washington (RCW) Chapter 36.89, Stormwater Control, Revised Code of Washington Chapter 90.48, Water Pollution Control Law, and the Federal Water Pollution Control Act (the Clean Water Act) Title 33 United States Code, Section 1251 et seq. The powers and authority conferred upon the county under the provisions of RCW 36.89 shall be construed as in addition and supplemental to powers or authority conferred by any other law, including the County’s legislative police powers contained at RCW 36.32.120 and nothing contained herein shall be construed as limiting any other powers or authority of such governmental agencies.

(2) Authority Designated. The Director of Yakima County Public Services is hereby authorized and designated as the Official responsible for the administration of this Title. The Public Services Director may designate employees to act on his or her behalf.

(3) Compatibility with Other Permit and Ordinance Requirements. This chapter is not intended to interfere with, abrogate, or annul any other chapter, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive shall take precedence.

(4) Severability. If any part of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of this chapter.

(5) Liability. A person’s compliance with this chapter shall not relieve such person from the duty of enacting measures necessary to minimize pollution of receiving waters of the State.

(6) TMDL Requirements. Discharge to a county stormwater facility otherwise authorized by this chapter is prohibited where an applicable Total Maximum Daily Load (TMDL) or Water Cleanup Plan for a waterbody specifically precludes or prohibits discharges to the water body. Any discharges shall meet the identified additional requirement presented in the TMDL or Water Cleanup Plan.

(Ord. 3-2016 (part), 2017).

12.10.120 Definitions.  
This chapter provides definitions for the terms and phrases used in this chapter. Where any of these definitions conflict with definitions used in other titles of Yakima County Code, the definitions in this chapter shall prevail for the purpose of this title.

“ADT” or “Average Daily Traffic” means the expected number of vehicles using a roadway as described in the regional stormwater manual glossary, Section 1.7.

“Applicant” means a person, party, firm, corporation, owner, or other legal entity that proposes a development, construction or use on a site.

“BMPs” or “Best Management Practices” are the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to receiving waters.
“Building” means any structure built for the support, shelter or enclosure of persons, animals, uses or property of any kind.

“CESCL” or “Certified Erosion and Sediment Control Lead” means a person who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by Ecology.

“Channel” means an open conduit, either naturally or artificially created, which periodically or continuously contains moving water, or which forms a connecting link between two (2) bodies of water.

“Clearing” means the removal of timber, brush, grass, ground cover or other vegetative matter from a site.

“Construction Activity” or “Construction” means clearing, grading and/or excavation or the assembly, placement, or installation of structures, roadways, transmission lines, and other improvements within a project site.


“Design Storm” means a prescribed hyetograph or precipitation distribution, and the total precipitation amount for a specific duration recurrence frequency to be used in design calculations.

“Detention” means the release of stormwater runoff from the site at a slower rate than it is collected by the stormwater facility system, the difference being held in temporary storage with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

“Development” means new development, redevelopment, or both. See definitions for each.

“Discharge” means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to Yakima County UIC wells, waters of the State or county stormwater facilities.

“Drainageway.” Means 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.

“Easement” is a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes.


“Flood” means an overflow or inundation that comes from a river or any other source, or any high stream flow overtopping the natural or artificial banks in any reach of a stream.

“Functional Control” means those activities that may be performed by County staff or that are directed by the County through agreements, contracts, or other means in such a way that allows the County to stipulate the manner in which the activity is performed.

“Grading” means any excavation, filling, or combination thereof.

“Hazardous Materials” means those wastes designated by 40 CFR Part 261, and regulated by the EPA.

“High ADT Roadways and Parking Areas” means any road with ADT greater than 30,000 vehicles per day; and parking areas with more than 100 trip ends per 1,000 SF of gross building area or greater than 300 total trip ends are considered to be high-use traffic areas.

“High Use Sites” means sites that generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil and/or other petroleum products as described in the regional stormwater manual glossary, Section 1.7.
“Illicit Connection” means a connection defined as either of the following: (1) Any drain or conveyance, which allows an illicit discharge to enter the county stormwater facility or a public UIC and any connection from an indoor source, regardless of whether said drain or connection had been previously allowed, permitted, or approved by Yakima County, or, (2) Any drain or conveyance connected from a commercial or industrial land use to the county stormwater facility or a public UIC which has not been documented in plans, maps, or equivalent records and approved by Yakima County.

“Illicit Discharge” means any discharge to a municipal separate storm sewer or public UIC that is not composed entirely of storm water except discharges pursuant to a NPDES permit other than the NPDES permit for discharges from the municipal separate storm sewer.

“Impervious Surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. It includes most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, patios and other similar structures.

“Industrial Activity” means manufacturing, processing or raw materials storage areas at an industrial plant. These activities are required to obtain NPDES permit coverage in accordance with 40 CFR 122.26.

“Infiltration” means the downward movement of water from the land surface to the subsoil.

“Land Development” or “Development” means the division of land into lots or parcels in accordance with YCC Title 19 (Unified Land Development Code), and any clearing, excavation, dredging, drilling, filling, dumping, removal of earth and mineral materials, or other permanent or temporary modification of a site up to, but not including, construction as defined in this chapter. For the purpose of this chapter, “development” also means any manmade change to improved or unimproved real estate located within the special flood hazard area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, temporary or permanent storage of equipment and works defined in this chapter.

“Land Disturbing Activity” means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.

“Low ADT Roadways and Parking Areas” means urban roads with ADT fewer than 7,500 vehicles per day; rural roads and freeways with ADT less than 15,000 vehicles per day; and parking areas with less than 40 trip ends per 1,000 SF of gross building area or fewer than 100 total trip ends per day are considered to be low-use traffic areas.

“Moderate ADT Roadways and Parking Areas” means urban roads with ADT between 7,500 and 30,000 vehicles per day; rural roads and freeways with ADT between 15,000 and 30,000 vehicles per day; and parking areas with between 40 and 100 trip ends per 1,000 SF of gross building area or between 100 and 300 total trip ends per day are considered to be moderate-use traffic areas.

“Modification” means an alteration of, connection to or disconnection from, adjustment of, realignment or replacement of existing County stormwater facilities.

“Municipal Separate Storm Sewer System” or “MS4” means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): (1) owned or operated by Yakima County that discharges to waters of the United States; (2) designed or used for collecting or conveying stormwater; (3) which is not a combined sewer; and (4) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. In the County, the MS4 is that portion of county stormwater control facilities regulated by the Eastern Washington Phase II Municipal Stormwater Permit.

“New Development” means land disturbing activities, including Class IV general forest practices development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.
“Non-Storm Water Discharge” means any discharge to county stormwater facilities or public UIC that is not composed entirely of storm water.

“Non-Structural Measure” means a stormwater control and treatment technique that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff and/or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site.

“NPDES” or “National Pollutant Discharge Elimination System” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

“Owner(s)” or “Property Owner(s)” means the legal owner or owners of the property. As used herein, owner also refers to, in the appropriate context: (1) any other person authorized to act as the agent for the owner; (2) any person who submits a stormwater management concept or design plan for approval or requests issuance of a permit, when required, authorizing land development to commence; and (3) any person responsible for complying with an approved stormwater plan.

“Permanent Stormwater BMP” means a stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.

“Person” means any individual, party, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner’s agent. The singular shall include the plural.

“PGIS” or “Pollutant Generating Impervious Surfaces” are surfaces that are considered to be significant sources of pollutants in stormwater runoff. Such surfaces include those that are subject to vehicular use, industrial activities, or storage of erodible or leachable materials that receive direct rainfall or run-on or blow-in of rainfall. Metal roofs are considered to be PGIS unless coated with an inert, non-leachable material. Roofs that vent manufacturing, commercial or other indoor pollutants are also considered PGIS. A surface, whether paved or not, shall be considered PGIS if it is regularly used by motor vehicles.

“Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste. This term does not include sewage from vessels within the meaning of section 312 of the CWA, nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the CWA.

“Pollution” means contamination or other alteration of the physical, chemical, or biological properties of waters of the state; including change in temperature, taste, color, turbidity, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish or other aquatic life.

“Premise(s)” means any building, lot, parcel of land, or portion of land whether improved or unimproved including any structures thereon, adjacent sidewalks and parking strips.

“Private” as used in this chapter shall mean real property that is not part of the County Stormwater System and is operated and maintained by owners other than Yakima County.

“Project Site” means that portion of a property, properties, or right-of-way subject to land disturbing activities, and new or replaced impervious surfaces.

“Public” as used in this chapter shall mean any real property, or interest therein, belonging to Yakima County or a trust or authority of which Yakima County is a beneficiary. Public development shall also include private
development whenever all or a portion thereof will eventually be dedicated or provided for ownership, operation and/or maintenance to Yakima County or a public trust or authority of which Yakima County is a beneficiary.

“Public Services Director” means the duly appointed Director of the Yakima County Department of Public Services or his or her designee.

“Qualified Personnel” refers to someone who has had recognized professional training in the aspects of stormwater management for which they are responsible and are under the functional control of Yakima County. Qualified Personnel may be staff members, contractors, and/or volunteers.

“Qualified Third Party” as used in this chapter are those on file with Yakima County as qualified third party inspectors.

“Receiving Water” means the body of water or conveyance into which stormwater runoff is discharged.

“Redevelopment” means on a site that is already substantially developed, the replacement or improvement of impervious surfaces, including buildings and other structures, and replacement or improvement of impervious parking and road surfaces that is not part of a routine maintenance activity. Any new impervious surfaces created by a redevelopment project are subject to the requirements for new development.

“Regulatory Threshold” refers to the one-acre disturbance, including the exception noted below, of new development and redevelopment projects that shall be regulated under this permit. The threshold includes construction site activities and new development and redevelopment projects that result in a land disturbance of equal to or greater than one acre and construction activities and projects less than one acre that are part of a larger common plan of development or sale exceeding one acre.

“Responsible Party” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns that is named on a stormwater maintenance agreement or plat as responsible for long-term operation and maintenance of one (1) or more stormwater BMPs.

“Retention” means the process of collecting and holding surface and stormwater runoff with no surface outflow.

“Rural Roads” means roads located outside designated Urban Growth Areas.

“Source Control BMPs” means physical, structural or mechanical practices, devices or facilities that are intended to prevent pollutants from entering stormwater.

“Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff, drainage and interflow.

“Stormwater Facility(ies)” means any facility, improvement, development, property or interest therein, made, constructed or acquired for the purpose of controlling, or protecting life or property from, any storm, waste, flood or surplus waters wherever located within the county, and shall include but not be limited to MS4s and the improvements and authority described in RCW 86.12.020 and chapters 86.13 and 86.15 RCW.

“Stormwater Management Utility,” “Stormwater Utility” or “Utility” means the Stormwater Management Utility for the defined service area created by Chapter 12.09 as it may be amended from time to time.

“Stormwater Plan” or “Stormwater Site Plan” or “SSP” means the comprehensive report containing all of the technical information and analysis necessary for Yakima County to evaluate a proposed new development or redevelopment project for compliance with stormwater requirements. Contents of the Stormwater Site Plan will vary with the type and size of the project and individual site characteristics. It includes a Construction Stormwater Pollution Prevention Plan (Construction SWPPP) and a Permanent Stormwater Control Plan. Guidance on preparing a Stormwater Plan is provided in Chapter 3 of the regional stormwater manual.

“Stream” means an area where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water including, but not limited to,
hydraulically sorted sediments, or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial drainageways, unless they are used to convey streams naturally occurring prior to construction.

“Structure” means anything constructed or erected, even partially, including buildings, which requires location on the ground or attached to something having a location on the ground.

“UIC” or “UIC well” or “Underground Injection Control” means a manmade sub-surface fluid distribution system designed to discharge fluids into the ground and consists of an assemblage of perforated pipes, drain tiles, or other similar mechanisms, or a dug hole that is deeper than the largest surface dimension. A public UIC is one owned, operated, and maintained by Yakima County and includes the collection system of catch basins, pipes, ditches, or other public infrastructure that collects and conveys stormwater to the UIC.

“Upland Flow” means runoff from lands upslope of a project site.

“Urban Roads” means roads located within designated Urban Growth Areas. Partially controlled limited access highways located inside of Urban Growth Areas are considered urban roads.

“Waters of the State” includes those waters as defined as “waters of the United States” in 40 CFR 122.2 within the geographic boundaries of Washington State and “waters of the state” as defined in Chapter 90.48 RCW which includes: lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

“Wetland” or “Wetlands” includes those areas as defined in YCC 16A.16C.02.425 and 16D.02.425.

(Ord. 3-2016 (part), 2017).

12.10.200 What Is Required on a Site Plan.

(1) General. The site plan shall identify natural drainage, floodplains, floodways, and drainage easements on the plat site plan and record drainage easements on the plat in accordance with YCC 12.10.230 (When a Stormwater Drainage Easement Is Required).

(Ord. 3-2016 (part), 2017).

12.10.210 When a Stormwater Plan Is Required.

(1) General. The approval of applications for land development or redevelopment projects (projects) that are submitted pursuant to Yakima County Codes 12, 13, 19, 16A, 16C, and 16D that meet the following criteria shall be subject to the approval of a stormwater plan by the Public Services Director:

(a) Projects that disturb a land area greater than one acre.

(b) Projects that disturb a land area less than one acre when the project is part of a larger common or combined plan of development where the combined projects disturb a land area greater than one acre. When recurring developments which have been under an acre, but become cumulative exceeding one acre, they are considered part of a common plan.

(c) Projects where the division of land creates more than 4 lots.

(d) Projects where SEPA review is required and it has been determined that the project has potential adverse impacts related to stormwater.

(e) Projects where the Public Services Director, Building Official, or designee has determined that erosion and drainage control is required.

(f) Projects where the Public Services Director, or designee, has determined that a potential adverse impact to adjacent or nearby property or water quality may result from stormwater.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
Associated with Construction Activities. The SWPPP shall include a schedule of erosion and sediment control activities, and information on the sequence/phasing of construction, temporary stabilization measures, and temporary structures that will be converted into permanent stormwater controls. A construction SWPPP for activities within the County stormwater utility boundary shall be submitted to the County for completeness review. Submission of the Ecology WAR number or Notice of Intent (NOI) application form submitted to Ecology shall be provided to the County before start of construction.

(4) Exemptions. A construction SWPPP is not required for the following activities:

(a) Construction activities which discharge all stormwater and non-stormwater to ground water, and have no point source discharge to surface water or a storm sewer system that drains to surface waters of the state. UIC wells must be protected from sediment in runoff generated during construction.

(b) Stormwater from any site covered under an existing NPDES individual permit in which stormwater management and/or treatment requirements are included for all stormwater discharges associated with construction activity.

(Ord. 3-2016 (part), 2017).

12.10.230 When a Stormwater Drainage Easement Is Required.

(1) General. Drainage easements for landowner(s) maintenance shall be required where development or redevelopment is traversed by a drainageway, channel or stream, and the drainageway, channel or stream is modified to accommodate development and poses flood risk, as determined by Yakima County, upon failure to existing or proposed development for events up to the 100-year flood as described below.

(2) Stormwater Drainage Easement Requirements. The following conditions shall apply to all easements:

(a) The costs of repairs, maintenance, removing structures or other drainage impediments shall be the responsibility of the owner. Easement terms will allow for Yakima County to perform maintenance and repairs on said storm water management facility(s) should the owner neglect to do so. For the purpose of inspection, maintenance and repair, the easement shall ensure access from public right-of-way to stormwater facilities and drainageways.

(b) A drainage easement or drainage right-of-way shall conform substantially with the lines of the drainageway, channel or stream.

(c) Measures shall be taken to prevent down-gradient impacts as a result of new development or redevelopment where no conveyance system exists at the adjacent down-gradient property line or stream, and the discharge was previously un-concentrated flow or significantly lower concentrated flow.

(d) Easements may not be filled or obstructed by structures, including fences as defined in Title 13 and Title 19.

(e) Easements shall be of a width for construction and maintenance, as will be adequate for the purpose. Width must be able to convey the 100 year – 24-hour storm and shall be no less than 20' wide. Parallel maintenance access road(s) may be required in connection therewith. In the event of multiple lots, the easement shall be fenced parallel to the flow.

(f) Where repairs are not undertaken by the owner, or named responsible party, in thirty days after written notice and Yakima County determines that flood risk is posed by such uncompleted items, the County may undertake with prior notice repairs and bill the owner, or named responsible party or the landowners contained within the original development for such services.

(g) Easements shall be approved by the planning division of the Yakima County Public Services Department prior to approval of development or redevelopment and shall be recorded with Yakima County and on all property deeds. The owner or owners shall be responsible for maintenance of easements in perpetuity and shall be identified on plats.
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(h) A deed of easement shall be recorded prior to the stormwater certificate of completion.

(Ord. 3-2016 (part), 2017).

12.10.240  Stormwater Plan Application Procedures.

(1) Application Procedures. Persons requesting the approval of a land development or redevelopment project meeting the criteria established in section 12.10.210 of this chapter shall submit an application for a stormwater plan review to the Public Services Department using forms and/or checklists furnished by the Water Resources Division as described below.

Actions under this Title are grouped into categories, each with corresponding application submittal, construction, inspection, and maintenance requirements. Applications are categorized as follows:

(a) Level 1 – projects located outside the stormwater boundary.

(b) Level 2 – projects located within the stormwater boundary that retain less than the 100-year rainfall event.

(c) Level 3 – (only applicable to private stormwater facilities) projects located within the stormwater boundary that retain the 100-year rainfall event or more. Projects that retain the 100-year rainfall event or more shall be considered to not discharge to the MS4 post-construction.

The procedures and submittal requirements for each category of stormwater plan review are as follows:

(a) Level 1 Projects.

Submit to the Public Services Department for review and approval:

(i) Stormwater Application.

(ii) Stormwater Plan.

(iii) Operation and Maintenance Plan.

(b) Level 2 Projects.

Submit to the Public Services Department for review and approval:

(i) Stormwater Application.

(ii) Stormwater Plan.

(iii) Operation and Maintenance Plan.

(iv) If applicable, Erosivity Waiver as indicated in YCC 12.10.220. If Erosivity Waiver is submitted, a Stormwater Pollution Prevention Plan is not required to be submitted to the County.

(v) If Erosivity Waiver is not applicable as indicated in YCC 12.10.220, submit Stormwater Pollution Prevention Plan (SWPPP). County reviews SWPPP for completeness and submits comments to DOE.

(vi) Applicant provides Yakima County Water Resources a construction schedule at least two weeks prior to construction.

(vii) Yakima County Water Resources Division inspects site during construction and specifically any Structural BMPs.

(viii) Applicant arranges for recurring inspections either by Yakima County or Qualified Third Party, as indicated in YCC 12.10.340.
(c) Level 3 Projects.

Submit to the Public Services Department for review and approval:

(i) Stormwater Application.

(ii) Stormwater Plan.

(iii) Operation and Maintenance Plan.

(iv) If applicable, Erosivity Waiver as indicated in YCC 12.10.220. If Erosivity Waiver is submitted, a Stormwater Pollution Prevention Plan is not required to be submitted to the County.

(v) If Erosivity Waiver is not applicable as indicated in YCC 12.10.220, submit Stormwater Pollution Prevention Plan (SWPPP). County reviews SWPPP for completeness and submits comments to DOE.

(vi) Applicant provides Yakima County Water Resources a construction schedule at least two weeks prior to construction.

(vii) Yakima County Water Resources Division inspects site during construction.

(2) Application Requirements.

(a) All development or redevelopment as identified in YCC 12.10.210 shall:

(i) Submit to the Public Services Department for review and approval a Stormwater Plan prepared in accordance with criteria identified in this chapter and stamped by an engineer registered in the state of Washington; Contents of the Stormwater Plan are defined in YCC 12.10.250.

(ii) Stormwater Plans shall be submitted and approved before construction permits. Applicant shall use forms and/or checklists furnished by the county. Grading or building permits shall not be issued for land development subject to this chapter without County approval of a Stormwater Plan or site plan, as appropriate.

(iii) The following items, at a minimum, of the Stormwater Plans shall be provided at preliminary subdivision submittal, or other land use application submittal:

(A) A topographic map of existing site conditions, including any existing stormwater facilities.

(B) A map and/or drawing or sketch of the proposed contour or topographic map of proposed site conditions, including locations of proposed stormwater facilities.

(C) Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

(D) Review of available geologic, topographic, and soils maps and ground water condition information for the site area and/or the construction of sub-level structures.

(E) Review of locations of nearby public and private wells, critical aquifer recharge areas (CARA), as well as any existing geotechnical engineering reports or studies for sites within the vicinity.

(F) Where a geotechnical site characterization report will be required in the final Stormwater Plan; results of field exploration, test pits/bores, and results of surface reconnaissance of the site and adjacent properties. A preliminary evaluation of the potential impact from groundwater on the existing and proposed stormwater drainage facilities, roadways, and public infrastructure, including consideration of indications that a seasonally high groundwater table may occur.

(G) Site limitations identified.
The Public Services Director, or his or her designee, may require other engineered portions of the Stormwater Plan to be submitted before preliminary subdivision approval or CUP approval as needed to determine how such development proposes to provide for drainage such that the development does not conflict with present drainage patterns, or create a drainage problem within itself or for its neighbors.

(iv) Identify natural drainage easements on the plat site plan and record drainage easements on the plat in accordance with YCC 12.10.230 (When a Stormwater Drainage Easement Is Required).

(v) Following county Stormwater Plan approval, provide a construction schedule to the Public Services Department a minimum of two weeks prior to construction to allow County inspections.

(b) Any private land development or redevelopment or land disturbance within the stormwater utility boundary shall comply with the following provision:

All parties having an ownership interest in the development are responsible for the operation and maintenance of the stormwater facilities and payment for County inspections (12.10.330) and the responsible entity shall be identified within the approved operation and maintenance plan, on the face of a plat and within a covenant or other final County authorizing decisions.

(c) A Stormwater Certificate of Completion shall be required for public projects or where required by the Public Services Water Resources Division or as SEPA mitigation under YCC 12.10.320.

(d) Upon project construction completion all development or redevelopment as identified in YC 12.10.210 shall:

Submit as-built plans stamped by an engineer registered in the state of Washington upon completion of construction, per WAC Chapter 196-23-20 and in accordance with YCC 12.10.320.

(3) Application Fees. The Board of County Commissioners shall adopt fees for construction stormwater pollution prevention plans (SWPPP), Stormwater Plans, administration, review, inspection, and monitoring of projects subject to this chapter. Fees shall be calculated by the Public Services Director in accordance with the fee schedule described in YCC Title 20.

(a) Fees are payable at the time of application and are non-refundable.

(b) These fees are in addition to any other local or state fees that may be charged under any other law, bylaw, or local Ordinance.

(4) Approval. Approval of a Stormwater Plan shall expire in one (1) year from the date of approval unless:

(a) A final plat is recorded and all improvements have been financially guaranteed or installed;

(b) A final decision on a plat or land development has not expired, the project or development has not changed and, in the opinion of the Public Services Director, there are no substantive changes in underlying regulations that would materially impact the effectiveness of the Stormwater Plan; or

(c) Work has actually begun on the site.

A Stormwater Plan may be prepared to address a land development action or subdivision that is proposed to be developed in phases. In the event of subsequent changes to development plans phases or sequencing, the applicant shall submit a report to the Public Services Director documenting that said changes do not materially impact the effectiveness of the Stormwater Plan. The Public Services Director has the sole discretion to make said determination. The recording of a final plat for a section of a subdivision (or initiation of construction in a section) or the completion of a land development project phase does not vest the approval of the Stormwater Plan for the remainder of the subdivision or project, unless it is consistent with section 12.10.240(3)(b) above. If the Stormwater Plan expires, the applicant shall file for re-approval of the Stormwater Plan and pay appropriate fees as defined in Title 20.
(5) As-Built Plans. All applicants shall submit as-built plans for any permanent stormwater management facilities. The plans must show the final design specifications for all stormwater management facilities, meet the criteria for final corrected plans in the regional stormwater manual section 3.2, and be sealed by a registered professional engineer. A final inspection by the Public Services Director, or designee, is required for projects before any performance bond or guarantee will be released.

(Ord. 3-2016 (part), 2017).

12.10.250 Stormwater Plan Design Criteria.

(1) General. The design of stormwater BMPs shall consider public health, safety, and general welfare. All stormwater facilities and conveyance systems shall be designed in compliance with all applicable state and federal laws and regulations. All development and redevelopment shall apply source control BMPs selected, designed, and maintained in accordance with the regional stormwater manual, Chapter 5.

(2) Entire Project Considered. Residential, commercial or industrial developments shall apply these stormwater criteria to land development as a whole. Individual lots in new subdivisions, commercial and industrial developments shall not be considered separate land development projects, but rather the entire project shall be considered a single land development project.

(3) Ultimate Land Development Considered. Hydrologic parameters used in calculations shall reflect the runoff conditions for the ultimate land development or frozen ground condition, whichever is greater, and shall be used in all engineering calculations.

(4) Ownership of Facilities. Stormwater facilities within residential subdivisions that serve multiple lots and/or a combination of lots and roadways shall be on a separate lot owned and maintained by an entity of common ownership. Stormwater practices located on individual lots shall be maintained by the lot owner, or, at the discretion of the Public Services Director, or designee, be placed within an easement or common ownership and maintained by an entity of common ownership.

(5) Floodplains, Critical Areas, and Jurisdictional Waters. Construction of stormwater measures or facilities within a Federal Emergency Management Agency (FEMA) designated floodplain or floodway shall be avoided to the extent possible. When this is unavoidable, all stormwater BMP construction shall be in compliance with all applicable requirements of YCC Titles 13 through 16D. To the extent practical, stormwater facilities shall not be located in areas determined to be jurisdictional waters through Section 404 of the Federal Clean Water Act and/or applicable state regulations (RCW 79.105).

(6) Conveyance. All development and redevelopment shall provide the passage of upland flow. Conveyance of upland flow shall maintain natural drainage patterns. Discharges from project sites should occur at the natural location to the maximum extent or, where altered, must be situated or directed to where it would have overflowed under the conditions (quantity, quality, velocity) existing prior to proposed development. Capacity of the drainage course downstream of the development may not be exceeded. The preferred order of options for discharge of excess stormwater are described in the regional stormwater manual, Section 2.3.

(a) County stormwater facilities shall not be used for new development or redevelopment drainage without a written agreement by Yakima County granting permission for such use as provided in this Chapter.

(b) Design calculations for passage of upland flow and site runoff shall use the 100 year, 24-hour design storm.

(7) Site Runoff and Flow Control. Discharges from all new development and redevelopment must not cause a significant adverse impact to downstream receiving waters and down-gradient properties. Stormwater Plans shall provide for the on-site detention and/or retention of the total water intercepted and collected by the development and the areas (improved or unimproved) lying and draining presently to and through the proposed development, for the design storm, unless other natural or manmade systems are available for use. Site runoff flow control to mitigate downstream impacts is required for new development and redevelopment projects creating 10,000 square feet or more of new impervious surfaces for any discharge of stormwater. Flow control facilities shall be selected, designed,
constructed, operated and maintained consistent with guidance found in the regional stormwater manual, Chapter 7, and criteria herein. Energy dissipation at the point of discharge is required for all projects unless exempt.

(a) Exemptions. Direct discharges to the following surface waters are exempt from flow control requirements:

(i) Any river or stream that is:

   (A) Fifth order or greater as determined from a 1:24,000 scale map; or

   (B) Fourth order or greater as determined from a 1:100,000 or larger scale map.

   (C) The maps should be standard USGS maps or GIS data sets derived from USGS base maps.

(ii) Any lake or reservoir with a contributing watershed area greater than 100 square miles.

(iii) Reservoirs with outlet controls that are operated for varying discharges to the downstream reaches as for hydropower, flood control, irrigation, or drinking water supplies. Uncontrolled, flow-through impoundments are not exempt.

(iv) Streams that flow only during runoff-producing events. The runoff carried by the stream following the 2-year, Type IA rainfall event must not discharge via surface flow to a non-exempt surface water. To be exempt, the stream may carry runoff during an average annual snowmelt event but must not have a period of baseflow during a year of normal precipitation.

(b) Site runoff design and flow control facility design calculations for peak flow and peak volume detention requirements shall be based on full retention of the post-development condition for the stated design storm, and the contributing basin size, where contributing basin size refers to the total area above the inlet or hydraulic element.

(i) In Ahtanum Creek, Cowiche Creek, Satus Creek, Toppenish Creek and Wide Hollow Creek watersheds, the 25-year, 24-hour design storm shall be used.

(ii) In all other watersheds, the 10-year, 24-hour design storm shall be used.

(c) Hydrologic modification of a wetland shall not be allowed if the wetland is classified as Category 1 or Category 2 according to the Eastern Washington Wetland Rating System unless the applicant demonstrates that preferred methods of excess stormwater disposal (e.g., infiltration) are not possible at the site and that other options (e.g., evaporation) would result in more damage to the wetland by limiting inflow. Mitigation shall be required for the impact of hydrologic modification to a wetland.

(8) Stormwater Manual. Stormwater practices shall be designed, constructed, and maintained in accordance with the design and sizing criteria in the Yakima County Regional Stormwater Manual (regional stormwater manual). Use of the regional stormwater manual with Yakima County local conditions will be presumed to meet the minimum water quality performance standards of the Eastern Washington NPDES Phase II Municipal Stormwater Permit requirements. The use of BMPs from the Eastern Washington stormwater manual or emerging technologies approved by Ecology shall be consistent with Yakima County climate, soils, and specific site conditions appropriate for said BMP use and shall be subject to Public Services Director approval. The Public Services Director may require monitoring of said emerging technology BMP performance in order to demonstrate that they meet the minimum water quality performance standards of the Eastern Washington NPDES Phase II Municipal Stormwater Permit requirements.

(9) Amendments to Regional Stormwater Manual. The regional stormwater manual may be updated periodically by the Public Services Director, or designee. Where referenced by this chapter, the most current version of the regional stormwater manual posted on the county website is to be used. Stormwater plans submitted for county review and approval shall conform to the posted version.

(10) Prohibition on County Owned Storm Drainage System Modification Without an Agreement.
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(a) It is unlawful for any unauthorized person to uncover, make any connections with or opening into, use, alter, disturb, disconnect from or relocate any County owned stormwater facility without first entering an agreement specifying the terms of such action and signed by the Board of County Commissioners.

(b) Disconnection from a County owned stormwater facility may require a less formal level of agreement, at the Public Services Director’s discretion. Authorization to disconnect shall be requested and received in writing.

(Ord. 3-2016 (part), 2017).

12.10.260 Stormwater Plan Required Contents.

Stormwater plans must contain those items identified in the regional stormwater manual stormwater plan checklist, Appendix 3-A. In addition:

1) The Stormwater Plan shall incorporate all calculations for the determination of the required size of the systems. Such calculations shall be based on required criteria in the regional stormwater manual and upon an analysis of estimated runoff from areas contributing runoff to those facilities. Collection systems shall be either gravity pipe systems, open road ditches or open channels, or a combination of the three.

2) The plan shall provide for the on-site detention and/or retention of the total water intercepted and collected by the development and the areas (improved or unimproved) lying and draining presently to and through the proposed development, for the design storm, unless other natural or manmade systems are available for use and identified in the plan.

3) Detention and/or retention of stormwater runoff from any proposed land development shall be accomplished by stormwater holding facilities either open or closed or by introduction, on-site, of stormwater into permeable soils via an infiltration system.

4) The overflow of runoff in excess of the design storm quantities must be situated or directed to where it would have overflowed under the conditions existing prior to proposed development. The submitted Stormwater Plan shall incorporate, among other data, a topographical map to clearly define:

(a) The proposed development;

(b) All areas, improved or unimproved, lying upstream and draining to and across the proposed development; and

(c) Drainage course, natural or otherwise, to which the proposed development shall drain.

5) The plans shall include a plan profile of the systems including cross-sections of all open ditches and channels. Hydraulic and physical data such as grades; bottom elevations of ditches and channels; invert of pipes at all structures, such as manholes and catch basins; size and lengths of all pipes; length of ditches and channels; and top elevation of all catch basin covers shall be called out. This includes the invert elevations of the existing or other proposed storm drainage systems that the subject drainage plan proposes to tie into.

6) Larger scale projects or those located in areas of sufficient relief, such as a large lot subdivision, must use the best available topographic information; this may involve contours on a scale larger than the 2-foot minimum at the direction of Yakima County. The Stormwater Plan shall include a plan showing existing and proposed contours for the site.

7) A geotechnical site characterization and report is required to demonstrate suitability of a site for stormwater disposal in accordance with criteria identified in the regional stormwater manual, Section 3-1. In areas where there has been a long-standing record of satisfactory performance of standard subsurface disposal facilities this requirement may be reduced or waived by formal written request to the Public Services Director. When infiltration is proposed, field exploration is required as follows:

(a) Test borings and/or test pits shall be located within the footprint of proposed stormwater disposal facilities;

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(iii) The project replaces and/or improves the surface of an urban road where the projected ADT is 7,500 or more vehicles per day.

(iv) The project replaces and/or improves the surface of a freeway or rural road where the projected ADT is 15,000 or more vehicles per day.

(v) The project affects the area within 500 feet of a controlled intersection on a limited access control highway with projected ADT of 7,500 or more vehicles per day. Only this area must be treated.

(4) Basic Treatment Exemptions. Non-pollutant generating impervious surface (NPGIS) areas are exempt from basic treatment requirements unless the runoff from these areas is not separated from the runoff generated from PGIS areas.

Projects that meet the requirements for dispersal and infiltration and do not meet the thresholds for requiring oil treatment are exempt from basic treatment requirements. Discharges to surface water and the county stormwater facility from projects with a total PGIS area less than 5,000 square feet are exempt from basic treatment requirements unless those areas are subject to the storage or handling of hazardous substances, materials or wastes as defined in 49 CFR 171.8, RCW 70.105.010, and/or RCW 70.136.020. Private new development and redevelopment that demonstrate retention of the treatment design storm volume(s) on site are also exempt from basic treatment requirements.

(5) Metals Treatment Exemptions. Unless a specific water quality problem has been identified by Ecology, the following discharges are exempt from metals treatment requirements:

(a) Discharges to non-fish-bearing streams.

(b) Direct discharges to the main channels of the following rivers: Naches River, and Yakima River.

(c) Subsurface discharges, unless identified as hydraulically connected to surface waters of the State.

(d) Restricted residential and employee-only parking areas, unless subject to through traffic.

(Ord. 3-2016 (part), 2017).

12.10.280 Stormwater Treatment Requirements.

(1) Basic Treatment. All runoff treatment facilities must be sized for the entire flow that is directed to them. Treatment facilities must be designed in accordance with Chapter 6 of the regional stormwater manual.

(2) Metals Treatment. Metals treatment is required in addition to basic treatment for new development projects creating 5,000 square feet or more of pollutant-generating impervious surface (PGIS) areas with moderate-use sites, high-use sites, and sites that meet any of the following definitions:

(a) Industrial sites as defined by EPA (40 CFR 122.26(b)(14)) with benchmark monitoring requirements for metals; or industrial sites subject to handling, storage, production, or disposal of metallic products or other materials, particularly those containing arsenic, cadmium, chromium, copper, lead, mercury, nickel or zinc.

(b) On-street parking areas of municipal streets in commercial and industrial areas.

(c) Highway rest areas.

(d) Runoff from metal roofs not coated with an inert, non-leachable material.

(e) Metals treatment is required in addition to basic treatment for redevelopment projects with high-use sites or high ADT roadways and parking areas and for projects where:

(i) An additional need for stormwater control measures to remove metals has been identified through a TMDL or other water cleanup plan; or
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(a) Treatment Design Volume. Volume-based facilities shall be designed to capture and treat 0.5 inch predicted runoff produced for the proposed development condition from all impervious surface areas that contribute flow to the treatment facility.

(b) Treatment Design Flow Rate. Flow based treatment BMPs shall be designed to treat the water quality flow, computed as follows:

(i) Flow based treatment BMPs located upstream of detention facilities shall be designed to treat the runoff flow rate predicted for the proposed development condition from the short-duration storm with a 6-month return frequency, computed in accordance with the Stormwater Management Manual for Eastern Washington, or approved local equivalent.

(ii) Flow based treatment BMPs located downstream of detention facilities shall be designed to treat the runoff flow rate for the proposed development condition calculated by the Rational Method using the 2-year mean recurrence interval. This method may only be used to design facilities based on instantaneous peak flow rates.

(5) Bypass. A bypass must be provided for all treatment BMPs unless the facility is able to convey the 25-year 3-hour storm without damaging the BMP or dislodging pollutants from within it. The designer must: check the maximum allowable velocity (typically less than 2 ft/s) or shear stress specified for the BMP; and implement a flow bypass as necessary to prevent exceeding these velocities. Bypass is not recommended for wet ponds, constructed wetlands, and similar volume-based treatment facilities; inlet structures for these facilities should be designed to dampen velocities; the pond dimensions will further dissipate the energy.

(6) Wetlands. Stormwater treatment facilities are not allowed within a wetland or its natural vegetated buffer, or to provide treatment, except for:

(a) Necessary conveyance systems approved by the local government; or
(b) As allowed in a wetland mitigation plan; or
(c) When permitted, Critical Areas and Shorelines codes will also apply.

A wetland can be considered for use in stormwater treatment if:

(a) The wetland meets the criteria for “Hydrologic Modification of a Wetland” in 12.10.250 (7) of this ordinance; and either

(b) It is a Category 4 wetland according to the Eastern Washington Wetland Rating System; or
(c) It is a Category 3 wetland according to the Eastern Washington Wetland Rating System and the wetland has been previously disturbed by human activity, as evidenced by agriculture, fill areas, ditches or the wetland is dominated by introduced or invasive weedy plant species as identified in the rating analysis.

Basic treatment is required prior to discharge to Category 3 wetlands; a Category 3 wetland that meets the above requirements may be used to meet metals treatment requirements. Oil control is required for a discharge to wetlands if the Technical Thresholds/Requirements are met.

Mitigation shall be required for the impact of using a wetland as a stormwater treatment facility. When mitigation measures are required the reviewing official shall select appropriate measures which may include enhancement, expansion and/or preservation of a buffer around the wetland. Treatment and mitigation are also subject to any required approvals under the critical areas ordinance, Title 16.

(Ord. 3-2016 (part), 2017).

12.10.300 Construction Stormwater Requirements.

(1) Construction site operators shall periodically inspect their sites to meet their construction general stormwater permit requirements, as approved by the Department of Ecology. Site inspections shall be conducted by a Certified
Erosion and Sediment Control Lead who shall be identified in the SWPPP and shall be present on-site or on-call at all times. Construction site operators shall control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

(2) Construction site operators shall maintain, update and implement their SWPPP. Operators shall modify their SWPPP whenever there is a change in design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the state. The SWPPP and inspection record shall be maintained and available for inspection at the site during the progress of the work.

(3) Construction site operators shall implement appropriate erosion and sediment control BMPs.

(4) Any land development or redevelopment or land disturbance that is either greater than one acre, or less than one acre when part of a larger common or combined plan of development greater than one acre that resides within the stormwater utility boundary shall:

(a) Public Services Department staff shall be allowed access to enter onto the property for both construction-phase and post-construction to inspect BMPs on private properties that discharge to MS4.

(b) Private property owners will be charged for post-construction inspections and may, in lieu of post-construction County inspections, submit to the County annual certification by a qualified third-party that adequate maintenance has been performed and the facilities continue to operate as designed to protect water quality.

(c) The applicant shall have at least one inspection by the Public Services Department during construction.

(d) Structural BMPs shall be inspected at least once by the Public Services Department during construction to ensure compliance with the stormwater plan. The applicant shall provide advanced notice to the Public Services Department of when the structural BMP is to be installed.

(Ord. 3-2016 (part), 2017).

12.10.310 Construction Performance Requirements.

(1) A performance bond or guarantee shall be required of applicants developing public stormwater control facilities or modifying stormwater facility. Yakima County may take action at the applicant’s expense should the applicant fail to initiate or maintain those measures identified in the approved stormwater plan or stormwater facility modification agreement after being given proper notice and within the time specified by the Public Services Director. Yakima County shall collect from the applicant the difference should the amount of cost of such action exceed the amount of the security held.

(2) The performance bond or guarantee shall be secured prior to approval of the stormwater plan.

(3) The performance bond or guarantee, or the unexpended or unobligated portion thereof, shall be returned to the applicant within 60 days of issuance by the Public Services Director of a Stormwater Certificate of Completion, or the final acceptance of the permanent stormwater BMP by the Public Services Director.

(4) At the discretion of the Public Services Director, the performance bond or guarantee may be extended beyond the time period specified above to cover a period of time for testing the practices during storm events and for initial maintenance activities. For the purposes of this section, the time shall not exceed two (2) years.

(5) The Public Services Director shall have the discretion to adopt provisions for a partial pro-rata release of the performance bond or guarantee on the completion of various stages or phases of development.

(Ord. 3-2016 (part), 2017).

12.10.320 Construction Project Completion Requirements.

(1) Upon completion of construction submit a certification signed and stamped by an engineer registered in the state of Washington that the Stormwater Plan project is constructed in accordance with the design;
(2) The Public Services Director, or designee, shall issue a Stormwater Certificate of Completion for public projects or where required by the Reviewing Official or as part of SEPA mitigation, following:

(a) Final installation and stabilization of all stormwater BMPs shown on the stormwater plan;
(b) Compliance with any required SEPA mitigation measures for drainage, stormwater, and erosion control;
(c) Submission of all necessary as-built plans; and
(d) Final inspection and approval by the Public Services Director or designee.

(3) Before issuing such a certificate, the Public Services Director, or designee, shall determine that all work has been satisfactorily completed in conformance with this chapter.

(Ord. 3-2016 (part), 2017).

12.10.330 Operation and Maintenance Requirements.
(1) The property owner(s) shall be responsible for the continual performance, operation and maintenance of stormwater facilities in accordance with the approved standards and requirements of the County and shall remain responsible for any liability arising from neglect of their duties. Where structural BMPs are required, property owners shall operate and maintain the facilities in accordance with a County approved Operation and Maintenance (O&M) plan that is prepared in accordance with the provisions in the regional stormwater manual. The O&M plan shall address all proposed stormwater facilities and BMPs, and identify the party (or parties) responsible for maintenance and operation; the O&M plan must also address the long-term funding mechanism that will support proper O&M Inspections. At private facilities, a copy of the plan shall be retained onsite or within reasonable access to the site, and shall be transferred with the property to new owner(s). For public facilities, a copy of the plan shall be retained in the county road department.

(2) Owners shall maintain a log of inspection and maintenance activities that is available for County inspection and shall provide to the County a copy of the inspection and maintenance log upon request.

(Ord. 3-2016 (part), 2017).

12.10.340 Inspections During and After Construction.
(1) Inspections of BMPs on a frequency established by the current Eastern Washington NPDES Phase II Municipal Stormwater Permit will be made by the County during and after construction for documentation required within the Eastern Washington NPDES Phase II Municipal Stormwater Permit.

(2) The Yakima County Public Services Director shall remain the responsible official for ultimate inspection of stormwater practices and any enforcement actions necessary under this chapter.

(3) The Public Services Department shall make at least one inspection during construction and one inspection after construction for projects within the Stormwater utility boundary that meet the regulatory threshold, and shall notify the applicant wherein the SWPPP fails to address all required elements appropriate for the site or the work fails to comply with the SWPPP. The SWPPP and inspection record shall be maintained and available for inspection at the site during the work. Structural BMPs shall be inspected during construction to ensure compliance with the stormwater plan.

(4) The Public Services Department shall conduct periodic inspections for all stormwater practices for which a Stormwater Certificate of Completion has been issued. All inspections shall be documented. The inspection shall document any maintenance and repair needs and any discrepancies from the stormwater maintenance agreement and stormwater maintenance plans.

(a) The Public Services Director may authorize the use of private inspectors to conduct and document ongoing maintenance inspections. Such private inspectors shall submit all inspection documentation in writing to the Public Services Director, or designee. All costs and fees associated with the use of private inspectors shall be the responsibility of the facility owner. If the use of private inspectors is authorized, the Public Services Director shall maintain a training and certification program, authorize inspectors trained by an
Ecology approved training program, or authorize another entity to maintain such a program. All private inspectors shall be qualified prior to conducting any inspections or submitting any inspection documentation to the Public Services Director, or designee.

(b) Records of Maintenance Activities. The owner shall make records of the installation and of all maintenance and repairs to stormwater BMPs, and shall retain the records for at least five (5) years. These records shall be made available to the Public Services Director during inspection of the practice and at other reasonable times upon request.

(c) Failure to Provide Adequate Maintenance. In the event that the stormwater BMP has not been maintained and/or becomes a danger to public safety or public health, the Public Services Director, or designee, shall notify the responsible party by registered or certified mail. The notice shall specify the measures needed to comply with the maintenance agreement and the maintenance plan and shall specify that the responsible party has 30 days or other time frame mutually agreed to between the Public Services Director and the responsible party, within which such measures shall be completed. If such measures are not completed, then the Public Services Director shall pursue enforcement procedures pursuant to section 12.10.440 of this chapter.

(d) If a responsible party fails or refuses to meet the requirements of an inspection report, maintenance agreement, or maintenance plan the Public Services Director or designee, after 30 days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the practice in proper working condition. The Public Services Director may assess the responsible party of the practice for the cost of repair work which shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by Yakima County.

(5) For stormwater BMPs on private properties within the stormwater utility boundary that discharge to the MS4 or water of Washington State, BMP owners shall provide annual certification by a qualified third party that adequate maintenance has been performed and the facilities are operating as designed to protect water quality.

(6) For both construction-phase and post-construction within the stormwater utility boundary, access shall be granted to Yakima County Public Services personnel to inspect stormwater BMPs on private properties that discharge to the MS4 or water of Washington State. If deemed necessary for post-construction access, the property’s owner may provide, in lieu of allowing continued access to be granted to Yakima County Public Services personnel, an annual certification record, as outlined in 12.10.340 (3), to Yakima County.

(7) Structural BMPs within the stormwater utility boundary shall be inspected at least once during installation by qualified personnel.

(8) Structural BMPs within the stormwater utility boundary shall be inspected at least once every five years after final installation, or more frequently as determined by the Yakima Public Services Director, to be necessary to prevent adverse water quality impacts, to ensure that adequate maintenance is being performed. The inspection shall be performed by qualified personnel.

(9) Structural BMPs shall be inspected, maintained, and repaired as needed to assure the continued performance of their intended function.

(Ord. 3-2016 (part), 2017).

12.10.400 Prohibition of Illicit Discharges.

(1) No person shall discharge or cause to be discharged, including on private property, into county stormwater facilities public UIC, or surface water of Washington State any materials, including but not limited to pollutants or waters containing any pollutants other than storm water.

(2) The commencement, conduct or continuance of any illicit discharge to county stormwater facilities, public UIC, or surface water of Washington State is prohibited except as described as follows:
(3) The following discharges are exempt:

Discharges resulting from emergency firefighting activities.

(4) The following discharges are exempt and shall only be illicit discharges if the Public Services Director has reason to consider that the discharge, whether singly or in combination with others, may cause or contribute to a violation of Yakima County’s Eastern Washington Phase II Municipal Stormwater Permit, may cause Yakima County to violate Ecology’s UIC rules, or is causing or contributing to a water quality or flooding problem. In such cases, it shall be the responsibility of the discharger to provide evidence that the discharge is not illicit and complies with the following:

(a) Diverted stream flows;
(b) Rising ground waters;
(c) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
(d) Uncontaminated pumped ground water;
(e) Foundation drains;
(f) Air conditioning condensation;
(g) Irrigation water from agricultural sources that is commingled with urban stormwater;
(h) Springs;
(i) Uncontaminated water from crawl space pumps;
(j) Footing drains;
(k) Flows from riparian habitats and wetlands;
(l) Discharges from lawn watering and other irrigation runoff;
(m) Discharges from emergency firefighting activities;
(n) Non-stormwater discharges authorized by another NPDES permit or state waste discharge permit.

(5) The following discharges are not exempt from discharge prohibitions established by this chapter:

(a) Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, firefighting training and pipeline hydrostatic test water.
(b) Planned discharges from potable water sources may be discharged to county stormwater facilities or public UIC provided they are dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in county stormwater facilities or public UIC.
(c) Swimming pool discharges. Discharges from swimming pools, spa and hot tub may be discharged to county stormwater facilities or public UIC provided that they are dechlorinated to a total residual concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in county stormwater facilities or public UIC. Discharges shall be thermally controlled to prevent and increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to county stormwater facilities or public UIC.
(d) Street and sidewalk wash water containing detergents, water used to control dust containing detergents, and routine external building wash down containing detergents.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
12.10.420  Notification of Spills.
Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater or the county stormwater facility or public UIC, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Yakima County Public Services Department in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Yakima County Public Services Department within three (3) business days of the phone notice.

(Ord. 3-2016 (part), 2017).

12.10.430  Right of Entry.
(1) When necessary to perform any of their duties under this chapter or to investigate upon reasonable cause or complaint the existence or occurrence of a violation of this chapter, the Public Services Director or his or her authorized representatives may enter onto property to inspect the same or to perform any duty imposed or authorized by this chapter; provided, that if such property be occupied and not a public place he shall first present proper credentials, state the reason for entry, and request permission to enter; and if such property is unoccupied, he shall first make a reasonable effort to locate the owners or other persons having charge or control of the property and request permission to enter. If such permission is refused, the Public Services Director shall have recourse to every remedy provided by law to secure entry. The right of entry for this section shall only be for an authorized employee, officer, or person designated by the Public Services Director. All permits and approvals issued under the provisions of this chapter are hereby conditioned on free access by the Public Services Director or his or her authorized representatives to the property involved during any period of construction, improvement, or change, for inspections to assure compliance with this chapter and any conditions of approval for such permit or approval. The Public Services Director or his or her authorized representatives may enter onto private property during any such period of construction, improvement, or change being done pursuant to a permit or approval for such purposes; provided, that if the property is occupied he shall first notify the occupant prior to entry.

(2) If the Public Services Director or his or her authorized representatives have been refused access to any part of the premises from which water is discharged, and he/she is able to demonstrate a belief that there is a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Public Services Director may seek issuance of a search warrant, injunctive relief, warrant of abatement or other remedy provided by law from any court of competent jurisdiction. The warrant will specify what may be searched and/or seized on the property described. Such warrant will be served at reasonable hours by the Wastewater manager or designated employee in the company of a uniformed police officer of the City. In the event of an emergency affecting public health, safety or welfare, inspections will take place without the issuance of a warrant.

(3) The right of entry extends to the following matters:

(a) Entry upon the premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this chapter;

(b) Access to and copying, at reasonable times, any records required to be kept under the conditions of this chapter;

(c) Inspection at reasonable times of any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this chapter;

(d) Sampling or monitoring for the purposes of assuring compliance with this chapter, including any substances or parameters at any location; and
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(a) Yakima County Sheriff and or their authorized representatives shall have the authority to enforce the provisions of this chapter;

(b) Yakima County Public Services Director and or their authorized representatives, as designated by the Public Services Director, shall have the authority to enforce the provisions of this chapter;

(c) Yakima County Prosecuting Attorney shall have authority to enforce the provisions of this chapter and may pursue any legal proceedings necessary to enforce the provisions of this chapter.

(3) Whenever an authorized official determines that a violation has occurred or is occurring, he or she may pursue attempts to secure voluntary corrections, failing which he or she may issue a notice of infraction. An authorized official may issue a notice of infraction if the authorized official reasonably believes that the provisions of this chapter have been violated. A notice of infraction may be served either by:

   (a) The authorized official serving the notice of infraction on the person named in the notice of infraction at the time of issuance; or

   (b) The authorized official filing the notice of infraction with the court. The court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his or her address.

(4) A notice of infraction shall be filed in district court within forty-eight (48) hours of issuance, excluding Saturdays, Sundays, and holidays. Yakima County District Court shall have Yakima County to hear and determine these matters.

(5) A person who receives a notice of infraction shall respond to the notice as provided in this section within fifteen (15) days of the date the notice was served.

(6) If the person named in the notice of infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court’s records, and a record of the response order shall be furnished to the authorized official. Failure to contest the determination and the payment of the fine does not release the person named in the notice of the infraction from their obligation to comply with the Notice or Order of the authorized official.

(7) If the person determined to have committed the civil infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven (7) days nor more than ninety (90) days from the date of the notice of the hearing, except by agreement.

(8) If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified in the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven (7) days nor more than ninety (90) days from the date of the notice of the hearing, except by agreement.

(9) The court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction, and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of civil infraction fails to respond.

(10) Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition
of the notice of civil infraction; provided, that a written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by appearance of counsel.

(11) A person who willfully fails to pay a monetary penalty or to perform community service as required by a court under this chapter may be found in civil contempt of court after notice and hearing.

(12) A person subject to proceedings under this chapter may appear or be represented by counsel but not at public expense.

(13) The prosecuting attorney representing Yakima County may, but need not, appear in any proceedings under this chapter, notwithstanding any statute or court rule to the contrary.

(14) A hearing held to contest the determination that an infraction has been committed shall be without a jury.

(15) The court may consider the notice of infraction and any sworn statements submitted by the authorized representative who issued and served the notice in lieu of his or her personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the authorized representative who has issued and served the notice, and has the right to present evidence and examine witnesses present in court.

(16) The burden of proof is on Yakima County to establish the commission of the infraction by a preponderance of evidence.

(17) After consideration of the evidence and argument, the court shall determine whether the infraction was committed.

(18) An appeal from the court’s determination or order shall be to the Superior Court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ).

(19) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(20) After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the court’s records.

(21) There shall be no appeal from the court’s determination or order.

(22) A person found to have committed a civil infraction shall be assessed a monetary penalty. All violations of this chapter shall be denominated Class I civil infractions. The maximum penalty and default amount for a Class I civil infraction shall be two hundred fifty dollars ($250), not including statutory assessments.

(23) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time, the court may grant an extension of the period of time in which the penalty may be paid. If the penalty is not paid on or before the time established for payments the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay. The court shall also notify the department of the failure to pay the penalty, and the department shall not issue the person any future permits for any work until the monetary penalty has been paid.

(Ord. 3-2016 (part), 2017).

12.10.460 Violation – Civil Remedies.

(1) In addition to any criminal proceedings brought to enforce this Title and in addition to any fine or imprisonment provided for therein, continuing violations of this Title may be enjoined or ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement actions, such violations are declared to be public nuisances. Any person, firm, or corporation violating the provisions of this Title shall be liable for all costs of such proceedings, including attorney’s fees and expenses of abatement. The provisions of this subsection are in addition to any other remedies available at law or equity.
(2) The Prosecuting Attorney’s Office on behalf of Yakima County and the public may pursue civil remedies to enforce compliance with the provisions of the Title. A private person directly affected by a violation of this Title may pursue civil remedies to enforce compliance with its provisions or to recover damages for its violation.

(Ord. 3-2016 (part), 2017).

12.10.470 Appeals.
(1) Appeals of stormwater and grading decisions can be appealed to the Public Services Director in accordance with YCC chapter 16B.09.

(2) All other decisions or orders of the Public Services Director shall be final. Further relief shall be to a court of competent jurisdiction.

(Ord. 3-2016 (part), 2017).

12.10.480 Remedies Not Exclusive.
The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law.

(Ord. 3-2016 (part), 2017).

12.10.490 Injunctive Relief.
It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the Public Services Director may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(Ord. 3-2016 (part), 2017).

12.10.500 Compensatory Action.
(1) In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the Public Services Director may negotiate with the violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(2) The Public Services Director may recover all attorney’s fees court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

(Ord. 3-2016 (part), 2017).

12.10.510 Effective Date.
The ordinance codified in this chapter shall go into effect within unincorporated Yakima County effective immediately.

(Ord. 3-2016 (part), 2017).
Chapter 13.05

AMENDMENTS TO INTERNATIONAL BUILDING CODE

Sections:
13.05.010 Adoption of Appendices.
13.05.015 Amendment to Chapter 1, Section 101.4, Referenced Codes.
13.05.020 Amendment to Chapter 1, Section 103, Department of Building Safety.
13.05.025 Amendment to Chapter 1, Section 104.1, General, and Section 104.8, Liability.
13.05.030 Amendment to Chapter 1, Section 105, Permits.
13.05.040 Amendment to Chapter 1, Section 107.3.1, Approval of Construction Documents.
13.05.045 Amendment to Chapter 1, Section 108, Temporary Structures and Uses.
13.05.050 Amendments to Chapter 1, Section 109, Fees.
13.05.060 Amendments to Chapter 1, Section 113, Board of Appeals.
13.05.065 Amendments to Chapter 1, Section 114, Violations.
13.05.070 Amendments to Chapter 4, Special Use and Occupancy.
13.05.080 Amendment to Chapter 16, Section 1608, Snow Loads.
13.05.090 Amendment to Chapter 16, Section 1612, Flood Loads.
13.05.100 (Reserved).
13.05.110 (Reserved).
13.05.120 (Reserved).
13.05.130 (Reserved).
13.05.135 Amendment to Appendix Chapter G, Flood-Resistant Construction, Section G105.1, General.
13.05.140 Amendment to Appendix Chapter G, Flood-Resistant Construction, Section G104.2, Application for Permit.
13.05.150 Amendment to Appendix Chapter G, Flood-Resistant Construction, Section G501, Manufactured Homes.
13.05.155 Amendment to Appendix Chapter J, Grading, Section J101.2, Flood Hazard Areas, and J102, Definitions.
13.05.160 Amendment to Appendix Chapter J, Grading, Section J103.2, Exemptions.
13.05.170 Amendment to Appendix Chapter J, Grading.
13.05.180 Amendment to Appendix Chapter J, Grading.

13.05.010 Adoption of Appendices.
Pursuant to Section 101.2.1 of the 2015 Edition of the International Building Code, the following appendices are specifically adopted:

Appendix Chapter C, Group U – Agricultural Buildings
Appendix Chapter E, Supplementary Accessibility Requirements
Appendix Chapter G, Flood Resistant Construction
Appendix Chapter I, Patio Covers
Appendix Chapter J, Grading

(Ord. 10-2016 § 2 (part), 2016).

13.05.015 Amendment to Chapter 1, Section 101.4, Referenced Codes.
Section 101.4 of the International Building Code, 2015 Edition, is hereby amended as follows:

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application with the building official and obtain the required permit.

Where a bridge or an elevated surface has been identified as part of a fire apparatus access road under Section 503.2.6 of the International Fire Code as adopted and amended by Yakima County in YCC 13, the owner or authorized agent shall first make application with the building official and obtain the required permit. Plans, calculations, and other documentation necessary to show that the bridge or elevated surface complies with the requirements of Section 503.2.6 of the International Fire Code shall be submitted and shall be prepared by a registered design professional.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. Non-habitable, one-story, detached, unheated residential accessory structures on the same lot with a Group R-3 occupancy (house) used as tool and storage sheds, playhouses, pump houses, or woodsheds, provided the building area, or horizontal projected roof area, whichever is greater, does not exceed 200 square feet (18.58 m²), and the highest point of the roof does not exceed 12 feet (3660 mm) above lowest adjacent grade. In addition, in order to qualify as being exempt from permitting requirements of section 105, the structure must meet all of the following conditions:

   • The structure shall not have a basement or crawl space that provides greater than 18 inches clearance below floor joists to the lowest part of the basement or crawlspace
   • The structure shall not be located in an area designated as a “critical area” or “shoreline area” by state or local regulation
   • The structure shall not be located in a flood plain or floodway mapped by FEMA.
   • The structure is not located in a Moderate, High, or Extreme Wildland Urban Interface risk zone.
   • The combined area of residential accessory structures exempt from permitting requirements of section 105 on any one lot shall not exceed 200 square feet. Additional residential accessory structures may be built by obtaining permits for them.
   • The structure shall not be used, or intended to be used, for living, sleeping, or cooking
   • The structure shall not be used as a carport or garage for the storage of automobiles, tractors, motor homes, recreational vehicles or similar motorized vehicles. Note: lawn mowers, garden tillers, and other small motorized lawn and garden care equipment may be stored
   • The structure shall not be used for storage of agricultural products, farm equipment, or animal shelters
   • The structure is not used, or intended to be used, as a place of business
   • The structure shall not be equipped with any plumbing system
   • The structure shall not be equipped with any mechanical system
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

The structure is not used for storage of hazardous materials in excess of the amounts listed in the Fire Code. (maximum allowable quantity per control area of hazardous materials posing a physical hazard, and maximum allowable quantity per control area of hazardous materials posing a health hazard).

Structures that do not meet the above parameters and conditions are not exempt from the permitting requirements of section 105 and it is required that permits must be obtained prior to commencing construction.

2. Fences not over 7 feet (1829 mm) high.

3. Oil derricks.

4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2 to 1.

6. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.

13. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(Ord. 10-2016 § 2 (part), 2016).

13.05.040 Amendment to Chapter 1, Section 107.3.1, Approval of Construction Documents.

Section 107.3.1 of the International Building Code, 2015 Edition, is hereby amended as follows:

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Approved.” One set of
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
Code Council by taking the value per square foot area for the occupancy group and construction type that matches the occupancy group and the construction type of the building for which a permit application has been submitted from the valuation table, and multiplying that value by the building area, as defined in IBC Section 202, to establish the valuation to be used in calculating the permit fee and the plan review fee as set forth in section 109.2 and 109.2.1.

109.4 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the cost of enforcement to the jurisdiction. The minimum investigation fee shall be the same as the permit fee set forth in Amended Table 1-A. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

109.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

109.6 Refunds. The building official is authorized to establish a refund policy.

(Ord. 10-2016 § 2 (part), 2016).

13.05.060 Amendments to Chapter 1, Section 113, Board of Appeals.

Section 113 of the International Building Code, 2015 Edition, is amended as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

113.3 Application. The application for appeal shall be filed on a form obtained from the code official within 20 days after the notice was served.

113.4 Membership of board. The board of appeals shall consist of persons appointed by the chief appointing authority as follows:

1. One for five years; one for four years; one for three years; one for two years; and one for one year.

2. Thereafter, each new member shall serve for five years or until a successor has been appointed.

The building official and fire marshal shall be ex-officio members of said board but shall have no vote on any matter before the board.
113.4.1 Alternate members. The chief appointing authority shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

113.4.2 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Registered design professional with architectural experience.
2. Registered design professional with structural engineering experience
3. Registered design professional with mechanical and plumbing engineering experience or a mechanical contractor with at least ten years’ experience, five of which shall have been in responsible charge of work.
4. A builder or superintendent of building construction with at least ten years’ experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience or a fire protection contractor with at least ten years’ experience, five of which shall have been in responsible charge of work.

113.4.3 Rules and procedures. The board is authorized to establish policies and procedures necessary to carry out its duties.

113.4.4 Chairperson. The board shall annually select one of its members to serve as chairperson.

113.4.5 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

113.4.6 Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

113.4.7 Compensation of members. Compensation of members shall be determined by law.

113.4.8 Legal counsel. The jurisdiction shall make available legal counsel to the board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction’s expense in all matters arising from service within the scope of their duties.

113.5 Notice of meeting. The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings.

113.5.1 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant’s representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

113.5.2 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
113.5.3 Postponed hearing. When five members are not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.

113.6 Board decision. The board shall affirm, modify or reverse the decision of the code official by affirmative votes of the majority present, but not less than three affirmative votes shall be required to pass the motion for the decision.

113.6.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

113.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

(Ord. 10-2016 § 2 (part), 2016).

13.05.065 Amendments to Chapter 1, Section 114, Violations.
Chapter 1 of the International Building Code, 2015 Edition, is hereby amended as follows:

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The building official, or his designee, is authorized to serve a notice of violation or order on the property owner and other person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the unlawful activity, action or condition and the abatement of the violation. Such notice and order shall be in accordance with the provisions of YCC 13.25.015.

114.3 Prosecution of violation. If the notice of violation is not complied with within the time stipulated in the notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Any person, firm or corporation failing to comply with a notice of a violation or order to comply served in accordance with Section 114.2 shall be subject to issuance of a misdemeanor citation and/or civil infraction as provided in YCC Chapter 13.25. If the notice of a violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. All costs to the County of any action taken by the County on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive or order of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law and as provided in YCC 13.25.015. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 10-2016 § 2 (part), 2016).
13.05.070 Amendments to Chapter 4, Special Use and Occupancy.
Chapter 4 of the International Building Code, 2015 Edition, is amended by addition of Section 427 as follows:

Section 427.1 General

427.1.1 Purpose. The purpose of this section is to establish minimum standards of safety for the construction and use of controlled atmosphere storage buildings.

427.1.2 Scope. The provisions of Section 427 shall apply to buildings or structures defined herein as controlled atmosphere storage buildings and shall supersede other similar requirements in other chapters of the code.

427.1.3 Definitions. For the purpose of this chapter, certain terms are defined as follows:

CONTROLLED ATMOSPHERE STORAGE BUILDING is a building used solely for storage of agricultural products in refrigerated rooms where the room atmosphere is maintained at an oxygen content not exceeding 14% with the remainder being nitrogen, carbon dioxide or similar gas which will not support combustion.

427.1.4 Applicability of other provisions. Except as required by this chapter, controlled atmosphere storage buildings shall meet all provisions of this code applicable to buildings classified as Group S, Division 2 occupancies.

427.2 Automatic Fire-Extinguishing Systems

427.2.1 Automatic fire-extinguishing systems required by Section 903 need not be provided when the controlled atmosphere storage building complies with the allowable floor area provisions of Section 506 or Section 507.

427.3 Means of Egress

427.3.1 Maximum allowable occupant load for a controlled atmosphere storage building shall be 9.

427.3.2 The maximum distance of travel from any point within the controlled atmosphere building to an exterior exit door, horizontal exit, exit passageway, or an enclosed stairway shall not exceed 300 feet (91,500 mm) unless otherwise allowed by this section. The maximum travel distance may be increased in accordance with the following:

1. In a controlled atmosphere storage building equipped with an automatic sprinkler system throughout, the maximum travel distance may be 450 feet (137,250 mm).

427.3.3 Exit doors serving controlled atmosphere storage buildings and rooms and spaces within such buildings need not comply with the requirements of Section 1008 when building operations are conducted in accordance with the following:

1. When the building or portions of the building, are occupied and contain a normal outdoor atmosphere, doors giving access to the building or such portions of the building shall remain open.

427.4 Smoke and Heat Removal

427.4.1 Controlled atmosphere storage buildings need not comply with the requirements of Section 910.

427.5 Standpipes
427.5.1 Controlled atmosphere storage buildings need not comply with the requirements of Section 905.

(Ord. 10-2016 § 2 (part), 2016).

13.05.080 Amendment to Chapter 16, Section 1608, Snow Loads.
Section 1608.2 of the International Building Code, 2015 Edition, is amended as follows:

1608.2 Ground snow loads. The ground snow loads to be used in determining the design snow loads for roofs shall be determined in accordance with ASCE 7 or Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated “CS” in Figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved by the building official. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). The Structural Engineers Association of Washington has conducted and published a case study (CS) for Washington State. This case study, titled “Snow Load Analysis for Washington”, may be used to establish the ground snow load in all areas of Yakima County in lieu of a site specific case study. Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

(Ord. 10-2016 § 2 (part), 2016).

13.05.090 Amendment to Chapter 16, Section 1612, Flood Loads.
Section 1612 of the International Building Code, 2015 Edition, is amended as follows:

SECTION 1612
FLOOD LOADS

1612.1 General. Within flood hazard areas as established in Section 1612.3, all new construction of buildings, structures and portions of buildings and structures, including substantial improvements and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads and shall be anchored to prevent flotation, collapse, or lateral movement of the structure. For buildings that are located in more than one flood hazard area, the provisions associated with the most restrictive flood hazard area shall apply.

All new construction and any improvements or additions to an existing floodproofed structure that would extend beyond the existing floodproofing located within 100 feet of a floodway or ordinary high water mark, if no floodway has been established, shall also meet the requirements of Yakima County Code 16A.05.28.010 and 020; Yakima County Code 16C.05.28.010 and 020, and YCC 16D.05.28.010 and 020.

1612.2 Definitions. The following terms are defined in Chapter 2:

BASE FLOOD.
BASE FLOOD ELEVATION. BASEMENT.
DESIGN FLOOD.
DESIGN FLOOD ELEVATION.
DRY FLOODPROOFING.
EXISTING CONSTRUCTION.
EXISTING STRUCTURE.

FLOOD or FLOODING.

FLOOD DAMAGE-RESISTANT MATERIALS.

FLOOD HAZARD AREA.

FLOOD HAZARD AREA SUBJECT TO HIGH VELOCITY WAVE ACTION.

FLOOD INSURANCE RATE MAP (FIRM).

FLOOD INSURANCE STUDY.

FLOODWAY.

LOWEST FLOOR.

SPECIAL FLOOD HAZARD AREA

START OF CONSTRUCTION.

1612.2.1 Definitions. The following words and terms shall, for the purposes of this section, have the meanings shown herein.

NEW CONSTRUCTION. The term “new construction” refers to structures for which the “start of construction” commenced on or after June 5, 1985, the effective date of Yakima County adoption of regulations governing development and construction in flood hazard areas.

STRUCTURE. Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

(1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

(2) A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

(3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws.

For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the assessed value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA), in a scientific and engineering report entitled “The Flood Insurance Study for Yakima County, Washington and Incorporated Areas” dated November 18, 2009, and any revisions thereto, with an accompanying flood insurance rate map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of Chapters 13.05.010 through 13.05.170 and are established as flood hazard areas. The flood insurance study and maps are on file at the Yakima County Courthouse Building, Yakima, Washington. The best available information for flood hazard area identification as outlined in 16C.05.44.060 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under 16C.05.44.060.

1612.3.1 Design flood elevations.

Where design flood elevations are not included in the flood hazard areas established in Section 1612.3, or where floodways are not designated, the building official is authorized to require the applicant to:

1. Obtain and reasonably utilize any design flood elevation and floodway data available from a federal, state or other source; or

2. Determine the design flood elevation and/or floodway in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice.

1612.3.2 Determination of impacts.

In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed work will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction of the applicable governing authority.

1612.4 Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24.

1612.5 Flood hazard documentation. The following documentation shall be prepared and sealed by a registered design professional and submitted to the building official:

1. For construction in flood hazard areas not subject to high-velocity wave action:

1.1. The elevation of the lowest floor, including basement, as required by the lowest floor elevation inspection in Section 1010.3.3.
1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.6.2.1 ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.6.2.2, ASCE 24.

1.3. For dry floodproofed nonresidential buildings, construction documents shall include a statement that the dry floodproofing is designed in accordance with ASCE 24.

2. For construction in flood hazard areas subject to high-velocity wave action:

2.1. The elevation of the bottom of the lowest horizontal structural member as required by the lowest floor elevation inspection in Section 1010.3.3.

2.2. Construction documents shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.

2.3. For breakaway walls designed to resist a nominal load of less than 10 psf (0.48 kN/m2) or more than 20 psf (0.96 kN/m2), construction documents shall include a statement that the breakaway wall is designed in accordance with ASCE 24.

(Ord. 10-2016 § 2 (part), 2016).

13.05.100 (Reserved).

(Ord. 10-2016 § 2 (part), 2016).

13.05.110 (Reserved).

(Ord. 10-2016 § 2 (part), 2016).

13.05.120 (Reserved).

(Ord. 10-2016 § 2 (part), 2016).

13.05.130 (Reserved).

(Ord. 10-2016 § 2 (part), 2016).

13.05.135 Amendment to Appendix Chapter G, Flood-Resistant Construction, Section G105.1, General.

Section G105.1 of Appendix Chapter G of the International Building Code, 2015 Edition, is hereby amended as follows:

G105.1 General. The board of appeals established pursuant to Section 113 shall hear and decide requests for variances. The board of appeals shall base its determination on technical justifications, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of this appendix and Section 1612.

Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; that they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

(Ord. 10-2016 § 2 (part), 2016).
13.05.140 Amendment to Appendix Chapter G, Flood-Resistant Construction, Section G104.2, Application for Permit.

Section G104.2 of Appendix Chapter G of the International Building Code, 2015 Edition, is hereby amended with the addition of subsections G104.2.1 and G104.2.2 as follows:

G104.2.1 Action on application.

The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

G104.2.2 Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(Ord. 10-2016 § 2 (part), 2016).

13.05.150 Amendment to Appendix Chapter G, Flood-Resistant Construction, Section G501, Manufactured Homes.

Section G501 of Appendix Chapter G of the International Building Code, 2015 Edition, is hereby amended with the addition of subsection G501.6 as follows:

G501.6 Placement prohibited. The placement of new or replacement manufactured homes is prohibited in floodways under the provisions of RCW 86.16.041 and WAC 173-158-070. Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in floodways may be considered under the provisions of WAC 173-158-075. Repairs, reconstruction, replacement, or improvements to substantially damaged residential structures, other than farmhouses, located in floodways may be considered under the provisions of WAC 173-158-076.

(Ord. 10-2016 § 2 (part), 2016).

13.05.155 Amendment to Appendix Chapter J, Grading, Section J101.2, Flood Hazard Areas, and J102, Definitions.

Section J101.2 and Section J102 of Appendix Chapter J of the International Building Code, 2015 Edition, are hereby amended as follows:

J101.2 Flood hazard areas. The intent of this section is to permit grading in a floodway only if it is demonstrated that this activity will not adversely affect surrounding areas by increasing the base flood elevation. No permits for grading, excavation and earthwork construction, including fills and embankments, in floodways within flood hazard areas established in Section 1612.3 or in flood hazard areas where floodways have not been designated, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed work will not result in any increase in the level of the base flood, as required by Sections G103.5 and G401.1 of the International Building Code.

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
J102.1 Definitions. The following words, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the International Building Code for general definitions.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

CHANNEL. An open conduit, either naturally or artificially created, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

(Ord. 10-2016 § 2 (part), 2016).

13.05.160 Amendment to Appendix Chapter J, Grading, Section J103.2, Exemptions.

Section J103.2 of Appendix Chapter J of the International Building Code, 2015 Edition, is hereby amended as follows:

J103.2 Exemptions. A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.

2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure permitted under this code. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.

3. Cemetery graves
4. Refuse disposal sites permitted by other regulations

5. Excavations for wells, tunnels, or trenches for utilities

6. Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent property.

7. Exploratory excavations under the direction of a registered design professional.

8. An excavation which (1) is less than 3 feet (915 mm) in depth, or (2) which does not create a cut slope greater than 6 feet (1829 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).

9. A fill less than 2 foot (610 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 4 feet (1219 mm) in depth, not intended to support structures, which does not exceed 100 cubic yards (76.6 m³) on any one lot and does not obstruct or divert a drainage channel.

10. Test holes done under the provisions of an on-site sewage disposal permit application.

11. Grading, including roads, bridges and municipal construction, which is designed to WSDOT, APWA or FHWA standards and specification where such grading is subject to review and approval of a local government agency or a state or federal agency.

12. When approved by the Building Official, temporary grading work necessary to protect property.

13. Grading work, which (1) is not intended to support structures, and (2) is subject to permitting requirements of other regulations.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(Ord. 10-2016 § 2 (part), 2016).

13.05.170 Amendment to Appendix Chapter J, Grading.
Appendix Chapter J of the International Building Code, 2015 Edition, is hereby amended by the addition of Section J112 as follows:

Section J112 Hazards. Whenever the building official determines that any existing excavation or embankment or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, or obstructs or diverts a drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this code.

(Ord. 10-2016 § 2 (part), 2016).

13.05.180 Amendment to Appendix Chapter J, Grading.
Appendix Chapter J of the International Building Code, 2015 Edition, is hereby amended by the addition of Section J113 as follows:

Section J113 Grading Fees
J113.1 Plan Review Fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in amended Table A-33-A as established in YCC 13.24.030. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

J113.2 Grading Permit Fees. A fee for each grading permit shall be paid to the building official as set forth in amended Table A-33-B as established in 13.24.030. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities.

(Ord. 10-2016 § 2 (part), 2016).
Chapter 13.06

AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE

Sections:
13.06.010 Chapters 11 and 25 through 43 Not Adopted and Amendments Made to Other Chapters and Portions.
13.06.020 Adoption of Appendices.
13.06.025 Amendments to Chapter 1, Section R103, Department of Building Safety, Section R104.1, General, Section R104.8, Liability, and Section R105.2, Work Exempt from Permit.
13.06.030 Amendments to Chapter 1, Section R105.3.1.1, Substantially Improved or Substantially Damaged Existing Buildings in Areas Prone to Flooding.
13.06.035 Amendments to Chapter 1, Section R105.5, Expiration.
13.06.040 Amendments to Chapter 1, Section R108, Fees.
13.06.050 Amendments to Chapter 1, Section R112.1, General.
13.06.060 Amendments to Chapter 1, Section R112.2, Limitations on Authority.
13.06.065 Amendments to Chapter 1, Section R112.2, Limitations on Authority.
13.06.067 Amendments to Chapter 1, Section R113, Violations.
13.06.070 Amendments to Chapter 2, Definitions.
13.06.075 Amendments to Chapter 3, Table R301.2(1), Climatic and Geographic Design Criteria.
13.06.080 Amendments to Chapter 3, Subsection R322.1.7, Protection of Water Supply and Sanitary Sewage Systems.
13.06.085 Amendment to Chapter 3, Subsection R322.2.2.1, Installation of Openings.
13.06.090 (Reserved).
13.06.100 Amendments to Chapter 3, Subsection R322.2.3, Foundation Design and Construction.
13.06.110 Amendments to Chapter 4, Subsection R408.7, Flood Resistance.

13.06.010 Chapters 11 and 25 through 43 Not Adopted and Amendments Made to Other Chapters and Portions.
Pursuant to WAC 51-51-003, Chapters 11 and 25 through 43 of the 2015 Edition of the International Residential Code are not adopted. The amendments, additions and deletions, and Appendices F, Q, U and V contained in WAC 51-51 are hereby adopted and shall be part of this Title.

(Ord. 10-2016 § 2 (part), 2016).

13.06.020 Adoption of Appendices.
Pursuant to Section R102.5 of the International Residential Code, 2015 Edition, Appendix H is adopted as part of the code and Appendix J is adopted as part of the code.

(Ord. 10-2016 § 2 (part), 2016).

13.06.025 Amendments to Chapter 1, Section R103, Department of Building Safety, Section R104.1, General, Section R104.8, Liability, and Section R105.2, Work Exempt from Permit.
Section R103, Section R104.1, Section R104.8, and Section R105.2 of the International Residential Code, 2015 Edition, are hereby amended as follows:

Section R103, Creation of enforcement agency.

R103.1 Creation of enforcement agency. There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official. The building and fire safety division of the public services department shall function as the enforcement agency.

R103.2 Deleted. See YCC 13.04.010.

R103.3. Deputies. In accordance with prescribed procedures of the jurisdiction and with the approval of the appointing authority, the building official shall have the authority to appoint a
deputy building official, the related technical officers, inspectors, plans examiners and other employees. Such employees shall have powers as delegated by the building official.

R104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer. The building official shall have the authority to render interpretations of this code and to adopt and enforce rules, policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. Such interpretations, policies and procedures adopted by the building official as authorized in this code shall become part of Chapter 1, Administration, and shall be applied in conjunction with the provisions of Chapter 1.

R104.8 Liability. The building official, officer or employee charged with the enforcement of this code, while acting in the discharge of their official duties, shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required, or permitted, or in the scope of their official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the code enforcement agency, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. Non-habitable, one-story, detached, unheated residential accessory structures on the same lot with a Group R-3 occupancy (house) used as tool and storage sheds, playhouses, pump houses, or woodsheds, provided the building area, or horizontal projected roof area, whichever is greater, does not exceed 200 square feet (18.58 m²), and the highest point of the roof does not exceed 12 feet (3.660 m) above lowest adjacent grade. In addition, in order to qualify as being exempt from permitting requirements, the structure must meet all of the following conditions:

   • The structure shall not have a basement or crawl space that provides greater than 18 inches clearance below floor joists to the lowest part of the basement or crawlspace

   • The structure shall not be located in an area designated as a “critical area” or “shoreline area” by state or local regulation

   • The structure shall not be located in a flood plain or floodway mapped by FEMA.

   • The structure is not located in a Moderate, High, or Extreme Wildland Urban Interface risk zone.

   • The combined area of residential accessory structures exempt from permitting requirements of R105 on any one lot shall not exceed 200 square feet. Additional residential accessory structures may be built by obtaining permits for them.
• The structure shall not be used, or intended to be used, for living, sleeping, or cooking

• The structure shall not be used as a carport or garage for the storage of automobiles, tractors, motor homes, recreational vehicles or similar motorized vehicles. Note: lawn mowers, garden tillers, and other small motorized lawn and garden care equipment may be stored

• The structure shall not be used for storage of agricultural products, farm equipment, or animal shelters

• The structure is not used, or intended to be used, as a place of business

• The structure shall not be equipped with any plumbing system

• The structure shall not be equipped with any mechanical system

• The structure is not used for storage of hazardous materials in excess of the amounts listed in the Fire Code. (maximum allowable quantity per control area of hazardous materials posing a physical hazard, and maximum allowable quantity per control area of hazardous materials posing a health hazard).

Structures that do not meet the above parameters and conditions are not exempt from the permitting requirements of R105 and it is required that permits must be obtained prior to commencing construction.

2. Fences not over 7 feet (2134 mm) high.

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

5. Sidewalks, platforms, decks without roof covers, ramps, and driveways not more than 30 inches (762mm) above adjacent grade and not over any basement or story below.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

8. Swings and other playground equipment accessory to a one or two-family dwelling.

9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

10. Decks that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

11. Replacement or repair of siding that is not required to be fire resistive, except for homes and multi-family housing located in wildfire hazard areas requiring a fire resistive roof.

12. Retrofitted insulation where no structural alterations are required.

13. Door and window replacement where no structural member is changed and the replacement does not involve a bedroom window.

14. Reroofing where replacement or repair of the roofing material conforms to the requirements of section R907, Reroofing, of this code, the roof is not required to be fire
resistive, and the residence or multi-family structure is not located in a wildfire hazard zone requiring a fire resistive roof.

Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the re-placement or rearrangement of valves, pipes or fixtures.

(Ord. 10-2016 § 2 (part), 2016).

13.06.030 Amendments to Chapter 1, Section R105.3.1.1, Substantially Improved or Substantially Damaged Existing Buildings in Areas Prone to Flooding.
Section R105.3.1.1 of the International Residential Code, 2015 Edition, is amended as follows:

R105.3.1.1 Substantially improved or substantially damaged existing buildings in areas prone to flooding. For applications for reconstruction, rehabilitation, addition, alteration, repair or
other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the assessed value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall require all existing portions of the entire building or structure meet the requirements of Section R322.

For the purpose of this determination, a substantial improvement shall mean any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the assessed value of the building or structure before the improvement or repair is started. Where the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include either of the following:

1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the building official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of an historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:

2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or

2.2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or

2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

(Ord. 10-2016 § 2 (part), 2016).

13.06.035 Amendments to Chapter 1, Section R105.5, Expiration.
Section R105.5 of the International Residential Code, 2015 Edition, is amended as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work is authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and provide justifiable cause, satisfactory to the building official, as to why the extension should be granted. All permits issued under this code shall expire 3 years after the date that the permit was issued if the work has not received an approved final inspection. In the instance where a permit expires 3 years after the issuance date due to not having an approved final inspection, an application for a new permit for the work shall be submitted, reviewed for compliance with applicable regulations then in effect, and when approved for issuance and all required fees have been paid, a new permit for the work will be issued.

(Ord. 10-2016 § 2 (part), 2016).
13.06.040 Amendments to Chapter 1, Section R108, Fees.
Section R108 of the International Residential Code, 2015 Edition, is amended as follows:

R108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each permit shall be as set forth in Amended Table 1-A as established in YCC 13.24.020.

R108.2.1 Plan Review Fees. When submittal documents are required to be submitted by Section R106, a plan review fee in addition to the permit fee shall be paid at the time of submitting submittal documents for plan review. Said plan review fee shall be SIXTY-FIVE (65) PERCENT of the building permit fee as shown in Amended Table 1-A.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section R108.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review, or when the project involves phased approvals as defined in Section R106.3.3, an additional plan review fee shall be charged at the rate shown in Amended Table 1-A.

R108.3 Building permit valuations. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official by reference to the “building valuation data” as published by the International Code Council. The value to be used in computing the building permit and building plan review fee shall be the total value of all construction work for which the permit is issued. The value or valuation to be used in calculating fees is calculated from the “building valuation data” published by the International Code Council by taking the value per square foot area for the occupancy group and construction type that matches the occupancy group and the construction type of the building for which a permit application has been submitted from the valuation table, and multiplying that value by the building area, as defined in IBC Section 202, to establish the valuation to be used in calculating the permit fee and the plan review fee as set forth in section R108.2 and R108.2.1.

R108.4 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

R108.5 Refunds. The building official is authorized to establish a refund policy.

R108.6 Work Commencing Before Permit Issuance. Any person who commences any work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the cost of enforcement to the jurisdiction. The minimum investigation fee shall be the same as the permit fee set forth in Amended Table 1-A. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

(Ord. 10-2016 § 2 (part), 2016).
13.06.050 Amendments to Chapter 1, Section R112.1, General.
Section R112.1 of the International Residential Code, 2015 Edition, is amended as follows:

R112.1 General. The board of appeals created in Section 113 of the International Building Code as amended in YCC 13.05.060 shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board shall follow the rules of procedure for conducting its business set forth in Section 113 of the International Building Code as amended in YCC 13.05.060, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

(Ord. 10-2016 § 2 (part), 2016).

13.06.060 Amendments to Chapter 1, Section R112.2, Limitations on Authority.
Section R112.2 of the International Residential Code, 2015 Edition, is amended by addition of the following:

R112.2.1 Determination of substantial improvement in areas prone to flooding. When the building official provides a finding required in Section R105.3.1.1, the board of appeals shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the assessed value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the building official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of an historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:

   2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or

   2.2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or

   2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

(Ord. 10-2016 § 2 (part), 2016).

13.06.065 Amendments to Chapter 1, Section R112.2, Limitations on Authority.
Section R112.2 of the International Residential Code, 2015 Edition, is amended by addition of the following:

R112.2.2 Criteria for issuance of a variance for areas prone to flooding. Variances are interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; that they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare. A variance shall be issued only upon:
1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards in Section R322 inappropriate.

2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

(Ord. 10-2016 § 2 (part), 2016).

13.06.067 Amendments to Chapter 1, Section R113, Violations.
Section R113 of the International Residential Code, 2015 Edition, is amended as follows:

R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

R113.2 Notice of violation. The building official, or his designee, is authorized to serve a notice of violation or order on the property owner and other person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the unlawful activity, action or condition and the abatement of the violation. Such notice and order shall be in accordance with the provisions of YCC 13.25.015.

R113.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

R113.3.1 Violation of a notice or order deemed a misdemeanor or infraction. Any person, firm or corporation failing to comply with a notice of a violation or order to comply served in accordance with Section R113.2 shall be subject to issuance of a misdemeanor citation and/or civil infraction as provided in YCC Chapter 13.25. If the notice of a violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. All costs to the County of any action taken by the County on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive or order of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law and as provided in YCC 13.25.015. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 10-2016 § 2 (part), 2016).

13.06.070 Amendments to Chapter 2, Definitions.
Certain terms in Chapter 2, Definitions, Section R202 of the International Residential Code, 2015 Edition, are amended by the amendment of “Accessory structure” and the addition of “Detached structure” and “Residential storage structure” as follows:

ACCESSORY STRUCTURE. A structure not greater than 3,000 square feet (279 m2) in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot. The term accessory structure shall not be taken to include structures meeting the definitions of “dwelling”, “dwelling unit”, “sleeping unit”, “rooming unit”, “habitable space”, “housekeeping unit”, or “intended to be occupied as a residence” as these terms are defined in the codes adopted in Yakima County Code Title 13.

DETACHED STRUCTURE Any structure that does not have a wall or roof in common with another structure and whose exterior walls are surrounded by yards extending from the exterior walls a distance of at least five feet.

RESIDENTIAL STORAGE STRUCTURE A structure that is intended solely for the storage of household goods, lawn and garden equipment, materials typically found in sufficient quantity for residential purposes, and other related goods and machinery intended solely for the use of the residents of the single-family property upon which it is located.

(Ord. 10-2016 § 2 (part), 2016).

13.06.075 Amendments to Chapter 3, Table R301.2(1), Climatic and Geographic Design Criteria.
Table R301.2(1), Climatic and Geographic Design Criteria of the International Residential Code, 2015 Edition, is amended as follows:

<table>
<thead>
<tr>
<th>GROUND SNOW LOAD (ft/lb/ft²)</th>
<th>WIND SPEED (mph)</th>
<th>SEISMIC DESIGN CATEGORY</th>
<th>SUBJECT TO DAMAGE FROM</th>
<th>WINTER DESIGN TEMP (°F)</th>
<th>ICE SHIELD UNDER-LAYMENT REQUIRED</th>
<th>FLOOD HAZARDS</th>
<th>AIR FREEZING INDEX</th>
<th>MEAN ANNUAL TEMP (°F)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Study</td>
<td>110 ULT 85 ASD</td>
<td>C, D0 and D1 are present</td>
<td>SEVERE</td>
<td>24”</td>
<td>Slight to Moderate</td>
<td>YES</td>
<td>See g(a) and (b)</td>
<td>1,000 – 2,000</td>
</tr>
</tbody>
</table>

For SI: 1 pound per square foot = 0.0479 kN/m², 1 mile per hour = 1.609 km/h.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., “negligible”, “moderate” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry...
units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter. Deviations from the temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.

(a) 1985

(b) The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA), in a scientific and engineering report entitled “The Flood Insurance Study for Yakima County, Washington and Incorporated Areas” dated November 18, 2009, and any revisions thereto, with an accompanying flood insurance rate map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of Chapters 13.05.010 through 13.05.170 and are established as flood hazard areas. The flood insurance study and maps are on file at the Yakima County Courthouse Building, Yakima, Washington. The best available information for flood hazard area identification as outlined in 16C.05.44.060 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under 16C.05.44.060.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, for areas where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES”. Otherwise, the jurisdiction shall fill in this part of the table with “NO”.

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

k. The Structural Engineers Association of Washington has conducted a case study (CS) for Washington State. This case study, titled “Snow Load Analysis for Washington”, may be used to establish the ground snowload in all areas of Yakima County in lieu of a site specific case study.

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

13.06.080 Amendments to Chapter 3, Subsection R322.1.7, Protection of Water Supply and Sanitary Sewage Systems.  
Subsection R322.1.7 of the International Residential Code, 2015 Edition, is amended as follows:

R322.1.7 Protection of water supply and sanitary sewage systems.

New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems in accordance with the plumbing provisions of this code as amended by Chapter 51-51 WAC. New and replacement sanitary sewage systems shall be designed in accordance with the provisions of Chapter 8, ASCE 24 to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.

(Ord. 10-2016 § 2 (part), 2016).

13.06.085 Amendment to Chapter 3, Subsection R322.2.2.1, Installation of Openings.  
Subsection R322.2.2.1 of the International Residential Code, 2015 Edition, is amended as follows:

R322.2.2.1.2 Enclosed area below design flood elevation and below grade on all sides.

The building official is authorized to approve the construction of enclosed areas, including crawl spaces for new construction and substantial improvements, that are below the design flood elevation, and that are below grade on all sides when it has been demonstrated to the building official’s satisfaction that the following criteria will be met:

1. The velocity of floodwaters at the site do not exceed 5 feet per second during the 100 year flood event.
2. The interior grade of the enclosed space below the design flood elevation is not more than 2 feet below the lowest adjacent exterior grade.
3. The height of the below grade enclosed space, measured from the lowest interior grade of the enclosed space to the highest point of the top of the foundation wall is not more than 4 feet.
4. There are provisions for a drainage system that will remove floodwaters from the interior of the enclosed space within a reasonable time after a flood event. Such provisions may be accomplished by natural drainage through porous, well drained soils, gravity flow drainage systems, mechanical drainage systems, or other system approved by the building official. Soils reports, design calculations, or other information adequate to substantiate the adequacy of the proposed drainage system shall be submitted to the building official for his review.
5. The enclosed space meets all of the requirements of R322.2.2.
6. The enclosed space meets the requirements of FEMA/FIA TB 11-1.

(Ord. 10-2016 § 2 (part), 2016).

13.06.090 (Reserved).  
(Ord. 10-2016 § 2 (part), 2016).

13.06.100 Amendments to Chapter 3, Subsection R322.2.3, Foundation Design and Construction.  
Subsection R322.2.3 of the International Residential Code, 2015 Edition, is amended by the addition of Subsection R322.2.3.1 as follows:
R322.2.3.1 Residential construction within 100 feet of a floodway or ordinary high water mark.

Residential construction within 100 feet of a floodway or ordinary high water mark, if no floodway has been established, shall also meet the requirements of Yakima County Code 16A.05.28.010 and 020, 16C.05.28.010 and 020 as applicable, or 16D.05.28.010 and 020 as applicable.

(Ord. 10-2016 § 2 (part), 2016).

13.06.110 Amendments to Chapter 4, Subsection R408.7, Flood Resistance. Subsection R408.7 of the International Residential Code, 2015 Edition, is amended as follows:

R408.7 Flood resistance.

For buildings located in flood hazard areas as established in Table R301.2(1):

1. Walls enclosing the under-floor space shall be provided with flood openings in accordance with Section R322.2.2.

2. The finished ground level of the under-floor space shall be equal to or higher than the outside finished ground level on at least one side.

Exception: Under-floor spaces that meet the requirements of FEMA/FIA TB 11-1 and R322.2.2.1 as amended in YCC13.06.085.

(Ord. 10-2016 § 2 (part), 2016).
# Chapter 16.04

**STATE ENVIRONMENTAL POLICY ACT**

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Article I. General Provisions

16.04.010 Authority.
The County of Yakima adopts the ordinance codified in this Chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904. This Chapter contains this County’s SEPA procedures and policies and implements the purposes and policies of SEPA pursuant to RCW 43.21C.010 and 43.21C.020, which are adopted by reference. The ordinance codified in this Chapter also adopts the statewide SEPA rules by reference. The SEPA rules, WAC Chapter 197-11, as identified in the following Section 16.04.020, must be used in conjunction with this Chapter.


This Chapter applies to proposals by the County and to County review of, or decisions on, proposals by public or private applicants or other governmental entities. The County adopts the state SEPA rules, Chapter 197-11 WAC as may be amended, by reference, as supplemented by additional or more specific provisions contained in this Chapter and Title 16B, Project Permit Administration. This Chapter must be implemented in conjunction with Title 16B, Project Permit Administration.


16.04.030 Reserved.

16.04.040 Additional Definitions.
In addition to those definitions contained within WAC 197-11-700 when used in this Chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) “County” means the municipal corporation of Yakima County, Washington.

(2) “Department” means any division, subdivision or organizational unit of the County established by ordinance, rule, or order.

(3) “Early notice” means the County’s written response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (Mitigated Determination of Nonsignificance (DNS) procedures).

(4) “Ordinance” means the ordinance, resolution, or other procedure used by the County to adopt regulatory requirements.


(6) “Planning Division” means the Yakima County Planning Division of the Public Services Department.

(7) “Procedural determination” as used in 43.21C.075 RCW, this Chapter and YCC Title 16B means the County’s decision concerning the adequacy of a determination of significance/non-significance or of a final environmental impact statement.

(8) “Substantive determination” as used in 43.21C.075 RCW, this Chapter and YCC Title 16B means any decision to require particular mitigation measures or to deny a proposal based on this Chapter.

16.04.050 Designation of Responsible Official.
(1) For those proposals for which the County is the lead agency, the Responsible Official shall be the Yakima County Director of Planning or his designee.

(2) For all proposals for which the County is the lead agency, the Responsible Official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the “lead agency” or “Responsible Official” by those sections of the SEPA rules that were adopted by reference.

(3) For those proposals requiring the specialized expertise of more than one County department, the Responsible Official may request information necessary to discharge his responsibilities under this Chapter from those other departments. Such information as can be reasonably supplied by those departments shall be transmitted to the Responsible Official in a timely manner.


16.04.060 Lead Agency Determination and Responsibilities.
(1) The Planning Division of the Public Services Department shall be the lead agency within the County receiving an application for or initiating a proposal that involves a nonexempt action under WAC 197-11-050, 197-11-253 and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the Responsible Official is aware that another outside agency is in the process of determining the lead agency.

(2) When the County is the lead agency for a proposal, the department receiving the application shall refer the matter to the Responsible Official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

(3) When the County is not the lead agency for a proposal, all departments of the County shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No County department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the County may conduct supplemental environmental review under WAC 197-11-600.

(4) If the County or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of the SEPA Rules and supplemental provisions adopted in this Chapter, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the County must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the County shall be initiated by the Responsible Official.

(5) The Responsible Official is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the Responsible Official and any department that will incur responsibilities as the result of such agreement approve the agreement.

(6) The Responsible Official shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.

(7) When the County is lead agency for a MTCA remedial action, the Department of Ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the County shall decide jointly with Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.


16.04.065 Reserved.
16.04.070  Reserved.

16.04.080  Additional Timing Considerations.
(1) For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the County’s staff recommendation to the Planning Commission, Hearing Examiner or similar decision body.

(2) If the County’s only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the County conduct environmental review prior to submission of the detailed plans and specifications and the Responsible Official may agree to such request; provided, that adequate information must be furnished to the Responsible Official pursuant to the SEPA rules and supplemental provisions of this Chapter to allow a threshold determination to be made.

(3) The optional DNS process in WAC 197-11-355 may be used to indicate on a notice of application that the lead agency is likely to issue a DNS. If this optional process is used, a separate comment period on the DNS may not be required if the Responsible Official determines that a separate comment period is unnecessary.


16.04.085  Reserved.
(Ord. 4-2012 § 2 (Exh. A) (part), 2012: Ord. 5-1996 § 3, 1996).

16.04.087  Reserved.

Article II. Categorical Exemptions and Threshold Determinations

16.04.090  Reserved.

16.04.100  Flexible Thresholds for Categorical Exemptions.
Yakima County establishes the following exempt levels for minor new construction under WAC 197-11-800(1) (b and c) based on local conditions, except when undertaken wholly or partly on lands covered by water as defined by WAC 197-11-756:

(1) For the construction or location of any residential structures in WAC 197-11-800(1)(b)(i):
   (a) A maximum of twenty (20) residential dwelling units within Urban Growth Areas;
   (b) A maximum of twenty (20) residential dwelling units outside Urban Growth Areas;
   (c) This residential structures exemption shall apply only to the construction or location of dwelling units and not to minor land use decisions concerning the division of land established by SEPA rule.

(2) For the construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure and to be used only by the property owner or his or her agent in the conduct of farming the property in WAC 197-11-800(1)(b)(ii):
   (a) A maximum of 30,000 square feet for projects located within Urban Growth Areas.
   (b) A maximum of 30,000 square feet for projects outside Urban Growth Areas.
   (c) This exemption shall not apply to feed lots as provided in WAC 197-11-800(1)(b)(ii).

(3) For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii):
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

(a) A maximum of 12,000 square feet of gross floor area, and with associated parking facilities designed for a maximum of forty (40) automobiles for projects located in all Zoning Districts within Urban Growth Areas.

(b) A maximum of 12,000 square feet gross floor area, and with associated parking facilities designed for a maximum of forty (40) automobiles for projects located in all Zoning Districts outside Urban Growth Areas.

(4) For the construction of parking lots in WAC 197-11-800(1)(b)(iv) designed for a maximum of forty (40) automobiles for projects located in all Zoning Districts both within and outside Urban Growth Areas.

(5) For landfills and excavations in WAC 197-11-800(1)(b)(11): A maximum of 500 cubic yards throughout the total lifetime of the fill or excavation in all Zoning Districts both within and outside Urban Growth Areas.

16.04.105 Categorical Exemptions for Nonproject Proposals.
The following non-project actions are categorically exempt from RCW 43.21C:

(1) Amendments to development regulations that:

(a) Are required to ensure consistency with:

(i) RCW 36.70A (The Growth Management Act), where the comprehensive plan was previously subjected to environmental review and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(ii) 90.58, the Shoreline Management Act where the Shoreline Master Program was previously subjected to environmental review and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(iii) Minimum standards of technical codes, including:

(A) Building codes required by 19.27 RCW;

(B) Energy codes required by 19.27A RCW; and

(C) Electrical codes required by 19.28 RCW;

(b) Upon implementation of a project action, will provide increased environmental protection as limited by statute.


16.04.110 Use of Exemptions.

(1) Upon receipt of a proposal, the Responsible Official shall determine whether the proposal is categorically exempt. This determination shall be made based on applicable SEPA provisions, including but not limited to the definition of action (WAC 197-11-704), the process for determining categorical exemption (WAC 197-11-305), and any designation of environmentally sensitive or critical areas. The Responsible Official’s determination that a proposal is exempt shall be final and not subject to administrative appeal or review. If a proposal is exempt, none of the procedural requirements of this Chapter apply to the proposal. An action that is exempt may not be conditioned or denied under this Chapter. The County shall not require completion of an environmental checklist for an exempt proposal.

(2) In determining whether or not a proposal is exempt, the Responsible Official shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and non-exempt actions, the Responsible Official shall determine the lead agency, even if the license application that triggers the department’s consideration is exempt.
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(3) If a proposal includes both exempt and non exempt actions, the Responsible Official may authorize exempt actions prior to compliance with the procedural requirements of this Chapter, except that:

The Responsible Official shall not give authorization under this Subsection for:

(a) Any nonexempt action;

(b) Any action that would have an adverse environmental impact;

(c) Any action that would limit the choice of alternative(s).

(4) The Responsible Official may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved.

(5) The Responsible Official may withhold approval of an exempt action that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.


16.04.120 Environmental Checklist.

(1) Except as provided in Subsection (5) below, a completed environmental checklist substantially in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempt in this Chapter; except, a checklist is not needed if the County and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The Responsible Official shall use the environmental checklist to determine whether the County should be the lead agency and, if the County is the lead agency, for making the threshold determination.

(2) For private proposals, the County will require the applicant to complete the environmental checklist, providing assistance as the County determines necessary. For County proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

(3) The County may require that it or a consultant of its own choosing in consultation with the applicant, and not the private applicant, will complete all or part of the environmental checklist for a private proposal if the County has technical information on a question or questions that is unavailable to the private applicant, or the applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

(4) For all proposals for which the County is the lead agency, the Responsible Official of the County shall make the threshold determination pursuant to the criteria and procedures of WAC 197-11-310 through 340, subject to the appeal procedures of Section 16.04.240 of this Chapter and YCC Title 16B.06.070.

(5) For projects submitted as planned actions under WAC 197-11-164, the County shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with, or as part of, a planned action ordinance or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a thirty-day review prior to use.


16.04.130 Reserved.


Article III. Environmental Impact Statement (EIS)

16.04.140 Reserved.


The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
16.04.150 Preparation of EIS – Additional Considerations.
(1) Preparation of draft and final EIS (DEIS and FEIS) and draft and final supplemental EIS (SEIS) is the responsibility of the Yakima County Planning Division under the direction of the Responsible Official. Before the County issues an EIS, the Responsible Official shall be satisfied that it complies with this Chapter and WAC Chapter 197-11.

(2) The Responsible Official shall determine whether the DEIS and FEIS and draft and final SEIS shall be prepared by County staff, the applicant, or by consultant. If the Responsible Official requires an EIS for a proposal and determines that someone other than the County will prepare the EIS, the Responsible Official shall notify the applicant immediately after completion of the threshold determination. The Responsible Official shall also notify the applicant of the County’s procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

(3) The County may require an applicant to provide information the County does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this Chapter or that is being requested from another agency. (This does not apply to information the County may request under another ordinance or statute.)

(4) In the event that an EIS is to be prepared by a private applicant or a consultant retained by the private applicant, the Responsible Official shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The Responsible Official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.


16.04.160 Reserved.

Article IV. Commenting

16.04.170 Reserved.

(1) Whenever possible, the County shall integrate the public notices required under SEPA with existing notification procedures established in YCC Title 16B.05 and 16B.06 for the County’s non-exempt permit(s) or approval(s) required of the proposal (See YCC 16B.05 – Table 5-1).

(2) The applicant shall be responsible for the following costs of providing public notice:
   (a) Postage fees;
   (b) Publication fees;
   (c) Photocopies and printing costs; and
   (d) Documented staff time involved in preparing, sending and implementing notice procedures.


16.04.190 Designation of Official to Perform Consulted Agency Responsibilities for the County.
(1) The Responsible Official shall be responsible for preparation of written comments for the County in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

(2) The Responsible Official shall be responsible for the County’s compliance with WAC 197-11-550 whenever the County is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the County.
Article V. Using Existing Environmental Documents

16.04.200 Reserved.

16.04.210 SEPA Public Information.
(1) Information and documents relating to SEPA activities for Yakima County shall be retained at the following location:

Yakima County Planning Division
128 N. 2nd Street Fourth Floor, County Courthouse
Yakima, WA 98901
Telephone: (509) 574-2300

(2) The County shall retain all documents required by the SEPA rules (WAC Chapter 197-11) and make them available in accordance with RCW Chapter 42.17.


Article VI. SEPA and Agency Decisions

16.04.220 Reserved.

16.04.230 Substantive Authority.
(1) The policies and goals set forth in this Chapter are supplementary to those in the existing authorization of Yakima County and as provided in RCW 43.21C.060.

(2) The County may attach conditions to a permit or approval for a proposal so long as:

(a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this Chapter; and

(b) Such conditions are in writing; and

(c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

(d) The County has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

(e) Such conditions are based on one or more policies in Subsections 4 and 5 of this Section and cited in the license or other decision document.

(3) The County may deny a permit or proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environment impacts that are identified in a FEIS or final SEIS prepared pursuant to this Chapter; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in Subsections 4 and 5 of this Section and identified in writing in the decision document.
(4) The County designates and adopts by reference the following policies as the basis for the County’s exercise of authority pursuant to this Section.

(a) The County adopts by reference the general policies of the State Environmental Policy Act as set forth in RCW 43.21C.010 and RCW 43.21C.020 in order to achieve the environmental goals of the community.

(b) The County adopts by reference the goals, policies and objectives in the following County plans, codes, ordinances, and resolutions as they now exist or are hereafter amended or supplemented, as authorized by RCW 43.21C.060:

(i) The Yakima County Comprehensive Plan, with amendments and Supplements thereto;

(ii) Yakima County-wide Planning Policy (Reso. 553-2003), with related Interlocal Agreements for Growth Management Act Implementation in Yakima County;

(iii) Yakima Urban Area Comprehensive Plan, with amendments and supplements thereto:
1. West Valley Neighborhood Plan;
2. Terrace Heights Neighborhood Plan;

(iv) Yakima County Regional Shoreline Master Program:
1. YCC Title 16D;
2. WAC 173 Chapters 18-27 (Shoreline Management);

(v) YCC Title 2 Administration and Personnel:
1. Chapter 2.16, Planning Commission and Department;
2. Chapter 2.23, Hearing Examiner;

(vi) YCC Title 5 Business Licenses and Regulations;

(vii) YCC Title 6 Health, Welfare and Sanitation;

(viii) YCC Title 8 Public Peace, Safety and Morals;

(ix) YCC Title 9 Vehicles and Traffic;

(x) YCC Title 10 Roads, Highways and Bridges;

(xi) YCC Title 11 Parks;

(xii) YCC Title 12 Water and Sewer;

(xiii) YCC Title 13 Building and Construction;

(xiv) Zoning with amendments and Supplements thereto:
1. YCC Title 19 - Unified Land Development Code;

(xv) YCC Title 16 Environment:
1. Chapter 16.04 State Environmental Policy Act;
2. Chapter 16.16 Reclamation Program;

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(xvi) Critical Areas and Flood Hazard Regulations:

1. YCC Title 16A;
2. YCC Title 16C;

(xvii) YCC Title 16B Project Permit Administration;

(xviii) YCC Title 17 Urban Area Growth Policy;

(xix) YCC Title 20 Yakima County Fee Schedule;

(xx) Agreement for Wastewater Treatment and Disposal Service, as amended;

(xxi) Greenway Master Plan;

(xxii) Comprehensive Flood Hazard Master Plans (CFHMP), with amendments and Supplements thereto:

1. Upper Yakima CFHMP;
2. Naches River CFHMP;
3. Ahtanum – Wide Hollow CFHMP;

(xxiii) Yakima County Solid Waste Master Plan, with amendments and supplements thereto;

(xxiv) Yakima County Capital Facilities Plan, with amendments and supplements thereto;

(xxv) Yakima Air Terminal Airport Master Plan, with amendments and supplements thereto.

(5) The County adopts the following policies to support its substantive authority under SEPA:

(a) A single development or land use though otherwise consistent with zoning and other County policies may create adverse impacts upon facilities and services, natural systems or the surrounding area when aggregated with the impacts of prior or other proposed development. It is the policy of the County to analyze such cumulative environmental impacts and condition or deny proposals to minimize or prevent adverse impacts in accordance with other provisions of this Chapter;

(b) In assessing the environmental impacts of a proposal and in determining the need for conditioning or denying a proposal in accordance with other provisions of this Chapter, the Responsible Official shall utilize SEPA, all policies, guidelines and regulations adopted pursuant to SEPA, federal, state and regional environmental quality standards, and the legislative enactments of the County, both specific and general, now in effect or enacted in the future;

(c) The County reserves the right to impose specific conditions upon any action or to deny action in conformance with the policies stated in this Chapter, so as to mitigate or prevent adverse environmental impacts.


16.04.240 SEPA Appeals.
Administrative SEPA appeals shall be heard by the Hearing Examiner at an open record public hearing as specified by YCC Section 16B.06.070, Project Permit Administration – Appeals of SEPA Determinations.

16.04.250 Notice/Statute of Limitations.

(1) The County, applicant for, or proponent of an action may publish a Notice of Action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the County Auditor, applicant or proponent pursuant to RCW 43.21C.080.


16.04.260 Reserved.


Article VII. Agency Compliance

16.04.270 Reserved.


16.04.280 Fees.

The County shall require fees for activities in accordance with this Chapter as set forth in YCC Title 20, as may be amended or adjusted hereafter.

(1) Threshold Determination. For every environmental checklist the County will review when it is lead agency, the County shall collect a fee established in YCC Title 20 from the proponent of the proposal prior to undertaking the threshold determination. The County may require a contractual agreement to pay fees for the review of major applications, Mitigated DNS or EIS as specified in Title 20. Failure to pay fees or deposits will result in termination or suspension of further project review.

(2) Environmental Impact Statement.

(a) When the County is the lead agency for a proposal requiring an EIS and the Responsible Official determines that the EIS shall be prepared by employees of the County, the County may charge and collect a reasonable fee from any applicant to cover costs incurred by the County in processing the EIS.

(b) The Responsible Official may determine that the County will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the County and may bill such costs and expenses directly to the applicant. The County may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the County and applicant.

(c) If a proposal is modified so that an EIS is no longer required, the Responsible Official shall refund any fees collected under subdivision (2)(a) or (b) of this Subsection which remain after incurred costs are paid.

(3) The applicant shall be responsible for the cost of meeting the public notice requirements of this chapter relating to the applicant’s proposal, as provided in Section 16.04.180(2).


16.04.290 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of this Chapter, or the application of the provision to other persons or circumstances, shall not be affected.


Article VIII. Forms

16.04.300 Adoption by Reference.

The County adopts the following forms and sections by reference:
WAC

197-11-960 Environmental Checklist.

197-11-965 Adoption notice.

197-11-970 Determination of Nonsignificance (DNS).

197-11-980 Determination of Significance and scoping notice (DS).

197-11-985 Notice of Assumption of lead agency status.

197-11-990 Notice of Action.

Chapter 16A.01 GENERAL PROVISIONS

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16A.01.09 Formal Letter of Exemption.
16A.01.10 Emergency Actions.
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16A.01.01 Title and Authority.
Title 16A is established pursuant to RCW 36.70A.060 (Growth Management Act), RCW Chapter 90.58 (Shoreline Management Act), RCW Chapter 13.87 (State Environmental Policy Act), and federal requirements for eligibility in the National Flood Insurance Program, pursuant to the Code of Federal Regulations (CFR). This title shall be known as the “Critical Areas Ordinance of Yakima County, Washington.”

(Ord. 8-1995 §1 (1.01), 1995).

16A.01.02 Language Interpretation.
Unless specifically defined in Chapter 16A.02, words, phrases and terms in this title shall be interpreted so as to give them the meaning they have in common usage and to give this title its most reasonable application. “Shall” is mandatory; “may” is discretionary and does not impose a requirement; “should” is always advisory; “include(s)” means includes but not limited to. 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.

(Ord. 8-1995 §1 (1.02), 1995).

16A.01.03 Purpose of Provisions.
The purpose of Title 16A is to establish a single, uniform system of procedures and standards to be applied to development within designated critical areas of unincorporated Yakima County.

(Ord. 8-1995 §1 (1.03), 1995).

16A.01.04 Intent.
Title 16A establishes policies, standards, and other provisions pertaining to development of designated critical areas. Stream corridors, flood hazard areas, water resource and wetland areas, and wildlife habitat areas constitute part of Yakima County’s critical areas. These areas are of special concern to the people of Yakima County and the state of Washington because they are environmentally sensitive lands which comprise an important part of the county’s natural resource base. The policies, standards, and procedures of this title are intended to:

(1) Preserve development options within designated critical areas where such development will not adversely impact critical area values and functions, particularly the functional properties of stream corridors and other hydrologically related critical areas;

(2) Preclude uses and development which are incompatible with critical areas;

(3) Prevent further degradation of critical areas;
(4) Conserve, protect and, where feasible, restore essential or important natural resources.

(5) Protect the public health, safety and general welfare;

(6) Further the goals and objectives of the Yakima County Comprehensive Plan and all of its elements;

(7) Implement the goals and requirements of the Washington Growth Management Act (RCW Chapter 36.70A), the Shoreline Management Act (RCW Chapter 90.58), and the National Flood Insurance Program.

(Ord. 8-1995 §1 (1.04), 1995).

16A.01.05 Applicability.

(1) The provisions of this title shall apply to any new development, construction or use within the unincorporated portion of Yakima County designated as a critical area by the board of county commissioners and upon any shoreline of the state as specified in Chapter 173-18 WAC, and upon any land mapped as a flood hazard area under the National Flood Insurance Program.

(2) The Yakima County Unified Development Code (YCC Title 19) shall remain in full force and effect as it applies to a designated critical area. Wherever the requirements of Title 16A are at variance with the requirements of Title 19 or any other lawfully adopted rules or regulations, the most restrictive standards shall govern.

(Res. 80-2016 (Exh. A) (part), 2016; Ord. 8-1995 §1 (1.05), 1995).

16A.01.06 Exemptions from Critical Area Development Authorization.

The following development activities shall not require a critical area development authorization under Chapters 16A.03 and 16A.04; however, development is subject to the provisions of Chapters 16A.05.20 through 16A.05.72 if located within an area of special flood hazard.

(1) Development and construction for which the total cost or fair market value is two thousand five hundred dollars or less, provided such development and construction does not involve excavation, fill, or other work which is not consistent with the functional properties of stream corridors and other hydrologically related critical areas as set forth in Section 16A.04.02 of this title, and provided such development and construction does not materially interfere with the public use of the water or the shorelines of the state.

(2) Construction or practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, and/or alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A “feedlot” shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(3) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. “Normal maintenance” includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. “Normal repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment;

(4) Emergency construction necessary to protect property from damage by the elements, in accordance with Section 16A.01.10 of this chapter;

(5) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single-family residence, for which the cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars;
(6) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with the normal public use of the surface of the water; site investigative work such as surveys, soil logs, percolation tests and other related activities;

(7) The operation, maintenance or construction of canals, waterways, drains, reservoirs, or other manmade facilities that now exist or are hereinafter created or developed as a part of an irrigation system;

(8) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of the 1975 Amendatory Act of the Shoreline Management Act which were created, developed, or utilized primarily as a part of an agricultural drainage and diking system;

(9) Construction or modification of navigational aids such as channel markers and anchor buoys;

(10) Maintenance of aboveground utility transmission lines and poles;

(11) Those activities under the regulation of the Forest Practices Act on which the county cannot condition a Forest Practices Application;

(12) Any streamside management project associated with a single-family residence or agricultural activity including residential landscaping, designed to achieve, through the use of natural vegetation and/or bioengineering alternatives, the functional properties outlined in Section 16A.04.02 and carried out in conformance with a conservation plan or design developed through a Yakima County Conservation District, or by a qualified professional certified to develop such plans or designs according to best management practices.

(Ord. 8-1995 §1 (1.06), 1995).

16A.01.07 Exemptions—RCW Chapter 90.58—Procedural requirements.
The following development activities are not subject to the procedural requirements of RCW 90.58.140 (Shoreline Substantial Development Permit) and Section 16A.03.09(5) of this title but are subject to all other provisions of this title.

(1) Construction by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this title;

(2) Construction of the normal protective bulkhead common to single-family residences.

(Ord. 8-1995 §1 (1.07), 1995).

16A.01.08 Exemptions—Construed Narrowly.
Exemptions shall be construed narrowly and any exempted development shall be consistent with the policies and provisions of the State Shoreline Management Act and this title.

(Ord. 8-1995 §1 (1.08), 1995).

16A.01.09 Formal Letter of Exemption.
A formal letter of exemption shall be provided where an activity is exempt under the Shoreline Management Act but is subject to a U.S. Corps of Engineers Section 10 permit or a Section 404 permit. The letter of exemption shall be provided to the applicant, the Corps of Engineers, and the State Department of Ecology.

(Ord. 8-1995 §1 (1.09), 1995).

16A.01.10 Emergency Actions.
(1) An “emergency” is an unanticipated and imminent threat to the public health and safety, to private or public property, or to the environment which requires immediate action or response within a time period too brief to allow full compliance with this title. The following criteria must exist to qualify any action under an emergency provision.
(a) There must be an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation arising from a natural condition or technical incident.

(b) The emergency response must be confined to the action necessary to protect life or property from damage.

(c) The scope of the emergency response must be limited to the work necessary to relieve the immediate threat.

(d) The emergency response applies only to the period of time in which the actual emergency exists.

(2) As soon as the emergency is deemed abated by appropriate authorities, compliance with the requirements of this title is required.

(Ord. 8-1995 § 1 (1.10), 1995).

16A.01.11 Administrative Authority.
The planning division of the Yakima County public services department shall be responsible for the general administration of this title. The planning official or designee shall serve as administrative official of this title, except as noted in Chapters 16A.05.20 through 16A.05.72. The planning official shall establish procedures for implementation of this title.


16A.01.12 Severability.
If any provision of the ordinance codified in this title, or its application to any person or legal entity or circumstances is held to be invalid, the remainder of said ordinance or the application of the provision to other persons or legal entities or circumstances shall not be affected.

(Ord. 8-1995 § 1 (1.12), 1995).
Chapter 16A.02 DEFINITIONS

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The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
16A.02.001 Definitions Generally.
Whenever the words and terms set forth in this chapter appear in this title, they shall be given the meaning attributed to them by this chapter. References to specific provisions of Title 13 of this code and the International Codes enacted under said Title 13, statutes and Washington Administrative Code provide greater detail for purposes of administering this title.


16A.02.005 Abutting.
“Abutting” means bordering upon, to touch upon, or in physical contact with. Sites are considered abutting even though the area of contact may be only a point.
Yakima County Code
Chapter 16A.02 DEFINITIONS

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
16A.02.045 Base Flood Elevation.

“Base flood elevation” means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). (Ref. IBC 1612.2).


16A.02.047 Basement.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides. (Ref. IBC 1612.2).

(Ord. 1-2005 § VIII, 2005).

16A.02.050 Beach.

“Beach” means a sloping zone of sedimentary material extending landward from the low water line to a point where there is a distinct break in material or form (e.g., a foredune, cliff, or bank) or to a line of permanent vegetation.

(Ord. 8-1995 §1 (2.050), 1995).

16A.02.055 Bed.

“Bed” means the material extending toward the water from the ordinary high water mark and which supports streams, lakes, and vegetated shallows.

(Ord. 8-1995 §1 (2.055), 1995).

16A.02.060 Bedrock.

“Bedrock” means in-place solid rock.

(Ord. 8-1995 §1 (2.060), 1995).

16A.02.065 Berm.

“Berm” means a mound of earth material used as a protective barrier or to control the direction of water flow.

(Ord. 8-1995 §1 (2.065), 1995).


“Best management practices” means conservation practices or systems of practices and management measures that:

(1) Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment;
(2) Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of hydrologically related critical areas.

(Ord. 8-1995 §1 (2.067), 1995).

16A.02.070 Borrow.

“Borrow” means earth material acquired from an off-site location for use in grading on a site.

(Ord. 8-1995 §1 (2.070), 1995).

16A.02.075 Breakwater.

“Breakwater” means a fixed or floating off-shore structure that protects a shoreline from wave action or currents.

(Ord. 8-1995 §1 (2.075), 1995).
16A.02.080 Bulkhead. “Bulkhead” means a structure or partition placed on a bank or bluff to retain or prevent sliding of the land and protect the inland area from wave action or currents.

(Ord. 8-1995 §1 (2.080), 1995).

16A.02.085 Channel. “Channel” means an open conduit, either naturally or artificially created, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

(Ord. 8-1995 §1 (2.085), 1995).

16A.02.090 Channel Bank. “Channel bank” means the sloping land bordering a channel. The bank has a steeper slope than the bottom of the channel and is normally steeper than upland areas adjacent to the channel.

(Ord. 8-1995 §1 (2.090), 1995).

16A.02.092 Chief Building Official. “Chief building official” or “building official” means the manager of the building and fire safety division of the department of public services or designee.


16A.02.095 Classification. “Classification” means the definition of value and hazard categories to which critical areas and natural resource lands will be assigned.

(Ord. 8-1995 §1 (2.095), 1995).

16A.02.100 Clearing. “Clearing” means the removal of timber, brush, grass, ground cover or other vegetative matter from a site which exposes the earth’s surface of the site.

(Ord. 8-1995 §1 (2.100), 1995).

16A.02.110 Compaction. “Compaction” means compressing soil through some mechanical means to make it denser.

(Ord. 8-1995 §1 (2.110), 1995).

16A.02.115 Confinement Feeding Operation. “Confinement feeding operation” means the use of structures or pens for the concentrated feeding or holding of animals or poultry, including but not limited to horses, cattle, sheep, or swine. This definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms, but does not include animal husbandry and normal farming practices.

(Ord. 8-1995 §1 (2.115), 1995).

16A.02.120 Construction. “Construction” means the assembly, placement, or installation of structures, roadways, transmission lines, and other improvements within a project site.

(Ord. 8-1995 §1 (2.120), 1995).

16A.02.125 Designated. “Designated” means formal legislative action to identify and describe a critical area.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
16A.02.200 Fill.
“Fill” means any material, such as (by way of illustration) earth, clay, sand, concrete, rubble, wood chips, bark, or waste of any kind, which is placed, stored or dumped upon the surface of the ground resulting in an increase in the natural surface elevation.
(Ord. 8-1995 §1 (2.200), 1995).

16A.02.205 Flood.
“Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.
(Ord. 8-1995 §1 (2.205), 1995).

16A.02.206 Flood Hazard Permit.
“Flood hazard permit” means written approval applied for and obtained in accordance with such rules and regulations as are established under this title.
(Ord. 8-1995 §1 (2.206), 1995).

16A.02.207 Flood Insurance Rate Map.
“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
(Ord. 8-1995 §1 (2.207), 1995).

16A.02.208 Flood Insurance Study.
“Flood insurance study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary/floodway map, and the water surface elevation of the base flood.
(Ord. 8-1995 §1 (2.208), 1995).

16A.02.210 Floodplain.
“Floodplain” means a land area adjoining a river, stream, watercourse or lake which has been determined likely to flood. The extent of the floodplain may vary with the frequency of flooding being considered.
(Ord. 8-1995 §1 (2.210), 1995).

16A.02.215 Flood-prone.
“Flood-prone” means a land area adjoining a river, stream, watercourse or lake for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by soils, geological evidence, or other data.
(Ord. 8-1995 §1 (2.215), 1995).

16A.02.216 Floodproofing.
“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damages to lands, water and sanitary facilities, structures and contents of buildings.
(Ord. 8-1995 §1 (2.216), 1995).

16A.02.220 Floodway.
“Floodway” means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
(Ord. 8-1995 §1 (2.220), 1995).

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
16A.02.225 Floodway Fringe.
“Floodway fringe” means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage for floodwaters.
(Ord. 8-1995 §1 (2.225), 1995).

16A.02.230 Forest Land.
“Forest land” means land primarily devoted to forest management activities.
(Ord. 8-1995 §1 (2.230), 1995).

16A.02.240 Forest Management.
“Forest management” means activities conducted on or directly pertaining to forest land relating to the growing, managing, harvesting, and interim storage of merchantable timber for commercial value.
(Ord. 8-1995 §1 (2.240), 1995).

16A.02.245 Hydrologically Related Critical Areas (HRCA).
“Hydrologically related critical areas” or “HRCA” include all those areas within Yakima County which are important and deserving of protection by nature of their value for the functional properties found in Section 16A.04.02. HRCA within Yakima County include all shorelines of the state as found in RCW Chapter 90.58, all wetlands as defined by this title, all areas within the one hundred year floodplain and all other stream corridor segments as designated by the Stream Typing System found in Chapter 16A.04.
(Ord. 8-1995 §1 (2.245), 1995).

16A.02.250 Grade.
“Grade” means the vertical location of the ground surface. “Natural grade” is the grade as it exists or may have existed in its original undisturbed condition. “Existing grade” is the current grade in either its undisturbed, natural condition or as disturbed by some previous modification. “Rough grade” is a stage where grade conforms approximately to an approved plan. “Finish grade” is the final grade of the site which conforms to an approved plan.
(Ord. 8-1995 §1 (2.250), 1995).

16A.02.255 Grading.
“Grading” means any excavation, filling, or combination thereof.
(Ord. 8-1995 §1 (2.255), 1995).

16A.02.260 Groundwater.
“Groundwater” means water that occurs beneath the land surface, also called subsurface water or subterranean water. Groundwater includes water in the zone of saturation of a water bearing formation.
(Ord. 8-1995 §1 (2.260), 1995).

16A.02.270 Intermittent Stream.
“Intermittent stream” means channels which naturally carry water part of the year and are dry the other part. This definition does not include streams that are intermittent because of irrigation diversion or other manmade diversions of the water.
(Ord. 8-1995 §1 (2.270), 1995).

16A.02.280 Long-term Commercial Significance.
“Long-term commercial significance” means the growing capacity, productivity, and soil composition of land which makes it suitable for long term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of land.
(Ord. 8-1995 §1 (2.280), 1995).
16A.02.281 Lowest Floor.
“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.

(Ord. 8-1995 §1 (2.281), 1995).

16A.02.282 Manufactured Home.
“Manufactured home” means a structure fabricated on a permanent chassis that is transportable in one or more sections, is designed to be used with or without a permanent foundation when connected to the required facilities, has sleeping, cooking, and plumbing facilities, or any combination thereof, and is intended for human occupancy or is being used for residential purposes. Although Washington Administrative Code (WAC) and Yakima County Code Titles 13 and 19 separately define and distinguish between “manufactured home” and “mobile home” according to federal or state construction codes for such dwellings, the term “manufactured home” shall include “mobile home” for regulatory purposes under this chapter. The term shall not include “recreation vehicle,” “commercial coach,” “camping vehicle,” “travel trailer,” “park trailer,” “tip-out,” and any other similar vehicle which is not intended, designed, constructed or used for residential purposes for use as a single-family dwelling and is not otherwise labeled as a manufactured or mobile home under any federal or state law. For floodplain management purposes only under this chapter, park trailers, camping vehicles, travel trailers, tip-outs, and other similar vehicles shall be considered manufactured homes when placed on a site for greater than one hundred eighty days.

(Res. 80-2016 (Exh. A) (part), 2016; Ord. 8-1995 §1 (2.282), 1995).

16A.02.283 Manufactured Home Park or Subdivision.
“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale in accordance with Title 19 of this Code.

(Res. 80-2016 (Exh. A) (part), 2016; Ord. 8-1995 §1 (2.283), 1995).

16A.02.284 Manufactured Home Park or Subdivision, Existing.
“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 1, 1995, the effective date of these floodplain management regulations.

(Ord. 8-1995 §1 (2.284), 1995).

16A.02.285 Minerals.
“Minerals” means gravel, sand and metallic and nonmetallic substances of commercial value.

(Ord. 8-1995 §1 (2.285), 1995).

16A.02.290 Mining.
“Mining” means the removal of naturally occurring minerals and materials from the earth for commercial value.

(Ord. 8-1995 §1 (2.290), 1995).

16A.02.292 Mitigation.
“Mitigation” means:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment.
(4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of
the action;

(5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;

(6) Monitoring the impact and taking appropriate corrective measures.

(Ord. 8-1995 §1 (2.292), 1995).

16A.02.295 Native.
“Native” means indigenous to, or originating naturally within Yakima County.

(Ord. 8-1995 §1 (2.295), 1995).

16A.02.300 Natural Conditions.
“Natural conditions” means those conditions which arise from or are found in nature and not modified by human
intervention; not to include artificial or manufactured conditions.

(Ord. 8-1995 §1 (2.300), 1995).

16A.02.302 New Construction.
“New construction,” for purposes of application of Chapter 16A.05, means structures for which the start of
construction commenced on or after June 5, 1985, the date Yakima County enacted Ordinance 3-1985 in order to
meet the requirements of the National Flood Insurance Program. October 1, 1995, the effective date of the ordinance
codified in this title shall be used for defining the term new construction as it applies to all other critical area
requirements established under this title by Ordinance 8-1995.


16A.02.303 Nonconforming Structure.
“Nonconforming structure” means a structure which was legally constructed prior to October 1, 1995, the effective
date of this title, but which would not be permitted as a new structure under the terms of this title because the
structure is not in conformance with the applicable elevation and/or floodproofing requirements.

(Ord. 8-1995 §1 (2.303), 1995).

16A.02.304 Nonconforming Use.
“Nonconforming use” means a building, structure or land use which was lawfully established, existing and
maintained at the effective date of provisions of this title but which, because of the application of this title to it, no
longer conforms to the use or applicable elevation and/or floodproofing requirements of this title and which would
not be permitted as a new use under the terms of this title.

(Ord. 8-1995 §1 (2.304), 1995).

16A.02.305 Ordinary High Water Mark.
“Ordinary high water mark” means that mark on lakes and streams which will be found by examining the bed and
banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in
ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

(Ord. 8-1995 §1 (2.305), 1995).

16A.02.310 Perennial Stream.
“Perennial stream” means stream channels which carry water the year round.

(Ord. 8-1995 §1 (2.310), 1995).
16A.02.320—Project Site.
“Project site” means that portion of any lot, parcel, tract, or combination thereof which encompasses all phases of the total project proposal.

(Ord. 8-1995 §1 (2.230), 1995).

16A.02.322—Recreation Vehicle.
For floodplain management purposes, “recreation vehicle” means a vehicle which is:

(1) Built on a single chassis;
(2) Four hundred square feet or less when measured at the largest horizontal projection;
(3) Designed to be self-propelled or permanently towable by a light-duty truck; and
(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(Ord. 8-1995 §1 (2.322), 1995).

16A.02.325—Restore.
“Restore” means to re-establish the basic stream corridor functional properties listed in Section 16A.04.02 that have been lost or destroyed through natural events or human activity.

(Ord. 8-1995 §1 (2.235), 1995).

16A.02.330—Revetment.
“Revetment” means a facing placed on a bank or bluff to protect a slope, embankment, or shore structure against erosion by wave action or currents.

(Ord. 8-1995 §1 (2.330), 1995).

16A.02.340—Riprap.
“Riprap” means a layer, facing, or protective mound of rubble or stones randomly placed to prevent erosion, scour, or sloughing of a structure or embankment; also the stone used for this purpose.

(Ord. 8-1995 §1 (2.340), 1995).

16A.02.343—Qualified Consultant.
“Qualified consultant” means any of the following, as determined by the sole discretion of the administrative official:

(1) “Qualified wetland scientist” means an individual who is registered as a Certified Wetland Delineator or a Certified Wetland Scientist by either the U.S. Army Corps of Engineers or by the Society of Wetland Scientists, or who has the credentials qualifying them for certification by these two organizations;

(2) “Qualified soil scientist” means an individual who is registered as a Certified or Registered Professional Soil Scientist by either the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) or by the National Society of Consulting Soil Scientists, or who has the credentials qualifying them for certification by these two organizations;

(3) “Qualified sediment control specialist” means an individual who is registered as a Certified Professional in Sediment and Erosion Control by the Soil and Water Conservation Society in cooperation with ARCPACS or who has the credentials qualifying them for joint certification by these two organizations.

(Ord. 8-1995 §1 (2.343), 1995).
16A.02.345  Scour.

“Scour” means the removal of underwater material by waves and currents, especially at the base or toe of a shoreline structure.

(Ord. 8-1995 §1 (2.345), 1995).

16A.02.355  Shoreline.

“Shoreline,” as used in the title, means those water areas, the associated wetlands, and the lands underlying them that are subject to the State Shoreline Management Act and are designated as a critical area by Yakima County.

(Ord. 8-1995 §1 (2.355), 1995).

16A.02.357  Shoreline Environments.

The following four environments comprise “Shoreline Environments”:

(1) Urban Environment. This environment is characterized by high-intensity land uses, high land values, major public and private capital investments, and/or few biophysical development limitations. The management objective is one of optimum future utilization of land and public investment. In view of the intensity of present and future development and consequent population densities, there is a correspondingly high requirement for open space and access to the water in this environment.

(2) Rural Environment. This environment is characterized by intensive agricultural and recreational uses, moderate land values, lower public and private capital investment, and/or some biophysical development limitations. The management objectives are to protect agricultural land, maintain open space, and provide for recreational uses compatible with agricultural production.

(3) Conservancy Environment. This environment is characterized by very low intensity land uses primarily related to natural resources use and diffuse recreational development, relatively low land values, relatively minor public and private capital investment, and/or relatively major biophysical development limitations. Management objectives are oriented toward establishing a balance between sustained-yield natural resource utilization and low-density recreational uses in this environment, with restriction of development in hazardous areas.

(4) Natural Environment. This environment is characterized by severe biophysical limitations, presence of some unique natural or cultural features intolerant of intensive human use, and/or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities which may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.

(Ord. 8-1995 §1 (2.357), 1995).

16A.02.360  Shoreline Stabilization.

“Shoreline stabilization” means the construction or modification of bulkheads, retaining walls, dikes, levies, riprap, and other structures along the shoreline, for the purpose of controlling stream undercutting or stream erosion.

(Ord. 8-1995 §1 (2.360), 1995).

16A.02.365  Slope.

“Slope” means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

(Ord. 8-1995 §1 (2.365), 1995).

16A.02.366  Solid Waste.

“Solid waste” means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, wood waste, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. Solid waste shall not include earth, clay, sand or gravel.

(Ord. 8-1995 §1 (2.366), 1995).
16A.02.367 Special Flood Hazard Area.

“Special flood hazard area” means the land in the floodplain identified by the Federal Emergency Management Agency, that is subject to a one-percent or greater chance of flooding in any given year.

(Ord. 8-1995 §1 (2.367), 1995).

16A.02.368 Start of Construction.

“Start of construction” means the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. “Permanent construction” does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways, nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garage, or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park, “start of construction” means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks, “start of construction” is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

(Ord. 8-1995 §1 (2.368), 1995).

16A.02.370 Stream.

“Stream” means water contained within a channel, either perennial or intermittent, in which fish may spawn, reside, or through which they may pass. Streams include natural watercourses modified by man. They do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, canals, stormwater runoff facilities, or other artificial watercourses.

(Ord. 8-1995 §1 (2.370), 1995).

16A.02.380 Stream Corridor.

“Stream corridor,” as used in this title, means those naturally occurring shoreline and wetland features listed and described in Chapter 16A.04 and related appendices to this title.

(Ord. 8-1995 §1 (2.380), 1995).

16A.02.390 Structure.

“Structure” means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height. The term also includes gas or liquid storage tanks when located principally above ground.

(Ord. 8-1995 §1 (2.390), 1995).

16A.02.395 Substantial Improvement.

(1) — “Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:

(a) — Before the improvement or repair is started; or

(b) — Before the damage occurred to a structure that has been damaged and is being restored.

(2) — For the purposes of this definition “substantial improvement” occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
(3) The total value of all improvements to an individual structure undertaken subsequent to October 1, 1995, the effective date of this title, shall be used to define “substantial improvement” for said structure. The term does not, however, include either:

(a) Any project for improvement to a structure to comply with existing state or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(Ord. 8-1995 §1 (2.395), 1995).

16A.02.400 Use.
“Use” means the activity to which land or a building is devoted and for which either land or a building is or may be occupied or maintained.

(Ord. 8-1995 §1 (2.400), 1995).

16A.02.410 Vegetated Shallows.
“Vegetated shallows” means permanently inundated areas that under normal conditions support communities of rooted aquatic vegetation.

(Ord. 8-1995 §1 (2.410), 1995).

16A.02.415 Vegetative Buffer.
“Vegetative buffer” means an area extending landward from the ordinary high water mark of a lake or stream and/or from the edge of wetland which provides adequate soil conditions and native vegetation for the performance of the basic functional properties of a stream corridor and other hydrologically related critical areas as set forth in Chapter 16A.04.

(Ord. 8-1995 §1 (2.415), 1995).

16A.02.425 Wetland.
(1) “Wetland” or “wetlands” means that area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands specifically intentionally created from nonwetland areas to mitigate conversion of wetlands, if permitted by the county.

(2) This definition is taken from the statutory definition at RCW 36.70A.030(17), and specifically exempts a number of intentionally created wetlands, including but not limited to those related to irrigation systems. Due to the inherent design of most irrigation systems, such systems are reasonably and foreseeably expected to result in some leakage or seepage. Such leakage or seepage is a normal result of utilization of irrigation systems and is deemed for the purposes of this title to be an artificial wetland intentionally created from a nonwetland site, and therefore do not constitute wetlands.

(3) Furthermore, the phrase “normal circumstances,” in this definition shall be defined as set forth by the United States Army Corps of Engineers in its regulatory Guidance Letter 90-7 dated September 26, 1990, which is incorporated herein by reference. The letter deals with prior converted farmlands which may have been cropped prior to December 23, 1985.

(4) For purposes of administering the Shoreline Management Act, wetland also means those lands extending landward in all directions as measured on a horizontal plane for a specified distance from the ordinary high water mark, floodways and contiguous floodplain areas, landward for a specified distance from such floodways, and all-
marshes, bogs, swamps, and river deltas associated with any stream or lake designated as a critical area under this title, are also included as wetlands within this definition under RCW 90.58.030 and WAC 173-22-040(2).

(Ord. 8-1995 §1 (2.425), 1995).

16A.02.435 Wildlife habitat.
“Wildlife habitat” means areas which, because of climate, soils, vegetation, relationship to water, and other physical properties, have been identified as of critical importance to maintenance of wildlife species.

(Ord. 8-1995 §1 (2.435), 1995).

16A.02.440 Works.
“Works” means any dam, wall, wharf, embankment, levee, dike, pile, bridge, improved road, abutments, projection, excavation, channel rectification, or improvement attached to, or affixed upon, the realty.

(Ord. 8-1995 §1 (2.440), 1995).
Chapter 16A.03 APPLICATION AND REVIEW PROCEDURES

Sections:
16A.03.01    Critical Area Development Authorization Required.
16A.03.02    Preapplication Conference.
16A.03.03    Technical Assistance Conference.
16A.03.04    Critical Area Development Authorization—Application Submittal.
16A.03.05    Critical Area Development Authorization—Review Procedure.
16A.03.06    Authorization Decisions—Basis for Action.
16A.03.07    Critical Area Project Types.
16A.03.08    Determination of Authorization Process.
16A.03.09    Substantial Development Process.
16A.03.10    Standard Development Process.
16A.03.11    Flood-prone Project Review Process.
16A.03.12    Conditional Approval of Critical Area Development Authorization.
16A.03.13    Administrative Adjustment of Standards.
16A.03.14    Appeals.
16A.03.15    Modifications to Approved Uses or Developments.
16A.03.16    Fees and Charges.

16A.03.01    Critical Area Development Authorization Required.
(1)    No new development, construction or use shall occur within a designated critical area without obtaining a critical area development authorization in accordance with the provisions of this title.
(2)    With respect to application and review procedures, it is the intent of this title to streamline and coordinate the authorization of critical area projects which require other local, state and/or federal permits or authorizations. In order to avoid overlap and duplication of effort in the permitting process, any nonexempt development, construction or use occurring within a designated critical area shall be processed according to the provisions of this chapter.
(3)    Approval of a critical area development authorization shall be in addition to, and not a substitute for, any other development permit or authorization required by Yakima County. Approval of a critical area development authorization shall not be interpreted as an approval of any other permit or authorization required of a development, construction or use.
(4)    In lieu of the process set forth in this chapter, the review procedures of Chapters 16A.05.20 through 16A.05.72 may be followed for projects which are proposed within the area of special flood hazard established under Chapters 16A.05.20 through 16A.04.72 which are otherwise exempt according to the provisions of this title, do not involve substantial development as defined, where wetlands are not present and the preliminary site plan indicates that the project will comply with the stream corridor buffers set forth in Sections 16A.04.23 and 16A.04.24.
(Ord. 8-1995 §1 (3.01), 1995).

16A.03.02    Preapplication Conference.
(1)    Any new development, construction or use proposed to be located partially or wholly within a designated hydrologically related critical area shall be subject to a preapplication conference. The planning department shall schedule a preapplication conference for as soon as is reasonably possible to allow attendance by the project proponent and necessary department staff. To assist in project review and discussion, prior to the preapplication conference, the project proponent must submit a preliminary site plan showing the nature and scope of the proposed project along with any existing features of the property having a relationship to the project.
(2)    The preapplication conference is intended to establish the following:
   (a)    The scope of the project and the critical area features involved or potentially impacted:
(b) The degree to which the project may affect or impair a designated critical area and the level of project review required to address the provisions of this title;

(c) Other permits and authorizations which the project proponent may need to obtain;

(d) Whether the project will be processed through the critical area development authorization procedures of this title or coordinated through the review and approval procedures of another development permit or authorization required of the project from Yakima County;

(e) Resources and technical assistance available to assist the proponent in meeting the provisions of this title and any applicable rules and regulations of other agencies and jurisdictions;

(f) Whether there is a need for a preliminary site assessment or a technical assistance conference to better define the critical area issues and alternatives;

(g) Whether the project will be processed as a substantial or standard development project or as a flood-prone project as provided for in Section 16A.03.01(d);

(h) A preliminary site assessment may be scheduled in the field to determine the applicability of the vegetative buffering requirements of this title to the project, based on information contained in the preliminary site plan.

(Ord. 8-1995 §1 (3.02), 1995).

16A.03.03 Technical Assistance Conference.

(1) If requested by the project proponent or otherwise determined necessary, the planning department will arrange a meeting of representatives of those agencies and organizations with expertise, interest, or jurisdiction in the project. In conjunction with the invitation to attend the technical assistance conference, the planning department will provide the potential participants with a project summary compiled from the preapplication conference. The technical assistance conference may also involve a preliminary site assessment, if it is determined that resolution of issues related to the project can be achieved through an on-site review.

(2) The purpose of the technical assistance conference will be to:

(a) Confirm and define the requirements of any other applicable local, state or federal regulations;

(b) Clarify any identified procedural or regulatory conflicts and define the alternative courses of action available to the applicant in addressing project requirements;

(c) Determine whether compliance with other existing statutes and regulations will adequately address the provisions of this title;

(d) Provide the proponent with guidance, available data and information that will assist in complying with the provisions of this title and other ordinances and regulations;

(e) Provide the proponent with guidance concerning project modifications or site enhancements that would eliminate or minimize impacts to the critical area;

(f) Provide the proponent with alternatives for securing data, information, or assistance necessary to the project but not available through the preapplication conference;

(g) Determine whether a special study is necessary, and if so, the qualifications, skills and expertise required of a consultant to perform the special study.

(Ord. 8-1995 §1 (3.03), 1995).
16A.03.04 Critical Area Development Authorization—Application Submittal.

(1) Application for a critical area development authorization shall be made on forms provided by the planning department. The application shall be accompanied by the required application fee, together with plans drawn to scale showing the actual shape and dimensions of the property site to be used, existing and proposed structures, excavation, fill, drainage facilities, topography, slope, and such other information as is needed to determine the nature and scope of the proposed development, including the maximum extent of the project site with respect to construction, excavation, equipment and material storage, and other project related work. The site plan map should also show the approximate location of any of the following features applicable to the project site: stream channels, drainage ways, roads, utilities, lakes, ponds, vegetated shallows, wetland areas, ordinary high water mark, floodway, and floodway fringes, as identified in available records.

(2) To be accepted as complete, a critical area development authorization application must include:

(a) A fully completed, signed application form;
(b) The associated application fee;
(c) All maps, drawings and other information or data specified by this title or requested on the basis of the preapplication conference, preliminary site assessment or technical assistance conference; and
(d) An environmental checklist if the project is subject to review under the State Environmental Policy Act (SEPA).

(Ord. 8-1995 §1 (3.04), 1995).

16A.03.05 Critical Area Development Authorization—Review Procedure.

(1) Upon submittal and acceptance of a completed critical area development authorization application, the administrative official shall make every effort to complete the project evaluation within twenty working days unless the review and approval procedures of another applicable development permit, authorization or statutory requirement necessitate a longer evaluation period. The evaluation may include a site investigation of the property, consultation with other persons or agencies, notification to all landowners within three hundred feet of the exterior boundaries of the development site together with an invitation for written comment on the proposal, or a review of any pertinent information that will help determine the potential impact of the project on the critical area feature.

(2) Based upon the project evaluation, the administrative official shall take one of the following actions:

(a) Grant the critical area development authorization;
(b) Grant the critical area development authorization with conditions to mitigate impacts to the critical area feature(s) present on or adjacent to the project site;
(c) Return the application for revisions with an explanation of changes needed to the proposal to eliminate or reduce impacts to the critical area feature(s);
(d) Deny the critical area development authorization.

(3) The decision by the administrative official on the critical area development authorization shall include written findings and conclusions stating the reasons upon which the decision is based.

(Ord. 8-1995 §1 (3.05), 1995).

16A.03.06 Authorization Decisions—Basis for Action.

The action of the administrative official on any critical area development authorization shall be based upon the following criteria:

(1) Impact of the project to critical area features on the property or on abutting or adjacent properties;
(2) Danger to life and property that would likely occur as a result of the project;

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(3) Compatibility of the project with the critical area features on, adjacent to, or near the property;

(4) Conformance with RCW Chapter 36.70A (Growth Management Act), RCW Chapter 90.58 (Shoreline Management Act), RCW Chapter 43.21C (State Environmental Policy Act), and other applicable state statutes;

(5) Requirements of other applicable local, state or federal permits or authorizations, including compliance with flood hazard mitigation requirements of Chapters 16A.05.20 through 16A.05.72;

(6) Adequacy of the information provided by the applicant or available to the planning department;

(7) Ability of the project to satisfy the purpose and intent of this title.

(Ord. 8-1995 §1 (3.06), 1995).

16A.03.07 Critical Area Project Types.
Any development, construction, or use subject to the provisions of this title shall be processed as one of three project types:

(1) Substantial Development Projects. Substantial development projects include any development subject to RCW Chapter 90.58, the Shoreline Management Act, and work which the administrative official determines may represent any of the following: long-term or serious short-term impacts to the physical features or critical functional properties of the natural system; uses which may be inconsistent or incompatible with existing uses currently in place on abutting and adjacent properties; work which may result in or increase the risk or frequency of hazard to life or property; work involving authorizations by two or more jurisdictions; work which permanently alters any prescribed public use or right-of-way or otherwise represents significant public interest or concern.

(2) Standard Development Projects. Standard development projects include any development which involves limited, one-time actions resulting in only minor changes or alterations to the physical features or functional properties and which does not result in a need for subsequent and continuous maintenance; work which is largely confined within the external boundaries of the property owned by the applicant; work which is generally consistent and compatible with existing uses currently in place on abutting and adjacent properties; other work which the administrative official determines lacks the scope and complexity, or the degree of public interest and concern to qualify as a substantial development project.

(3) Flood-prone Projects. Flood-prone projects include developments which are proposed within the area of special flood hazard established under Chapters 16A.05.20 through 16A.05.72, and which are exempt according to the provisions of this title, do not involve substantial or standard development as defined, where wetlands are not present and the preliminary site assessment indicates that the project complies with applicable vegetative buffers as set forth in Chapter 16A.04.

(Ord. 8-1995 §1 (3.07), 1995).

16A.03.08 Determination of Authorization Process.
The administrative official shall determine from the application and other available information whether the application is to be processed as a substantial development, standard development or flood-prone project. The administrative official shall make such determination as early in the application process as is possible and shall inform the project applicant in writing.

(Ord. 8-1995 §1 (3.08), 1995).

16A.03.09 Substantial Development Process.
Any nonexempt project determined to be a substantial development shall be processed in accordance with this section.

(1) Project Notice.

(a) Publication of Notice. A notice shall be published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the project is proposed.
Such notice shall include, as a minimum, the name of the applicant, applicant’s relationship to the property, a general description of project location together with a legal description to the nearest quarter section, a brief description of the proposed action, an invitation to comment, the name and address to which comments are to be mailed, the comment period, and the final date written comment will be accepted.

(b) Mailing of Notice. At the same time as the publication of notice, a copy of the notice shall be mailed to the latest recorded real property owners as shown by the records of the county assessor within three hundred feet of the boundary of the property upon which the project is proposed.

(c) Affidavit of Publication Mailing. An affidavit of publication which confirms the project application has been properly published and an affidavit of mailing which confirms that the public notice has been deposited in the U.S. Mail shall be made part of the file. The affidavit of mailing shall specify the number of notices mailed, the date of mailing or posting, and be attached to the distribution list of notice recipients.

(d) Comment Period. The comment period shall be a minimum of thirty days from the date of the final newspaper publication. Should an environmental impact statement be required, then, pursuant to RCW Chapter 43.21C, the comment period shall be extended to seven days after the issuance of the final EIS.

(2) Public Hearing.

(a) Referral to Hearing Examiner. The administrative official may determine a substantial development is of significant public interest or concern, and refer the application to the Yakima County hearing examiner for a public hearing. The hearing shall occur within or as close to the thirty-day comment period as possible, but shall occur at least twelve days from the date of a first publication of a hearing notice.

(b) Hearing Notice. The administrative official shall mail notice of the public hearing to those recorded real property owners as shown by the records of the county assessor within three hundred feet of the property upon which the project is proposed. The administrative official shall also publish the notice once in a newspaper of general circulation within the area in which the development is proposed. The notices shall be mailed and published no less than twelve days prior to the hearing. The notice shall define the date, time and place of the hearing, and provide notice that any person may submit oral or written comments at the hearing or anytime during the comment and review period. The additional notice shall not result in a second thirty-day comment period or extend the comment period in process. A copy of the public notice shall be provided to the project applicant and/or any designated agent representing the applicant.

(c) Combined Notice. When an application is referred to hearing prior to the issuance of the public notice, the public notice and hearing notice may be combined.

(3) Variance.

(a) Any request for a variance from a standard or condition established by this title shall be included with the substantial development project application. The variance request shall cite the specific standard or condition from which relief is requested and be accompanied by the evidence necessary to demonstrate that variance is in conformance with the following:

(i) Unnecessary Hardship. There is a hardship specifically related to the application of a standard or procedure to a unique natural or physical condition associated with the project site which is not the result of a deed restriction, a lack of knowledge of requirements involved when the property was acquired, or other actions resulting from the proponent’s own actions. That greater profit would result if a variance were granted is not evidence of a hardship.

(ii) Special Conditions. There are special conditions or circumstances to which the strict application of a standard would deprive the proponent of a reasonable use of the land or rights commonly enjoyed by other properties in the same area;
(iii) General Compatibility. The project is generally compatible with other permitted or authorized uses in the immediate project area and granting the variance will not cause adverse effects to abutting and adjacent properties or the critical area;

(iv) Special Privilege. The requested variance would not constitute a grant of special privilege not enjoyed by other abutting and adjacent properties and the variance is the minimum necessary to afford the requested relief;

(v) Public Interest. The requested variance will not endanger the public safety or health and that the public interest will not be compromised;

(vi) Cumulative Impact. In the granting of any variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if other variances were to be granted in the area where similar circumstances exist, the total cumulative effect of the variances shall also remain consistent with the policies of this chapter and shall not produce substantial adverse impacts to the designated critical area.

(b) Each request for a variance accompanying an application shall be considered separately and prior to any decision to approve or conditionally approve an application for a critical area development authorization. Any decision to approve or conditionally approve the critical area development authorization will include and specifically cite only those variances approved for inclusion with the project.

(4) Decision.

(a) For substantial development projects not subject to a public hearing, the administrative official shall approve, conditionally approve, or deny the application within ten days of the close of the comment period, or within twenty days after issuance of a final environmental impact statement if one is required.

(b) For substantial development projects subject to a public hearing before the Yakima County hearing examiner, the decision to approve, conditionally approve, or deny the permit application shall be provided as early as possible following the end of the thirty-day comment period and the close of the hearing. The hearing examiner shall forward the findings and decision to the planning department, the applicant, and members of the public who requested such copies.

(5) Filing of Decision — Mandatory State Appeal Period.

(a) If the substantial development project is subject to RCW Chapter 90.58 (Shoreline Management Act), within eight days of the final decision of the administrative official or the receipt of the hearing examiner’s decision, a copy of the decision shall be transmitted to the Department of Ecology and to the Attorney General. The transmittal shall include copies of the application, affidavits of public notice and mailing, site plan, vicinity map, permit, and materials associated with any necessary compliance under the State Environmental Policy Act. Filing shall not be complete until the required documents have actually been received by the Department of Ecology and the Attorney General.

(b) The administrative official shall advise the applicant that any decision rendered under RCW Chapter 90.58 is preliminary and project work is not authorized to commence until twenty-one days from the date of filing said decision with the Department of Ecology and the Attorney General. The date of filing shall be the date the submission is received by the respective state departments.

(c) If, within the thirty-day appeal period, no appeal has been received, the administrative official shall provide written confirmation to the project applicant that the appeal period has ended, the decision is final, and any approved work can commence.

(6) Filing of Decision — No Mandatory State Appeal Period. If the substantial development project is not subject to RCW Chapter 90.58, then the decision of the administrative official or hearing examiner shall be final unless appealed in accordance with Section 16A.03.14. The decision shall be forwarded to the project applicant.

(Ord. 8-1995 §1 (3.09), 1995)
16A.03.10 Standard Development Process.

Any nonexempt project determined to be a standard development project shall be processed in accordance with this section.

(1) Coordination with Other Jurisdictions.

(a) Where all or a portion of a standard development project site is within a designated critical area and the project is subject to another local, state or federal development permit or authorization, then the administrative official shall determine whether the provisions of this title can be processed in conjunction with, and as part of, that local, state or federal development permit or authorization, or whether a separate critical area development authorization application and review process is necessary. The decision of the administrative official shall be based upon the following criteria:

(i) The nature and scope of the project and the critical area features involved or potentially impacted;

(ii) The purpose or objective of the permit or authorization and its relationship to protection of the critical area;

(iii) The feasibility of coordinating the critical area development authorization with the permitting agency;

(iv) The timing of the permit or authorization.

(b) When a determination has been made that provisions of this title can be handled through another applicable development permit or authorization process, project proponents will be required to provide any additional site plans, data and other information necessary as part of that process to fully evaluate the critical area project and ensure its compliance with this title. The administrative official’s decision on the critical area development authorization shall be coordinated to coincide with other permits and authorizations.

(2) Public Notice.

(a) If the administrative official determines a standard development project warrants public notice and the project is not subject to any other public notice requirement, the administrative official shall provide written notice through the U.S. Mail to any agencies with jurisdiction or interest and any owner of record of real property within at least three hundred feet of the external boundaries of the property upon which the project is proposed. The notice shall include, as a minimum, the name of the applicant, a map or general description of the project site location, a brief description of the proposed action, the identification of the lead agency, and any threshold determination under SEPA. The notice shall also include the name, address, and telephone number of the department at which additional information can be obtained, the comment period, and the final date by which such comment must be submitted. The comment period shall be a minimum of fourteen days from the date of publication (if published) or from the date notice was posted in the mail.

(b) If the administrative official determines a standard development project warrants a public notice and the project is subject to another permit or authorization which requires public notice the administrative official shall, wherever practical, utilize the public notice procedure associated with that development permit or authorization.

(3) Decision.

(a) If there is no public notice or environmental review under RCW Chapter 43.21C and the review and approval procedure of another permit or authorization is not involved, the administrative official shall provide a final decision to approve, conditionally approve, or deny the project no more than twenty working days from the date the application was accepted as complete.

(b) If there is a public notice and comment period, the final decision shall be issued no later than fourteen days from the close of the comment period.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
Chapter 16A.04

STREAM CORRIDOR SYSTEM AND OTHER HYDROLOGICALLY RELATED CRITICAL AREAS

Sections:
16A.04.01 Purpose and Intent.
16A.04.02 Functional Properties.
16A.04.03 Hydrologic Critical Area Features.
16A.04.04 Determination of Stream Corridor and Other Hydrologically Related Critical Area Features.
16A.04.05 Use Classification.
16A.04.06 General Guidelines.
16A.04.07 Prohibited Uses.
16A.04.08 General Policies and Standards.
16A.04.09 Water-Dependent Uses.
16A.04.10 Water-Related Uses.
16A.04.11 Non-Water Oriented Uses.
16A.04.12 Floodway and Floodplain.
16A.04.13 Roads and Railroads.
16A.04.15 Shoreline Stabilization.
16A.04.16 Dredging and Excavation.
16A.04.17 Filling.
16A.04.18 Industrial Mining of Gravels.
16A.04.19 Reclamation.
16A.04.20 Conversion of Existing Uses.
16A.04.21 Critical Area Maps.
16A.04.22 Stream Typing System.
16A.04.23 Wetland Rating System.
16A.04.24 Vegetative Buffers.
16A.04.25 Adjustments.
16A.04.26 Special Studies.

16A.04.01 Purpose and Intent.
(1) Hydrologically related critical areas, including the stream corridor system, shoreline lakes and ponds, and wetlands are part of a fragile and highly complex relationship of geology, soils, water, vegetation, and wildlife. The purpose of this chapter is to establish guidelines, policies, and standards to help conserve, protect, and, where feasible, restore and enhance this complex relationship.

(2) The guidelines, policies, and standards of this chapter are intended to:

(a) Provide alternatives for necessary development, construction, and uses within a designated stream corridor and other hydrologically related critical areas;

(b) Prevent further degradation in the quantity and quality of surface and subsurface waters;

(c) Conserve, restore, and protect sensitive or unique fish and wildlife habitats, vegetation, and ecological relationships;

(d) Protect public and private properties from adverse effects of improper development within hazardous or sensitive areas of the stream corridor;

(e) Provide, to the extent practical, a zero net loss of natural wetlands functions and values together with, if reasonably possible through voluntary agreements or government incentives, a gain of wetlands in the long term;
(f) Establish similar measures to protect shoreline lakes, ponds, and wetlands not hydrologically connected to the stream corridor system.

(Ord. 8-1995 §1 (4.01), 1995).

16A.04.02 Functional Properties.
(1) Hydrologically related critical areas, including the stream corridor system, shoreline lakes and ponds listed in Appendix B, set out at the end of this chapter, and wetlands, require sufficient area of undisturbed soil in combination with a variety of native grasses and woody plants to support one or more of the following functional properties:

(a) Streambank and shoreline stabilization;

(b) Providing sufficient shade through canopy cover to maintain water temperatures at optimum levels and to support fish habitat;

(c) Moderating the impact of stormwater and meltwater runoff;

(d) Filtering solids, nutrients, and harmful substances;

(e) Erosion prevention;

(f) Providing and maintaining migratory corridors for wildlife;

(g) Supporting a diversity of wildlife habitat;

(h) Providing floodwater storage.

(2) Some functions, as, for example, supporting a diversity of wildlife habitat, require larger areas which may not be achievable due to existing development and construction constraints. In these instances, adjustments to the minimum standards to accommodate such constraints may be necessary. However, a reduction of standards impairs the hydrologically related critical area’s ability to support some functional properties. Reductions of standards should be offset by enhancement, restoration or preservation measures which strengthen other functional properties.

(Ord. 8-1995 §1 (4.02), 1995).

16A.04.03 Hydrologic Critical Area Features.
The stream corridor and other hydrologically related critical areas include one or more of the following features:

(1) Any floodway and floodplain identified with the one hundred year flood frequency;

(2) The stream main channel and all secondary channels connected by surface waters to the main channel;

(3) Any vegetated shallows;

(4) All wetlands, including those which are in proximity to and either influence, or are influenced by, the stream through periodic inundation or hydraulic continuity;

(6) Where specifically cited, any flood-prone area not included in a designated floodway and floodplain but indicated as flood prone by U.S. Soil Conservation Service soil survey data or geologic evidence developed through professional geologists or engineers;

(7) A wetland area consisting of any portion of an upland area not included in subsections (1) through (5) above and extending on a horizontal plane from the ordinary high water mark of a stream channel, or from the edge of a wetland according to the distances set forth in Section 16A.04.24;

(8) Isolated wetlands and shoreline lakes and ponds listed in Appendix B.
16A.04.04 Determination of Stream Corridor and Other Hydrologically Related Critical Area Features.
For the purposes of this chapter, the following provisions shall apply:

(1) The line dividing surface waters, vegetated shallows, and wetlands from upland areas shall be the ordinary high water mark or the zone of vegetation which marks the transition from aquatic or saturated soil vegetation types to upland vegetation. In the absence of a clearly defined ordinary high water mark or wetland edge, the project proponent and the administrative official may mutually agree upon an ordinary high water mark from which to apply the provisions of this title, as set forth in Chapter 16A.03. Where no agreement as to the location of the ordinary high water mark or wetland edge can be reached, the ordinary high water mark or wetland edge may be identified with the assistance of agency representatives or qualified consultants having expertise.

(2) Special flood hazard areas are those identified by the Federal Insurance Administration in the Flood Insurance Study for Yakima County which, together with accompanying Flood Insurance Maps, is hereby adopted by reference and declared to be a part of this title as set forth in Chapters 16A.05.20 through 16A.05.72.

(3) Where it is clear that an ordinary high water mark or floodway does not exist for the purpose of establishing vegetative buffers under this chapter, the administrative official may use the centerline of the stream to measure the vegetative buffer. Other vegetative buffers are as set forth in Section 16A.04.24.

16A.04.05 Use Classification.
For purposes of this chapter, any development, construction, or use requiring a critical area development authorization shall be classified in accordance with the following:

(1) Water-dependent uses include dams, water diversion facilities, marinas, boat launching facilities, water intakes and outfalls, aquaculture, log booming, and other uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of their operations. This provision applies only to the specific portion of a project that is demonstrably dependent upon the water or shoreline.

(2) A water-related use is one not intrinsically dependent on a waterfront location but whose economic viability is enhanced by a waterfront location either because it requires large quantities of water or because water plays an important role with respect to the materials, products, or services associated with the use. Examples would include thermal power plants, sewage treatment plants, processing plants which require large volumes of water, and support services for fish hatcheries or aquaculture.

(3) A public benefit use includes:
   (a) Roads, railroads, utility transmission lines, and other similar uses which provide an important public service, protect public health and safety, or provide some other public benefit, that are not functionally dependent on a location within a stream corridor, but must necessarily traverse a corridor; and
   (b) Public ecological and scientific reserves, public waterfront parks, public beaches, resorts, and other similar uses that are open to the general public and provide for the public enjoyment.

(4) Non-water oriented uses include any use not qualifying as uses in subsections (1), (2) or (3) above.

16A.04.06 General Guidelines.
In the absence of a specific standard or policy, the following general guidelines shall apply in the authorization of any development, construction or use within a designated hydrologically related critical area (HRCA):

(1) Development, construction, or uses within the hydrologically related critical area that would contribute to its degradation shall be avoided.
Yakima County Code
Chapter 16A.04 STREAM CORRIDOR SYSTEM AND OTHER HYDROLOGICALLY RELATED CRITICAL AREAS

(2) Necessary development, construction, and uses within the hydrologically related critical area shall provide for the conservation and protection of soils, surface water, subsurface water, vegetation and wildlife.

(3) Individual projects or actions that, if continued as a pattern, would accumulatively result in the degradation or impairment of the hydrologically related critical area, shall be avoided.

(4) Natural conditions using native vegetation shall be used unless manmade, engineered, solutions better serve the intent and purpose of this title.

(Ord. 8-1995 §1 (4.06), 1995).

16A.04.07 Prohibited Uses.
The following uses and activities are prohibited within a designated hydrologically related critical area:

(1) Storage, handling, and disposal of material or substances listed in state and federal critical materials lists as dangerous or hazardous with respect to water quality and life safety;

(2) Confinement feeding operations including livestock feedlots and dairy confinement areas;

(3) The placement of tailings, spoilage, and mining waste materials associated with other than the mining of gravel for industrial purposes;

(4) The draining or filling of a wetland or vegetative shallows except as provided for in Section 16A.04.17;

(5) The removal and transport of material for fill outside of the stream corridor;

(6) Site runoff storage ponds, manure stockpiles and manure disposal, holding tanks and ponds, and other similar waste disposal facilities;

(7) Solid waste disposal sites;

(8) Automobile wrecking yards;

(9) Wells, except those developed in a protected aquifer having acceptable minimums of hydraulic continuity with the surface waters.

(Ord. 8-1995 §1 (4.07), 1995).

16A.04.08 General Policies and Standards.
The following policies and standards shall apply to any development, construction, or use carried out within a designated hydrologically related critical area:

(1) A vegetative buffer of undisturbed soil and native vegetation shall be maintained landward from the ordinary high water mark of any stream channel and/or the edge of any shoreline lake, pond or wetland in accordance with Section 16A.04.24.

(2) Existing riparian vegetation and any unique or sensitive vegetative species identified on the project site within the stream corridor shall not be disturbed.

(3) Nesting areas and other sensitive wildlife habitat identified within a stream corridor shall not be disturbed.

(4) Projects within the stream corridor shall be scheduled to occur at times and during seasons having the least impact to spawning, nesting, or other sensitive wildlife activities.

(5) Excavation, grading, cut/fills, compaction, and other modifications which contribute to erosion of upland soils shall be confined to the minimum necessary to complete the authorized work and avoid increased sediment load.

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(6) The removal of ground-cover vegetation, excavation, and grading shall be scheduled for periods when soils are the least vulnerable to erosion, compaction and movement unless suitable protective measures are used to prevent erosion.

(7) The removal of ground-cover vegetation, excavation, and grading shall be scheduled to ensure the minimal duration of exposed, unprotected soils.

(8) Development, construction, and uses shall not directly or indirectly degrade surface water and groundwater through the introduction of nutrients, fecal coliform, toxins, and other biochemical substances.

(9) Prior to the approval of development, construction, or uses within a designated stream corridor, any existing source of biochemical or thermal degradation identified as originating on the project property or on contiguous properties of the same ownership shall be corrected.

(10) Facilities which use fertilizers, pesticides or herbicides shall use landscaping, low-risk products, application schedules, and other protective methodology to minimize the surface and subsurface transfer of biochemical materials into the stream corridor.

(11) Modifications to natural channel gradient, channel morphology, drainage patterns, and other stream features shall not permanently alter or obstruct the natural volume or flow of surface waters.

(12) Development, construction, or uses within the stream corridor shall not alter or divert flood flows causing channel shift or erosion, increase or accelerate the flooding of upstream or downstream flood hazard areas, or otherwise threaten public or private properties.

(13) Increases in impervious surface area, compaction of soil, changes in topography, and other modifications of land within a stream corridor which are determined will permanently increase stormwater and meltwater runoff into stream channels, drainage ways, and conduits, shall provide on-site or off-site facilities for the detention, control, and filtration of such increases.

(14) The discharge point for controlled stormwater and meltwater runoff and other outfall shall be protected from erosion through the use of native riparian vegetation where possible or by reducing velocity, use of rock spillways, riprap, splash plates, or other demonstrably effective means.

(15) Wells located within a stream corridor shall be protectively lined and installed in a deep aquifer with an acceptable minimum hydraulic continuity with either surface waters or a shallow aquifer.

(16) Structures placed in close proximity to the outer edge of bends in stream channels identified as having a high potential to meander shall be located to minimize the hazard from stream undercutting and stream bank erosion stemming from potential future stream migration.

(17) Adjacent communities and the Department of Ecology shall be notified prior to any alteration or relocation of a watercourse and evidence of such notification shall be submitted to the Federal Emergency Management Agency.

(18) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(Ord. 8-1995 §1 (4.08), 1995).

16A.04.09 Water-Dependent Uses.
The following provisions shall apply to the placement, construction, or installation of structures associated with water-dependent uses within a designated stream corridor, shoreline lake or pond:

(1) Structures shall be clustered at locations on the water’s edge having the least impact to the surface water and shorelines.
(2) Docks, boat launching facilities, water intakes and outfalls, and other construction which requires direct-shoreline locations shall be located and constructed to minimize impacts to the shoreline area and the vegetative-buffer specified in Sections 16A.04.08(1) and 16A.04.24.

(3) Docks, boat launching facilities, water intakes and outfalls, and other similar structures requiring direct-shoreline locations shall not obstruct or endanger normal public navigation of the surface water.

(Ord. 8-1995 §1 (4.09), 1995).

16A.04.10 Water-Related Uses.
The following provisions shall apply to the placement, construction, or installation of structures associated with water-related uses within a designated hydrologically related critical area:

(1) Structures shall be located as far landward from the ordinary high water mark or wetland edge as is possible and still preserve the essential or necessary relationship with the surface water.

(2) Structures shall not exceed the maximum height specified for the underlying zoning. Where the underlying zoning does not specify a maximum building height, structures shall not exceed thirty feet in height.

(3) Structures shall not interfere with existing public access.

(4) Structures shall not be located within the vegetative buffer specified in Sections 16A.04.08(1) and 16A.04.24 except where existing development or the requirements associated with the use make such a location unavoidable.

(Ord. 8-1995 §1 (4.10), 1995).

16A.04.11 Non-Water-Oriented Uses.
The following provisions shall apply to the placement, construction, or installation of structures associated with non-water-oriented uses within a designated hydrologically related critical area:

(1) Structures shall be set back so as not to be located within the vegetative buffer specified in Sections 16A.04.08(1) and 16A.04.24.

(2) Where parcel boundaries, patterns of existing construction, and other development factors preclude conformance with the minimum setback, the setback shall be the maximum possible that can be uniformly applied to all similarly sized abutting and adjacent parcels along the stream corridor on either side of the project site, provided that an adjustment in the width of the vegetative buffer is obtained in accordance with Section 16A.04.25.

(3) Construction abutting the vegetative buffer specified in Sections 16A.04.08(1) and 16A.04.24 shall be designed and scheduled to ensure there will not be permanent damage or loss of the vegetative buffer.

(4) Any portion of the vegetative buffer temporarily damaged or disturbed as a result of construction activities shall be repaired at the completion of the construction.

(5) Structures shall not exceed the maximum building height specified for the underlying zoning. When the underlying zoning does not specify a maximum building height, structures shall not exceed thirty-five feet in height.

(Ord. 8-1995 §1 (4.11), 1995).

16A.04.12 Floodway and Floodplain.
The provisions of Chapters 16A.05.20 through 16A.05.72 of this title shall also apply to the development of lots and the placement, construction, or installation of structures in floodways and floodplains.

(Ord. 8-1995 §1 (4.12), 1995).

16A.04.13 Roads and Railroads.
The following provisions shall apply to the location and construction of roads and railroads within a designated hydrologically related critical area:
(1) Roads and railroads shall not be located within a designated stream corridor except where it is necessary to cross the corridor, or where existing development, topography, and other conditions preclude locations outside the stream corridor.

(2) Construction of roadways across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.

(3) Roadways parallel to shorelines or wetland edges shall be along routes having the greatest possible distance from shoreline or wetland and the least impact to the corridor.

(4) Material excavated from the roadway area to achieve the design grade shall be used as fill where necessary to maintain grade, or shall be transported outside the corridor.

(5) Necessary fill to elevate roadways shall not impede the normal flow of floodwaters or cause displacement that would increase the water surface elevation of the base flood such that it would cause properties not in the floodplain to be flood-prone.

(6) Spoil, construction waste, and other debris shall not be used as road fill or buried within the stream corridor.

(7) Bridges and water crossing structures shall not constrict the stream channel or impede the flow of the ordinary high water.

(8) The preservation of natural stream channels and drainage ways shall be preferred over the use of culverts.

(9) The alignment and slope of culverts shall parallel the natural flow of streams or drainage ways, shall be sized to accommodate ordinary high water, and shall terminate on stable, erosion resistant materials.

(10) Where fish are present, culverts shall be designed and constructed to specifications provided through the Department of Fisheries or a comparable source of expertise.

(Ord. 8-1995 §1 (4.13), 1995).

The following provisions shall apply to the location, construction, or installation of utility transmission lines within a designated hydrologically related critical area:

(1) Utility transmission lines shall be permitted within the stream corridor only where it is necessary to cross the corridor or where existing development, topography, and other conditions preclude locations outside the stream corridor.

(2) Utility transmission lines across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.

(3) The construction of utility transmission lines within a stream corridor shall be designed and located to ensure minimum disruption to the functional properties specified under Section 16A.04.02 of this title.

(4) Any utility transmission line placed within the floodway or floodplain shall be designed and located to prevent infiltration of floodwaters into the system or discharge from the system into floodwaters.

(5) Buried utility transmission lines crossing a stream corridor shall be buried a minimum of four feet below the maximum scour of the waterway and for a similar depth below any associated floodway and floodplain to the maximum extent of potential channel migration as determined by hydrologic analysis.

(6) Wherever possible, new aboveground installations shall use available, existing bridge and utility crossings as opposed to creating new crossings.

(7) Aboveground electrical support towers and other similar transmission structures shall be located as far upland as is practical.
(8) Transmission support structures shall be located clear of high flood velocities, located in areas of minimum flood depth which require the least floodproofing, and shall be adequately flood-proofed.

(Ord. 8-1995 §1 (4.14), 1995).

16A.04.15 Shoreline Stabilization.
The following provisions shall apply to shoreline stabilization projects:

(1) Shoreline stabilization projects shall be allowed only where there is evidence of erosion which clearly represents a threat to existing property, structures, or facilities.

(2) Stabilization projects shall be developed under the supervision of, or in consultation with, agencies or professionals with appropriate expertise.

(3) Stabilization projects shall be confined to the minimum protective measures necessary to protect the threatened property.

(4) The use of fill to restore lost land may accompany stabilization work, provided the resultant shoreline does not extend beyond the ordinary high water mark, finished grades are consistent with abutting properties, and the fill material is in compliance with Section 16A.04.17.

(5) Stabilization projects shall use design, material, and construction alternatives that do not require high or continuous maintenance and which prevent or minimize the need for subsequent stabilization to other segments of the shoreline.

(6) Vegetation, berms, bioengineering techniques, and other nonstructural alternatives which preserve the natural character of the shoreline shall be preferred over riprap, concrete revetments, bulkheads, breakwaters, and other structural stabilization.

(7) Riprap using rock or other natural materials shall be preferred over concrete revetments, bulkheads, breakwaters, and other structural stabilization.

(8) Revetments and bulkheads shall be no higher than necessary to protect and stabilize the shoreline.

(9) Breakwaters shall be constructed of floating or open-pile designs rather than fill, riprap, or other solid construction methods.

(Ord. 8-1995 §1 (4.15), 1995).

16A.04.16 Dredging and Excavation.
The following provisions shall apply to dredging and excavation within a designated hydrologically related critical area:

(1) Dredging in surface waters or vegetative shallows, and excavation in wetlands shall be allowed only where necessary because of navigation needs, habitat restoration or improvement, maintenance of existing water-dependent uses, removal of gravel as an industrial mineral, bridge construction, and other essential activities.

(2) Dredging and excavation shall be confined to the minimum area necessary to accomplish the intended purpose or use.

(3) Hydraulic dredging or other techniques that minimize the dispersal and broadcast of bottom materials shall be preferred over agitation forms of dredging.

(4) Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal of sediments and other dredge materials.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(2) Wherever feasible, the operations and any subsequent use or uses shall not cause permanent impairment or loss of floodwater storage, wetland, vegetative shallow, or other stream corridor features.

(3) Where permanent impairment or loss of a stream corridor feature is unavoidable, the subsequent use and reclamation shall provide for the feature’s replacement at equal or greater value.

(4) Except where authorized by Yakima County in consultation with the State Department of Fisheries and Department of Ecology, the following shall apply:

   (a) The excavation zone for the removal of gravels shall be located a minimum of one hundred feet upland from the ordinary high water mark (OHW M) of the stream channel.

   (b) Equipment shall not be operated, stored, refueled, or provided maintenance within one hundred feet of the OHWM.

   (c) Gravel washing, rock crushing, screening, or stockpiling of gravels shall not occur within one hundred feet of the OHWM.

(5) Any resultant lake or surface water body shall provide for the following:

   (a) Banks from the top of the final excavation to a minimum of five feet below the lowest groundwater level shall be no steeper than three feet horizontal to one foot vertical.

   (b) Resultant shorelines shall be shaped and contoured to provide shallow water areas, bays, peninsulas, nesting islands, and other features which are designed to enhance and support wildlife habitat and other stream corridor features.

(6) Final contouring, excavation, and fill to support subsequent residential, commercial, industrial, or other uses shall comply with all provisions of this chapter.

(Ord. 8-1995 §1 (4.18), 1995).

16A.04.19 Reclamation.
The following guidelines shall apply to reclamation activities within a designated hydrologically related critical area:

(1) Development, construction, or uses shall include the timely restoration of disturbed features to their natural condition or to a stabilized condition that prevents degradation within the stream corridor.

(2) Large-scale projects or projects extending over several months shall be phased to allow reclamation of areas where work or operations have been completed.

(3) Reclamation shall be scheduled to address precipitation, meltwater runoff, growing season, and other seasonal variables that influence restoration and recovery.

(4) Topography shall be finished to grades, elevations, and contours consistent with natural conditions in adjacent and surrounding areas.

(5) Where existing development and construction prevent the return of a site to its natural condition, sites may be finished to conditions comparable to surrounding properties provided suitable protective measures are used to prevent stream corridor degradation.

(6) Cut and fill slopes shall be stabilized at, or at less than the normal angle of repose for the materials involved.

(7) Matting or approved temporary ground cover shall be used to control erosion until natural vegetative ground cover is successfully established.
(8) The replacement or enhancement of vegetation within wetlands and required vegetative zones shall use naturally occurring, native plant species.

(9) Naturally occurring, native plant species shall be the preferred vegetation in other parts of the stream corridor.

(10) Self-maintaining or low-maintenance plant species compatible with native vegetation shall be preferred over nonnative and high-maintenance species.

(Ord. 8-1995 §1 (4.19), 1995).

16A.04.20 Conversion of Existing Uses.
Conversion to a new use from an existing use or development which does not meet the provisions of this chapter shall be reviewed in light of the following:

(1) The conversion will demonstrably reduce impacts to stream corridor and other hydrologically related critical area features; and

(2) The conversion will restore and/or enhance the functional properties outlined in Section 16A.04.02.

(Ord. 8-1995 §1 (4.20), 1995).

16A.04.21 Critical Area Maps.
(1) Certain hydrologically related critical areas have been inventoried and are hereby designated on a series of data maps containing the signature of the legislative body and maintained at the Yakima County planning department. For regulatory purposes, these maps represent the one-hundred year floodplain as designated by the Federal Emergency Management Agency (FEMA), all wetlands as defined in Section 16.02.425, Type 1 Streams as defined in Section 16A.04.22, and all lakes and ponds subject to the provisions of RCW Chapter 90.58 listed in Appendix B. Type 2 stream corridors are listed in Appendix C.

(2) For Types 3, 4 and 5 streams, the data maps are intended to alert the public of potential use or development limiting factors based on the presence and function of certain natural systems. The best available graphic depiction of critical areas within the county will be used and continuously updated as reliable data becomes available. For Type 3, 4 and 5 streams these maps are for information and illustrative purposes only and are not regulatory in nature.

(3) The presence of an HRCA on the data maps within or near the property proposed for development is sufficient foundation for the administrative official to require preparation of a preliminary site plan. This preliminary site plan may be one piece of information used to analyze how a HRCA could be affected by a development proposal. To the extent possible, all HRCA features must be shown on the preliminary site plan prior to the administrative official determining whether the development is subject to this title.

(Ord. 8-1995 §1 (4.21), 1995).

16A.04.22 Stream Typing System.
For purposes of this title, Yakima County hereby adopts a stream typing system as follows:

(1) Type 1 streams are all streams, within their ordinary high water mark (OHWM), inventoried as “shorelines of the state” under RCW Chapter 90.58, but not including those waters associated wetlands as defined in RCW Chapter 90.58. This class also includes all shoreline lakes and ponds of statewide significance. Type 1 streams and all shoreline lakes and ponds of statewide significance along with their specific shoreline environments are listed in Appendix B.

(2) Type 2 streams are those stream corridor segments which require protection due to the nature of their contributions to the functional properties listed in Section 16A.04.02. Type 2 streams are listed in Appendix C.
(3) Type 3 streams include all perennial fish- and nonfish-bearing streams within Yakima County not classified as Type 1 or 2 and which contribute significantly to the functional properties listed in Section 16A.04.02.

(4) Type 4 streams are all intermittent fish-bearing streams within Yakima County not classified as Type 1, 2 or 3 and which provide moderate contributions to the functional properties listed in Section 16A.04.02.

(5) Type 5 streams are all intermittent non-fish-bearing streams within Yakima County not classified as Type 1, 2, 3 or 4 and which provide moderate to slight contributions to the functional properties listed in Section 16A.04.02.

(Ord. 8-1995 §1 (4.22), 1995).

16A.04.23 Wetland Rating System.
Wetlands within Yakima County are defined in Section 16A.02.425 and are shown on the data maps referenced in Section 16A.04.21. Most, but not all, of the wetlands within Yakima County occur near streams. All wetlands deserve a standard of protection, through the use of vegetative buffers, that is directly related to their location and their contribution to the functional properties listed in Section 16A.04.02. For regulatory purposes, wetlands are classified into four categories according to the Wetland Rating System found in Appendix A.

(Ord. 8-1995 §1 (4.23), 1995).

16A.04.24 Vegetative Buffers.
Establishment. There is hereby established a system of vegetative buffers that are necessary to protect the functions and values of certain hydrologically related critical areas. Tables 16A.04.24-1, 16A.04.24-2 and 16A.04.24-3 establish standard buffer widths for stream corridors, shoreline lakes and ponds and wetlands as defined in Section 16A.02.425.

(Ord. 8-1995 §1 (4.24), 1995).

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<th>TABLE 16A.04.24-1</th>
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<th>Type II Wetland Std./Min.)</th>
<th>Type III Wetland Std./Min.)</th>
<th>Type IV Wetland Std./Min.)</th>
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<td>VEGETATIVE BUFFERS</td>
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<th>Stream Type and Vegetative Buffer</th>
<th>Type I Wetland Std./Min.)</th>
<th>Type II Wetland Std./Min.)</th>
<th>Type III Wetland Std./Min.)</th>
<th>Type IV Wetland Std./Min.)</th>
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The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

VEGETATIVE BUFFER WIDTH BY WETLAND TYPE

| Type 2 Streams | 75'/(25') | 50'/(25') | 25'/(0') |
| Type 3 Streams | 200/(25') | 100/(25') | 75/(25') |
| Type 4 Streams | 50'/(0') | | |
| Type 5 Streams | On a case-by-case basis but not more than 25' |

### TABLE 16A.04.21-3

**VEGETATIVE BUFFERS**

**Isolated Wetlands**

<table>
<thead>
<tr>
<th>Type I Wetland Std./(Min.)</th>
<th>Type II Wetland Std./(Min.)</th>
<th>Type III Wetland Std./(Min.)</th>
<th>Type IV Wetland Std./(Min.)</th>
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<td>100'/(25')</td>
<td>75'/(25')</td>
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### 16A.04.25 — Adjustments

Existing structures, parcel size, property boundaries, and other constraints may preclude conformance with building setbacks, vegetative buffers, and other provisions of this chapter. Given such constraints, administrative adjustments requested in accordance with Section 16A.03.13 may be authorized where the site plan and project design include measures which ensure the protection and performance of the functional properties identified in Section 16A.04.02.

(1) When considering an adjustment to the provisions of this chapter, the administrative official shall base the adjustment on the following criteria:

(a) The overall intensity of the proposed use;

(b) The presence of threatened, endangered, or sensitive species;

(c) The site's susceptibility to severe erosion;

(d) The use of a buffer enhancement plan by the applicant which uses native vegetation or other measures which will enhance the functions and values of the wetland or buffer;

(e) The proximity and relationship of the wetland to any stream typed in Section 16A.04.22;

(f) The contribution of the wetland to the functional properties of Section 16A.04.02.

(2) When granting an adjustment to the provisions of this chapter, the administrative official may require alternative measures to be taken to protect the function and value of the HRCA. These alternative measures may include, but are not limited to, the following:

(a) Restoration of impaired channels and channel banks to conditions which support natural stream flows, fish habitat, and other values;

(b) Restoration, enhancement, and preservation of soil characteristics and the quantity and variety of native vegetation;
(c) — Provisions for erosion control and for the reduction and filtration of stormwater runoff to moderate the effects of the project on the stream channel and the available area of vegetation separating the project from the stream channel;

(d) — Removal or alteration of existing manmade facilities associated with stream channels, vegetated shallows, or drainage ways which improve streamflow characteristics or improve the movement or exchange of surface waters or floodwaters;

(e) — Replacement of lost wetlands or other stream corridor features on an acre-for-acre and equivalent value or at a higher acre and/or value basis;

(f) — Conservation easements for key portions of stream corridor property and/or their inclusion within public or private conservation programs which provide for their long-term preservation and maintenance.

(3) Vegetative Buffer Averaging. Vegetative buffers may be modified by averaging buffer widths. Vegetative buffer width averaging shall be allowed only where the applicant demonstrates that the following exist:

(a) — That averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;

(b) — That the HRCA contains variations in sensitivity due to existing physical characteristics;

(c) — That the proposed use would be located adjacent to areas where buffer width is reduced, and that such land uses are low in impact;

(d) — That width averaging will not adversely impact HRCA function and values.

(Ord. 8-1995 §1 (4.25), 1995).

16A.04.26 Special Studies.
The administrative official may require a special study where determined necessary through the technical assistance conference, site investigation, or other portion of the project review. The following is a partial list of studies which may be required. The adequacy of any required report shall be at the discretion of the administrative official, who shall make written findings upon which the determination of adequacy is based.

(1) Prior to authorization of any major construction project within a floodplain which can be anticipated to displace floodwaters, an engineering report shall be prepared that establishes any new flood elevations that would result for the one-hundred-year flood frequency if the project were implemented.

(2) Where there is evidence that proposed construction lies within an immediate zone of potential channel migration, representing a future hazard to the construction, a hydrologic analysis report may be required. The report shall assume the conditions of the one-hundred-year flood, include site investigative findings, and consider historical meander characteristics in addition to other pertinent facts and data.

(Ord. 8-1995 §1 (4.26), 1995).
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
Section:
16A.05.28.010 General Standards.
16A.05.28.020 Specific Standards.

16A.05.28.010 General Standards.
The following regulations shall apply in all special flood hazard areas:

(1) Anchoring and Construction Techniques.
   (a) All new construction and substantial improvements shall be:
      (i) Anchored to prevent flotation, collapse or lateral movement of the structure, and
      (ii) Constructed using materials and utility equipment resistant to flood damage, and
      (iii) Constructed using methods and practices that minimize flood damage, and
      (iv) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
   (b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s Manufactured Home Installation in Flood Hazard Areas guidebook for additional techniques). Anchoring shall meet the specifications set forth below for structures located within one hundred feet of a floodway or the ordinary high water mark if no floodway has been established.
   (c) All new construction and any improvements or additions to existing floodproofed structures that would extend beyond the existing floodproofing located within one hundred feet of the floodway or one hundred feet of the ordinary high water mark if no floodway has been established, shall be elevated to a height equal to or greater than the base flood, using zero-rise methods such as piers, posts, columns, or other methodology, unless it can be demonstrated that non-zero-rise construction methods will not impede the movement of floodwater or displace a significant volume of water. The size and spacing of any support devices used to achieve elevation shall be designed to penetrate bearing soil, and be sufficiently anchored, as specified above in subsection (1)(a) of this section.
   (d) Except where otherwise authorized, all new construction and substantial improvements to existing structures shall require certification by a registered professional engineer, architect or surveyor that the design and construction standards are in accordance with adopted floodproofing techniques.

(2) Utilities.
   (a) All new and replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters, and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(3) Subdivision Proposals. Subdivision proposals shall:
   (a) Be consistent with the need to minimize flood damage;
(b) Have roadways, public utilities and other facilities such as sewer, gas, electrical, and water systems-located and constructed to minimize flood damage;

(c) Have adequate drainage provided to reduce exposure to flood damage; and

(d) Include base flood elevation data.

(4) Watercourse Alterations. The flood-carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities, the Department of Ecology and FEMA of the proposed development.

Ord. 8-1995 §1 (5.28.010), 1995.

16A.05.28.020 Specific Standards.

In all special flood hazard areas where base elevation data has been provided as set forth in Section 16A.05.20.010, the following regulations shall apply, in addition to the general regulations of 16A.05.28.010:

(1) Residential Construction (Ref. IRC 323.2):

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at a minimum to or above the base flood elevation.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(c) Residential construction within one hundred feet of a floodway or the ordinary high water mark, if no floodway has been established, shall also meet the requirements of Section 16A.05.28.010(1)(c).

(2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure, and any addition to an existing floodproofed structure that would extend beyond the existing floodproofing, shall either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below an elevation one foot above base flood level the structure is watertight, with walls substantially impermeable to the passage of water; and

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(c) Be certified by a registered professional engineer or architect that the design and method of construction are in accordance with accepted standards of practice for meeting provisions of this subsection, based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the building official;

(d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 16A.05.28.020(1)(B) above;
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STANDARDS

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

(e) Meet the special standards for structures set forth in Section 16A.05.28.010(1)(c) above if within one-hundred feet of a floodway or within one hundred feet of the ordinary high water mark and no floodway has been established;

(f) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below the level). Flood proofing the building an additional foot will reduce insurance premiums significantly (Ref. IBC 1612.5).

(3) Agricultural Construction. New construction and substantial improvement of any agricultural structure shall either have the lowest floor, including basement, elevated at a minimum to or above the base flood elevation; or meet the floodproofing requirements of subsection (2) of this section. Agricultural construction or other accessory structures that constitute a minimal investment and comply with the floodway encroachment standards may be exempt from the floodproofing and elevation requirements of subsection (2) above when such structures, together with attendant utility sanitary facilities:

(a) Have a low potential for structural flood damage;

(b) Are designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage; and

(c) Ensure that all electrical and mechanical equipment subject to floodwater damage and permanently affixed to the structure be elevated a minimum of one foot above the base flood elevation or higher, or floodproofed;

(d) Are constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters; and

(e) Will not be used for human habitation.

All such structures shall be anchored to resist flotation, collapse, and lateral movement, and only flood resistant materials shall be used for elements of these buildings below the base flood elevation.

(4) Manufactured Homes. Manufactured homes shall be anchored in accordance with Section 16A.05.28.010(1)(b), shall have the lowest floor elevated to or above the base flood elevation, and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with Section 16A.05.28.010(1)(b).

Chapter 16A.05.32 FLOODWAY FRINGE USES

Sections:
16A.05.32.010 — Permitted Uses.
16A.05.32.020 — Prohibited Uses.

16A.05.32.010 — Permitted Uses.
The following uses are permitted in the floodway fringe areas:

(1) Any use permitted in the zoning district in accordance with Title 19 of the Yakima County Code, unless prohibited by Section 16A.05.32.020.

(2) Utility Transmission Lines. Utility transmission lines shall be permitted when consistent with Title 19 and where not otherwise inconsistent with Chapters 16A.05.20 through 16A.05.72; except that when the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway fringe or special flood hazard area, such transmission line shall conform to the following:

(a) Electric transmission lines shall cross floodway fringe and special flood hazard areas by the most direct route feasible. When support towers must be located within floodway fringe or special flood hazard areas, they shall be placed to avoid high floodwater velocity and/or depth areas, and shall be adequately floodproofed.

(b) Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet. Such burial depth shall be maintained within the floodway fringe or special flood hazard area to the maximum extent of potential channel migration as determined by hydrologic analyses. All such hydrologic analyses shall conform to requirements of Section 16A.05.36.010(2)(c).

(c) Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and nonhazardous materials shall be buried below existing natural and artificial drainage features. Burial depth in all other agricultural and nonagricultural floodway fringe or special flood hazard areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage.

(d) Aboveground utility transmission lines, not including electric transmission lines, shall only be allowed for the transportation of nonhazardous materials. In such cases, applicants must demonstrate that line placement will have no appreciable effect upon flood depth, velocity or passage. Such lines shall be adequately protected from flood damage.

(e) Aboveground utility transmission line appurtenant structures, including valves, pumping stations or other control facilities, shall not be permitted in floodway fringe or special flood hazard areas except where no other alternative is available, or in the event a floodway fringe or special flood hazard location is environmentally preferable. In such instances, aboveground structures shall be located so that no appreciable effect upon flood depth, velocity or passage is created, and shall be adequately floodproofed.

(Res. 80-2016 (Exh. A) (part), 2016; Ord. 8-1995 §1 (5.32.010), 1995).

16A.05.32.020 — Prohibited Uses.
The following uses shall be prohibited in floodway fringe areas:

(1) New manufactured home parks and the expansion of manufactured home parks.

(Ord. 8-1995 §1 (5.32.020), 1995).
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
below the level of the one-hundred-year flood, the transmission line shall be placed on the downstream side and protected from flood debris. In such instances, site-specific conditions and flood damage potential shall dictate placement, design and protection throughout the floodway. Applicants must demonstrate that such aboveground lines will have no appreciable effect upon flood depth, velocity or passage, and shall be adequately protected from flood damage. If the transmission line is to be buried except at the waterway crossing, burial specifications shall be determined as in subsection (2)(C) of this section;

(f) — Aboveground utility transmission line appurtenant structures, including valves, pumping stations, or other control facilities, shall not be permitted in the floodway;

(g) — Where a floodway has not been determined by preliminary Corps of Engineers’ investigations or official designation, a floodway shall be defined by qualified engineering work by the applicant on the basis of a verified one-hundred-year flood event;

(3) — Construction or reconstruction of residential structures only as authorized in Section 16A.05.36.020(3);

(4) — Improvements to existing residential structures that are not substantial improvements per Section 16A.05.24.260; provided, the improvement complies with the requirement set forth in Section 16A.05.36.020(2).

(5) — Water-dependent utilities and other installations which by their very nature must be in the floodway. Examples of such uses are: dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; floodwater and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structures and nonstructural uses and practices; provided, that the applicant shall provide evidence that a floodway location is necessary in view of the objectives of the proposal, and provided further that the proposal is consistent with other provisions of this title and the Shoreline Management Master Program. In all instances of locating utilities and other installations in floodway locations, project design must incorporate floodproofing and otherwise comply with subsection (2) above;

(6) — Dikes, provided that the applicant can provide evidence that:

(a) — Adverse effects upon adjacent properties will not result relative to increased flood-water depths and velocities during the base flood or other more frequent flood occurrences;

(b) — Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired;

(c) — The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented;

(7) — Public works, limited to roads and bridges.

(Res. 80-2016 (Exh. A) (part). 2016; Ord. 8-1995 §1 (5.36.010), 1995).

16A.05.36.020 Prohibited Uses.
The following uses/developments are prohibited in the floodway:

(1) — Any structure, including manufactured homes, designed for, or to be used for human habitation of a permanent nature (including temporary dwellings authorized by Chapter 19.18 of the Yakima County Code);

(2) — All encroachments, including fill, new construction and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the effect of the subject encroachment together with the cumulative effects of all similar potential encroachments shall not materially cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or result in any increase in flood levels during the occurrence of the base flood discharge;

(3) — Construction or reconstruction of residential structures within designated floodways, except for:
(a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and

(b) Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either:

(i) Before the repair, reconstruction or improvement is started, or

(ii) If the structure has been damaged and is being restored, before the damage occurred.

Work done on structures to correct existing violations of existing health, sanitary or safety codes, or to structures identified as historic places shall not be included in the fifty percent. If subsection (2) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapters 16A.05.20 through 16A.05.72, including those set forth in subsection (5) below:

(1) The construction or storage of any object subject to flotation or movement during flood level periods;

(5) The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway, are specifically prohibited:

(a) The filling of wetlands, except as authorized under Chapter 16A.04 of this title,

(b) Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials,

(c) Damming or relocation of any watercourse that will result in any downstream increase in flood levels during the occurrence of the base flood discharge;

(6) The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.

Chapter 16A.05.40 NONCONFORMING USES AND STRUCTURES

Sections:
16A.05.40.010 Generally.
16A.05.40.020 Nonconforming Uses of Land.
16A.05.40.030 Nonconforming Structures.
16A.05.40.040 Improvements.
16A.05.40.050 Restoration.
16A.05.40.060 Discontinuance.

16A.05.40.010 Generally.
(1) Within the special flood hazard areas established by Chapters 16A.05.20 through 16A.05.72 or amendments thereto, there may exist structures and uses of land and structures which were lawful before these chapters were adopted or amended, but which would be prohibited, regulated or restricted under the terms of Chapters 16A.05.20 through 16A.05.72 or future amendment.
(2) It is the intent of Chapters 16A.05.20 through 16A.05.72 to permit these lawful preexisting nonconformities to continue until they are removed by economic forces or otherwise, but not to encourage their survival except in cases where continuance thereof would not be contrary to the public health, safety or welfare, or the spirit of said chapters.
(3) To avoid undue hardship, nothing in Chapters 16A.05.20 through 16A.05.72 shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to June 5, 1985, the date Yakima County enacted Ordinance 3-1985 in order to meet the requirements of the National Flood Insurance Program, and upon which actual building construction has been diligently carried on, namely, actual construction materials placed in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved. October 1, 1995, the effective date of the ordinance codified in this title shall be used as it applies to all other critical areas requirements established under this title by Ordinance 8-1995.

16A.05.40.020 Nonconforming Uses of Land.
If, on October 1, 1995, the effective date of Chapters 16A.05.20 through 16A.05.72, a lawful use of land not conducted within a building exists that is made no longer permissible under the terms of said chapters as adopted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:
(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of the lot of record than that which it occupied at the effective date of adoption or amendment of Chapters 16A.05.20 through 16A.05.72.
(2) At such time as a structure is erected thereon, the structure and the use of the land shall conform to the regulations specified by Chapters 16A.05.20 through 16A.05.72 and Title 19.

16A.05.40.030 Nonconforming Structures.
If, on October 1, 1995, the effective date of Chapters 16A.05.20 through 16A.05.72, a structure is nonconforming only because the structure is not in conformance with the applicable elevation and/or floodproofing requirement of said chapters and Chapter 19.33, provided that the degree of nonconformity shall not be increased and the applicable elevation and/or floodproofing requirements of this title shall be observed, any structural alterations or enlargements of an existing structure under such conditions shall not increase the degree of nonconformity.
(2) A structure, nonconforming only because the structure is not in conformance with the applicable elevation- and/or floodproofing requirements of Chapters 16A.05.20 through 16A.05.72, destroyed to an extent such that restoration costs would exceed seventy-five percent of the assessed value of the structure immediately prior to such occurrence, shall be considered completely destroyed and shall be required to meet all applicable requirements of this title and Title 19 upon restoration.


16A.05.40.040 Improvements.
Nothing in Chapters 16A.05.20 through 16A.05.72 shall be construed to restrict normal structural repair and maintenance activities, including replacement of walls, fixtures and plumbing, provided that the value of work and materials in any twelve-month period does not exceed twenty-five percent of the assessed value of the structure prior to such work.

(Ord. 8-1995 §1 (5.40.040), 1995).

16A.05.40.050 Restoration.
Nothing in Chapters 16A.05.20 through 16A.05.72 shall be deemed to prohibit the restoration of the structural portions of a nonconforming use within six months from the date of its accidental damage by fire, explosion, or act of God, provided that the applicable elevation and/or floodproofing requirements of said chapters shall be adhered to if the structure is destroyed. A structure shall be considered to be destroyed if the restoration costs exceed fifty percent of the assessed value.


16A.05.40.060 Discontinuance.
If the nonconforming use is discontinued for a period of twelve consecutive months or more, the nonconforming status of the use is terminated and any future use of the land or structures shall be in conformity with the provisions of this title. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use. The ownership of property classed as nonconforming may be transferred without that fact alone affecting the right to continue such nonconforming use.

(Ord. 8-1995 §1 (5.40.060), 1995).
Chapter 16A.05.44 FLOOD HAZARD PROTECTION ADMINISTRATION

Sections:
16A.05.44.010 Administration.
16A.05.44.020 Authority.
16A.05.44.030 Permit – Required.
16A.05.44.040 Permit – Application.
16A.05.44.050 Permit – Review.
16A.05.44.060 Use of Available Data.
16A.05.44.070 Limitations.
16A.05.44.080 Permit – Expiration and Cancellation.
16A.05.44.090 Performance Bonds.
16A.05.44.100 Appeals.
16A.05.44.110 Coordination.

16A.05.44.010 Administration.
The chief building official is vested with the duty of administering the rules and regulations relating to flood hazard protection in accordance with the provisions of Chapters 16A.05.20 through 16A.05.72 and may prepare and require the use of such forms as are essential to such administration.

(Ord. 8-1995 §1 (5.44.010), 1995).

16A.05.44.020 Authority.
Upon application, the chief building official shall have the authority to grant a flood hazard permit when compliance with the applicable conditions as set forth in Chapters 16A.05.20 through 16A.05.72 and in other applicable local, state and federal regulations has been demonstrated and the proposal is found to be consistent with the purpose of the policies of the Critical Areas Ordinance.

(Ord. 8-1995 §1 (5.44.020), 1995).

16A.05.44.030 Permit – Required.
Prior to any development within a special flood hazard area a flood hazard permit shall be obtained. This permit may be in addition to the critical area development authorization as set forth in Chapter 16A.03 of this title.

(Ord. 8-1995 §1 (5.44.030), 1995).

16A.05.44.040 Permit – Application.
All persons applying for a flood hazard permit shall submit a written application, accompanied by an application fee as specified in Title 20, using the forms supplied. The application shall not be considered complete until the following minimum information is provided:

(1) — Name, address and telephone number of applicant;
(2) — Name, address and telephone number of property owner;
(3) — Project description and taxation parcel number;
(4) — Name of the stream or body of water associated with the floodplain in which the development is proposed;
(5) — Site plan map showing:
   (a) — Actual dimensions and shape of the parcel to be built on,
   (b) — Sizes and location of existing structures on the parcel to the nearest foot,
(c) Location and dimensions of the proposed development, structure or alteration,

(d) Location, volume and type of any proposed fill,

(e) The application shall include such other information as may be required by the administrative official, to clarify the application, including existing or proposed building or alteration, existing or proposed uses of the building and land, and number of families, housekeeping units or rental units the building is designed to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with, and provide for the enforcement of Chapters 16A.05.20 through 16A.05.72;

(6) Information required by other sections of Chapters 16A.05.20 through 16A.05.72.

(Ord. 8-1995 §1 (5.44.040), 1995).

16A.05.44.050 Permit—Review.
Flood hazard permit applications will be reviewed to determine:

(1) That the floodproofing requirements and other provisions of Chapters 16A.05.20 through 16A.05.72 have been satisfied;

(2) If the proposed development is located in the floodway, the floodway encroachment provisions of Section 16A.05.36.020(2) are met;

(3) If the proposed development includes the alteration or relocation of a watercourse, the provisions of Section 16A.05.28.010(4) are met;

(4) That the proposed development is a use permitted under Chapters 16A.05.20 through 16A.05.72 and Title 19;

(5) That all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(Res. 80-2016 (Exh. A) (part), 2016; Ord. 8-1995 §1 (5.44.050), 1995).

16A.05.44.060 Use of Available Data.
When base flood elevation data has not been provided in accordance with Section 16A.05.20.010, flood hazard areas established, the county shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 16A.05.28.020, specific standards, Section 16A.05.36.020, floodway prohibited uses, and Chapter 16A.06.

(Ord. 1-2005 § XXII, 2005: Ord. 8-1995 §1 (5.44.060), 1995).

16A.05.44.070 Limitations.
Permits issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized is a violation of Chapters 16A.05.20 through 16A.05.72 and punishable as provided by Chapter 16.60.

(Ord. 8-1995 §1 (5.44.070), 1995).

16A.05.44.080 Permit—Expiration and Cancellation.
If the work described in any permit has not begun within one hundred eighty days from the date of issuance thereof, the permit shall expire and be canceled by the chief building official.

(Ord. 8-1995 §1 (5.44.080), 1995).
16A.05.44.090 Performance Bonds.
(1) The county may require bonds in such form and amounts as may be deemed necessary to assure that the work shall be completed in accordance with approvals under Chapters 16A.05.20 through 16A.05.72. Bonds, if required, shall be furnished by the property owner, or other person or agent in control of the property.

(2) In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the department in an amount equal to that which would be required in the surety bond.

(Ord. 8-1995 §1 (5.44.090), 1995).

16A.05.44.100 Appeals.
The decision to grant, grant with conditions or deny a flood hazard permit shall be final and conclusive unless the applicant appeals the decision pursuant to the procedure established for appeals in Chapter 16A.03.

(Ord. 8-1995 §1 (5.44.100), 1995).

16A.05.44.110 Coordination.
Upon application, the chief building official shall have the authority to grant a flood hazard permit when compliance with the applicable conditions as set forth in Chapter 16A.05.20 through 16A.05.72 and in other applicable local, state and federal regulations has been demonstrated and the proposal is found to be consistent with the purpose of this title.

(Ord. 8-1995 §1 (5.44.110), 1995).
ELEVATION AND FLOODPROOFING CERTIFICATION

Sections:
16A.05.48.010 Applicability.
16A.05.48.020 Certification Form.
16A.05.48.030 Information to be Obtained and Maintained.
16A.05.48.040 Certification Responsibility.

16A.05.48.010 Applicability.
Certification shall be provided to verify that the minimum floodproofing and elevation standards of Chapter 16A.05.28 have been satisfied. Certification shall be required only for the new construction or substantial improvement of any residential, commercial, industrial or nonresidential structure located in a special flood hazard area, except that agricultural and certain accessory structures constructed in accordance with the standards of Section 16A.05.28.020(3) shall not require certification. Such structures are still subject to elevation or floodproofing certification for flood insurance purposes.

(Ord. 8-1995 §1 (5.48.010), 1995).

16A.05.48.020 Certification Form.
The form of the elevation and floodproofing certificate shall be specified by the chief building official and shall be generally consistent with that required by FEMA for the administration of the National Flood Insurance Program.

(Ord. 8-1995 §1 (5.48.020), 1995).

16A.05.48.030 Information to be Obtained and Maintained.
The elevation and floodproofing certificate shall verify the following flood hazard protection information:

(1) The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) The actual elevation (in relation to mean sea level) of floodproofing of all new or substantially improved floodproofed structures, and that the floodproofing measures utilized below the base flood elevation render the structure watertight, with walls substantially impermeable to the passage of water.

(3) Where a base flood elevation has not been established according to Section 16A.05.20.010, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) as related to the highest adjacent grade, and whether or not the structure contains a basement.

(Ord. 8-1995 §1 (5.48.030), 1995).

16A.05.48.040 Certification Responsibility.
The project proponent shall be responsible for providing required certification data to the chief building official prior to the applicable construction inspection specified in the certification form. All elevation and floodproofing data specified in Section 16A.05.48.030 must be obtained and certified by a registered professional engineer, architect, or surveyor. The elevation and floodproofing certification shall be permanently maintained by the chief building official.

(Ord. 8-1995 §1 (5.48.040), 1995).
Chapter 16A.05.52 VARIANCES

Sections:
16A.05.52.010 Procedure.
16A.05.52.020 Variance Limitations.
16A.05.52.030 Conditions for Authorization.
16A.05.52.040 Administrative Official's Decision.
16A.05.52.050 Notification of Final Decision.
16A.05.52.060 Power to Refer Decisions.
16A.05.52.070 Appeals.

16A.05.52.010 Procedure.
Any person seeking a variance from the requirements of Chapters 16A.05.20 through 16A.05.72 authorized under Section 16A.05.52.020 shall make such request in writing to the department on forms supplied by the department. Upon receipt of a completed application and application fee for the variance, a notice of the variance request shall be forwarded to all landowners of adjacent property within twenty days of the receipt of completed application and fee. The notice shall solicit written comment on the variance request and specify a time period not less than ten days from the date of mailing, during which written comments may be received and considered. The notice shall also state that copies of the administrative official's final decision will be mailed upon request. The administrative official may also solicit comments from any other person or public agency he or she feels may be affected by the proposal.

(Ord. 8-1995 §1 (5.52.010), 1995).

16A.05.52.020 Variance Limitations.
(1) Variances shall be limited solely to the consideration of:
   (a) Elevation requirements for lowest floor construction;
   (b) Elevation requirements for floodproofing;
   (c) The type and extent of floodproofing.

(2) Variances shall not be considered for any procedural or informational requirements or use prohibitions of Chapters 16A.05.20 through 16A.05.72.

(Ord. 8-1995 §1 (5.52.020), 1995).

16A.05.52.030 Conditions for Authorization.
Before a variance to the provisions of Chapters 16A.05.20 through 16A.05.72 may be authorized, it shall be shown that:

(1) There are special circumstances applicable to the subject property or to the intended use, such as size, topography, location or surroundings, that do not apply generally to other property in the same vicinity and zone; and

(2) The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located; and

(3) Such a variance is the minimum necessary, considering the flood hazard, to afford relief; and

(4) Failure to grant the variance would result in exceptional hardship to the applicant; and

(5) The granting of such a variance will not result in:
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
Chapter 16A.05.72 MAP CORRECTION PROCEDURES

Sections:
16A.05.72.010 Federal Flood Hazard Map Correction Procedures.

The procedures for federal flood hazard map correction, as provided in federal regulations Section 70 CFR of the National Insurance Program are hereby adopted by reference.

(Ord. 8-1995 §1 (5.72.010), 1995).
Chapter 16A.06 ENFORCEMENT AND PENALTIES

Sections:
16A.06.01 Shoreline Management Act Violations and Penalties.
16A.06.02 Enforcement Responsibilities Generally.
16A.06.03 Enforcement Responsibilities—Chapters 16A.05.20 through 16A.05.72 Flood Hazard Permits.
16A.06.04 Violation—Penalty.

16A.06.01 Shoreline Management Act Violations and Penalties.
Penalties and procedures pertaining to violations of RCW Chapter 90.58 (Shoreline Management Act) shall be governed by the provisions of RCW 90.58.030, 90.58.210, 90.58.220, 90.58.230, and WAC 173-17, and shall supersede the provisions of Sections 16A.06.02 and 16A.06.03 of this chapter.

(Ord. 8-1995 §1 (6.01), 1995).

16A.06.02 Enforcement Responsibilities Generally.
It shall be the duty of the planning department to enforce the provisions of the Critical Areas Ordinance pertaining to all development within the jurisdiction of this Title 16A, except as expressly noted in Section 16A.06.03 below pertaining to flood hazard permits or development authorizations for flood-prone projects, as defined in Chapter 16A.03 of this title. Whenever any development is found to be in violation of this title or a critical area development authorization issued pursuant to this title, the administrative official may order any work on such development stopped by serving written notice on any person engaged in the wrongdoing or causing such development to be done. The notice shall be in the form of a “cease and desist” order and shall indicate corrective actions necessary to fulfill authorization conditions and/or terms of this title and the time within which such corrections shall occur. No further progress shall be authorized unless and until compliance with the critical area development authorization conditions and/or terms of this title has been achieved to the satisfaction of the administrative official.

(Ord. 8-1995 §1 (6.02), 1995).

16A.06.03 Enforcement Responsibilities—Chapters 16A.05.20 through 16A.05.72 Flood Hazard Permits.
It shall be the duty of the chief building official or his designee to enforce the provisions of Chapters 16A.05.20 through 16A.05.72. Whenever any development is found to be in violation of said chapters or a permit issued pursuant to said chapters, the chief building official may order any work on such development stopped by serving written notice on any persons engaged in the doing or causing such development or substantial development to be done. Any such persons shall forthwith stop such work until authorized by the chief building official to proceed with the work.

(Ord. 8-1995 §1 (6.03), 1995).

16A.06.04 Violation—Penalty.
(1) Violation of the provisions of this title or failure to comply with any of its requirements constitutes a misdemeanor. Any person who violates or fails to comply with any of its requirements shall, upon conviction in a court of competent jurisdiction, be fined not more than one thousand dollars or be imprisoned for not more than ninety days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense; however, no additional action will be initiated pending the disposition of any previous suit or complaint.

(2) It shall be the affirmative duty of the county prosecutor’s office to seek relief under this section for violations of this title.

(3) Nothing herein shall prevent the county prosecutor’s office from taking such other lawful action, legal and/or equitable, as is necessary to prevent or remedy any violation.

(Ord. 8-1995 §1 (6.04), 1995).

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
Yakima County Code
APPENDIX A Yakima County Critical Areas Ordinance

-APPENDIX A

Yakima County Critical Areas Ordinance

WETLAND RATING SYSTEM

The most important wetland system in Yakima County is the Riverine System. The extent of the County’s river-system and its importance to the County’s economic base (i.e., agriculture) justifies protecting wetlands associated with riverine corridors. Wetlands occurring within riverine environments, as well as wetlands occurring within other systems and those not hydrologically connected to a stream corridor, lake or pond, provide important ecological functions within the natural environment. These functions vary from wetland to wetland, but include providing water quality protection, flood control, shoreline stabilization, contributions to groundwater and stream flows, and wildlife and fisheries habitat. Also, many people value wetlands as natural areas providing aesthetic, recreational, and educational opportunities that should be preserved for future generations.

Wetlands in Yakima County as defined in the Yakima County Critical Areas Ordinance at Section 16A.02.425 are classified below to reflect their relative importance according to the functional properties set forth in Section 16A.04.02. Accordingly, they are afforded necessary protection in Section 16A.04.24 relative to their rating:

Type I wetlands have exceptionally high function and value;
Type II wetlands have high function and value;
Type III wetlands have moderate function and value;
Type IV wetlands have slight to moderate function and value.

The system developed to rate wetlands in Yakima County, while based on Washington State’s Four-Tier Wetland Rating System, has been calibrated to emphasize the local nature of wetlands found here. Wetlands are identified and designated based on the National Wetlands Inventory.

YAKIMA COUNTY WETLAND RATING SYSTEM

1. TYPE I WETLANDS are those wetlands which meet any of the following characteristics:

   a. Presence of species listed by the federal government or the State of Washington as endangered, threatened, sensitive, or monitor, or the presence of critical or outstanding habitat for those species;
   b. Wetlands consisting of 40% to 60% open water in dispersed patches and with two or more wetland vegetation classes (e.g., emergent, scrub-shrub) present;
   c. High-quality examples of a native wetland listed in the Terrestrial and/or Aquatic Ecosystem elements of the Washington Natural Heritage Plan;
   d. Wetlands equal to, or greater, than 10 acres in size and with three or more wetland classes present, one of which is open water;
   e. Wetlands comprised wholly or partially of plant associations of infrequent occurrence;
   f. Wetlands of exceptional local significance. (The criteria for this category shall be developed and adopted by the appropriate local authority under appropriate public review. The criteria may include, but not be limited to, rarity, groundwater recharge areas, significant habitats, unique educational sites or other specific functional values.)

2. TYPE II WETLANDS include those wetlands which meet any of the following characteristics:

   a. Wetlands greater than one acre in size;
b. Wetlands equal to or less than one acre in size and with three or more wetland classes present.

e. Wetlands equal to or less than one acre in size with a forested wetland class present.

3. TYPE III WETLANDS include those wetlands that are equal to or less than one acre in size with two or fewer wetland classes present and are not rated as a Type IV Wetland.

4. TYPE IV WETLANDS are wetlands of less than 5,000 square feet that are hydrologically isolated from any water body or wetland regulated under the Shorelines Management Act and have only one wetland class which is not forested.
# APPENDIX B

Yakima County Critical Areas Ordinance

## DESIGNATED SHORELINE LAKES, PONDS AND TYPE 1 STREAMS

### LAKES AND PONDS

<table>
<thead>
<tr>
<th>LAKES</th>
<th>LOCATION</th>
<th>DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Byron Ponds</td>
<td>Sec. 12, T3N, R23E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Horseshoe Pond</td>
<td>Sec. 22, T9N, R22E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Morgan Pond</td>
<td>Sec. 25, T9N, R22E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Horseshoe Lake</td>
<td>Sec. 25, T9N, R22E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Griffin Lake</td>
<td>Sec. 26, T9N, R22E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Olays Lake</td>
<td>Sec. 7, T9N, R23E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Freeway Lake</td>
<td>Sec. 7, T13N, R10E</td>
<td>Rural</td>
</tr>
<tr>
<td>Wenas Lake</td>
<td>Sec. 2, T15N, R17E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Priest Rapids Pool</td>
<td>Secs. 2 and 3, T13N, R23E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Rimrock Lake</td>
<td>T13 and 14N, R12, 13, 14E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Clear Lake</td>
<td>Secs. 1, 2, 3, T13N, R12E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Lake Aspen</td>
<td>Secs. 11, 14, T13N, R18E</td>
<td>Urban</td>
</tr>
<tr>
<td>Willow Lake</td>
<td>Secs. 11, 14, T14N, R18E</td>
<td>Urban</td>
</tr>
<tr>
<td>Big Elton Pond</td>
<td>Sec. 31, T14N, R10E</td>
<td>Rural</td>
</tr>
<tr>
<td>Bumping Lake</td>
<td>T16N, R12E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Unnamed Lake (CB-E-201)</td>
<td>Sec. 35, T12N, R19E</td>
<td>Rural</td>
</tr>
<tr>
<td>Unnamed Lake (CB-E-300)</td>
<td>Sec. 24, T12N, R20E</td>
<td>Rural</td>
</tr>
<tr>
<td>Unnamed Lake (PS-E-311)</td>
<td>Sec. 17, T11N, R20E</td>
<td>Rural</td>
</tr>
</tbody>
</table>

### TYPE 1 STREAMS

<table>
<thead>
<tr>
<th>STREME TYPE</th>
<th>DESCRIPTION</th>
<th>DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ahtanum Creek - N. Fork (both banks)</td>
<td>From the confluence of Ahtanum Creek North Fork and Ahtanum Creek Middle Fork (Sec. 24, T12N, R14E) downstream to mouth at Ahtanum Creek South Fork (Sec. 17, T12N, R16E)</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Ahtanum Creek - S. Fork (both banks)</td>
<td>From confluence of unnamed creek and Ahtanum Creek South Fork (Sec. 24, T12N, R15E) downstream to mouth at Ahtanum Creek</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Ahtanum Creek - (both banks)</td>
<td>From confluence of North and South Forks of Ahtanum Creek (Sec. 17, T12N, R16E) downstream to the West line of Sec. 15, T12N, R17E, except</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Critical Area</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>Ahtanum Mission Site</td>
<td>From the West line of Sec. 15, T12N, R17E, downsteam to the South line of Sec. 8, T12N, R19E</td>
<td></td>
</tr>
<tr>
<td>Ahtanum Mission Site</td>
<td>Beginning at a point on the North line of Government Lot 1, Sec. 13, T12N, R16E, 1,093.7 feet South 89°45' East of the Northwest corner therof, thence South 37°35' West 119.4 feet, thence South 6°30' West 123.6 feet, thence South 75°46' West 138.2 feet, thence South 61°40' West 182.6 feet, thence South 105.6 feet, more or less, to the Northeast corner of the existing old mission property; thence South 250 feet to the Southeast corner; thence West 350 feet to the Southwest corner of the said old mission property, thence North 606 feet, more or less, to the West right-of-way line of the Yakima County road; thence Northeastly, along said right-of-way line to the North line of said Lot 1; thence Easterly along the North line of said Lot 1 to the point of beginning.</td>
<td></td>
</tr>
<tr>
<td>Columbia River - (right bank only)</td>
<td>From the Yakima Firing Center boundary (Sec. 3, T13N, R23E) downstream to Benton County line (Sec. 12, T13N, R23E)</td>
<td></td>
</tr>
<tr>
<td>Cowiche Creek South Fork - (both banks)</td>
<td>From the West line of the Northeast corner of Sec. 33, T14N, R16E downstream to the West line of Sec. 31, T14N, R17E</td>
<td></td>
</tr>
<tr>
<td>Cowiche Creek South Fork - (both banks)</td>
<td>From the West line of Sec. 31, T14N, R17E downstream to the South line of Sec. 3, T14N, R17E</td>
<td></td>
</tr>
<tr>
<td>Cowiche Creek South Fork - (both banks)</td>
<td>From the West line of Secs. 3 and 17, T13N, R18E downstream to the North line of the Burlington Northern railroad right-of-way in the Southeast quarter of Sec. 9, T13N, R18E</td>
<td></td>
</tr>
<tr>
<td>Bumping River - (both banks)</td>
<td>From the U.S.G.S. Gaging Station (Sec. 23, T16N, R12E) downstream to mouth of Naches and Little Naches River (Sec. 4, T12N, R14E)</td>
<td></td>
</tr>
<tr>
<td>Little Naches River - (both banks, Yakima County only)</td>
<td>From the confluence of the North and Middle Forks of Little Naches River (Sec. 36, T19N, R12E) downstream to mouth at Naches River (Sec. 4, T17N, R14E)</td>
<td></td>
</tr>
<tr>
<td>Naches River - (left bank only)</td>
<td>From the confluence of the Little Naches River and the Bumping River downstream to the South line of Sec. 21, T16N, R15E</td>
<td></td>
</tr>
<tr>
<td>Naches River - (left bank only)</td>
<td>From the South line of Sec. 21, T16N, R15E downstream to the East line of Sec. 3, T15N, R15E</td>
<td></td>
</tr>
<tr>
<td>Naches river - (left bank only)</td>
<td>From the East line of Sec. 3, T15N, R15E downstream to the center of the intersection of State Route 410 and State Route 12 within the Northeast quarter of Sec. 35, T15N, R16E</td>
<td></td>
</tr>
<tr>
<td>Naches River - (left bank only)</td>
<td>From the center of the intersection of State Route 410 and State Route 12 downstream to the South line of Sec. 11, T14N, R17E</td>
<td></td>
</tr>
<tr>
<td>Naches River - (left bank only)</td>
<td>From the South line of Sec. 11, T14N, R17E downstream to the East line of Sec. 36, T14N, R17E</td>
<td></td>
</tr>
<tr>
<td>Naches River - (left bank only)</td>
<td>From the East line of Sec. 36, T14N, R17E downstream to the South line of Sec. 31, T14N, R18E</td>
<td></td>
</tr>
<tr>
<td>Critical Area</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>Yakima River (left bank only)</td>
<td>From the South line of Sec. 31, T14N, R18E, downstream to the South line of Sec. 5, T13N, R18E</td>
<td></td>
</tr>
<tr>
<td>Naches River (left bank only)</td>
<td>From the South line of Sec. 5 T13N, R18E, downstream to the centerline of Sec. 9, T13N, R18E</td>
<td></td>
</tr>
<tr>
<td>Naches River (left bank only)</td>
<td>From the centerline of Sec. 9, T13N, R18E, downstream to the confluence of the Naches River and Yakima River</td>
<td></td>
</tr>
<tr>
<td>Naches River (right bank only)</td>
<td>From the confluence of the Little Naches River and Bumping River downstream to the South line of Sec. 5, T14N, R15E</td>
<td></td>
</tr>
<tr>
<td>Naches River (right bank only)</td>
<td>From the South line of Sec. 5, T14N, R15E, downstream to the confluence of the Naches River and Rattlesnake Creek</td>
<td></td>
</tr>
<tr>
<td>Naches River (right bank only)</td>
<td>From the confluence of the Naches River and Rattlesnake Creek downstream to the confluence of the Naches River and the Tieton River</td>
<td></td>
</tr>
<tr>
<td>Naches River (right bank only)</td>
<td>From the East line of Sec. 31, T14N, R18E, downstream to the South line of Sec. 5, T13N, R18E</td>
<td></td>
</tr>
<tr>
<td>Naches River (right bank only)</td>
<td>From the East line of Sec. 5, T14N, R17E, downstream to the South line of Sec. 11, T14N, R17E</td>
<td></td>
</tr>
<tr>
<td>Naches River (right bank only)</td>
<td>From the South line of Sec. 11, T14N, downstream to the West right-of-way line of the Yakima Valley Transportation Company railroad within Sec. 12, T13N, R18E</td>
<td></td>
</tr>
<tr>
<td>Naches River (right bank only)</td>
<td>From the West right-of-way line of the Yakima Valley Transportation Company railroad in Sec. 12, T13N, R18E downstream to the South line of Sec. 21, T16N, R15E</td>
<td></td>
</tr>
<tr>
<td>Rattlesnake Creek (both banks)</td>
<td>From the Snoqualmie National Forest boundary (Sec. 6, T15N, R15E), downstream to mouth at Naches River</td>
<td></td>
</tr>
<tr>
<td>Tieton River (both banks)</td>
<td>From the West line of Sec. 29, T14N, R15E, downstream to the confluence of the Tieton River and the Naches River</td>
<td></td>
</tr>
<tr>
<td>Tieton River (south fork) (both banks)</td>
<td>From the South line of Sec. 23, T12N, R12E, downstream to mouth at Rimrock Lake, Sec. 17, T13N, R14E</td>
<td></td>
</tr>
<tr>
<td>Yakima River (left bank only)</td>
<td>From the Kittitas County line, Sec. 33, T15N, R10E, downstream to the South line of Sec. 18, T14N, R10E</td>
<td></td>
</tr>
<tr>
<td>Yakima River (left bank only)</td>
<td>From the South line of Sec. 18, T14N, R10E, downstream to the South line of Sec. 7, T13N, R10E</td>
<td></td>
</tr>
<tr>
<td>Yakima River (left bank only)</td>
<td>From the South line of Sec. 7, T13N, R10E, downstream to the Southerly right-of-way line of Terrace Heights Drive in Sec. 20, T13N, R19E</td>
<td></td>
</tr>
<tr>
<td>Yakima River (left bank only)</td>
<td>From the Southerly right-of-way line of Terrace Heights Drive in Sec. 20, T13N, R19E, downstream to the South line of Sec. 21, T13N, R19E</td>
<td></td>
</tr>
<tr>
<td>Yakima River (left bank only)</td>
<td>From the South line of Sec. 21, T13N, R19E, downstream to the Southerly right-of-way line of State Route 24 in Secs. 28 and 33, T13N, R19E</td>
<td></td>
</tr>
<tr>
<td>Yakima River (left bank only)</td>
<td>From the Southerly right-of-way line of State Route...</td>
<td></td>
</tr>
<tr>
<td>Yakima River - (left bank only)</td>
<td>From the East line of the Yakima River to the South line of Sec. 31, T11N, R21E downstream to the East line of Sec. 17, T10N, R21E</td>
<td>Rural</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the Kittitas County line downstream to the South line of Sec. 7, T13N, R19E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the South line of Sec. 7, T13N, R19E downstream to the South line of Sec. 20, T13N, R19E</td>
<td>Rural</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the South line of Sec. 20, T13N, R19E downstream to the North line of the South half of Sec. 32, T13N, R19E</td>
<td>Urban</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the North line of the South half of the South half of Sec. 32, T13N, R19E downstream of the South line of Sec. 17, T12N, R19E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the South line of Sec. 17, T12N, R19E downstream to the Northerly right-of-way line of State Route 223 within the Southeast quarter of Sec. 21, T10N, R21E</td>
<td>Rural</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the Northerly right-of-way line of State Route 223 downstream to the South line of Sec. 18, T14N, R19E</td>
<td>Rural</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the South line of Sec. 18, T14N, R19E downstream to the South line of Sec. 1, T13N, R18E</td>
<td>Rural</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the South line of Sec. 1, T13N, R18E downstream to the confluence of the Naches River and the Yakima River</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the confluence of the Naches River and the Yakima River downstream to the South line of Sec. 2, T14N, R19E</td>
<td>Rural</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the South line of Sec. 2, T14N, R19E downstream to the South line of Sec. 20, T13N, R19E</td>
<td>Urban</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the South line of Sec. 20, T13N, R19E downstream to the North line of the South half of the South half of Sec. 32, T13N, R19E</td>
<td>Rural</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the North line of the South half of the South half of Sec. 32, T13N, R19E downstream of the South line of Sec. 17, T12N, R19E</td>
<td>Conservancy</td>
</tr>
<tr>
<td>Location</td>
<td>Description</td>
<td>Type</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
<td>------</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the Easterly right-of-way line of the Sunnyside-Mabton Road in Secs. 30 and 31, T9N, R23E downstream to the East line of Sec. 34, T9N, R23E</td>
<td>Rural</td>
</tr>
<tr>
<td>Yakima River - (right bank only)</td>
<td>From the East line of Sec. 34, T9N, R23E downstream to Benton County line</td>
<td>Conservancy</td>
</tr>
</tbody>
</table>

* Those islands in the Yakima River from Interstate 82 Bridge over the Yakima River in Sec. 12, T13N, R18E on the North, downstream to the South line of Sec. 8, T12N, R19E on the South are designated Natural Environments.

**NOTE:**

It is understood that river changes may alter somewhat the boundaries of the above described Environments over a period of time. These changes are hereby incorporated by reference into this document so that the above described Environments will shift with river changes.

Furthermore, the above described Environments are outlined on Official Environment Designation Maps available for inspection in the Yakima County Planning Department. Where a conflict exists between the descriptions provided above and the maps, the descriptions shall prevail. Questions of interpretation shall be decided by the Administrative Official.
APPENDIX C

Yakima County Critical Areas Ordinance

DESIGNATED TYPE 2 STREAM CORRIDORS

The following stream reaches within Yakima County are designated critical areas under the Critical Areas Ordinance. “NSL” indicates the stream is not subject to the Shoreline Management Act. Any stream segments abutting federal lands or any Indian trust lands within the Yakima Indian Reservation are excluded.

<table>
<thead>
<tr>
<th>No.</th>
<th>Stream Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Bachelor Creek</td>
<td>NSL: From source at Ahtanum Creek (SEC11-TWP12N-RGE16 W) downstream to its mouth at Ahtanum Creek (SEC1-TWP12N-RGE18E).</td>
</tr>
<tr>
<td>3.</td>
<td>Cottonwood Canyon Creek</td>
<td>NSL: From the south line of SEC32-TWP3N-RGE17E downstream to mouth at Wide Hollow Creek (SEC36-TWP12N-RGE18E).</td>
</tr>
<tr>
<td>4.</td>
<td>Cottonwood Creek (Wenas)</td>
<td>NSL: From boundary of the L.T. Murray Wildlife Recreation Area (South line, SEC15-TWP15N-RGE15E) downstream to mouth at Wenas Creek (SEC12-TWP14N-RGE15E).</td>
</tr>
<tr>
<td>5.</td>
<td>Cowiche Creek, north fork</td>
<td>NSL: Commencing at the north line of SEC14-TWP12N-RGE15E downstream to its confluence with the South Fork of Cowiche Creek (SEC16-TWP13N-RGE15E).</td>
</tr>
<tr>
<td>7.</td>
<td>Little Rattlesnake Creek</td>
<td>NSL: From the Wenatchee National Forest boundary (SEC30-TWP15N-RGE15E) downstream to mouth at Rattlesnake Creek (SEC3-TWP15N-RGE15N).</td>
</tr>
<tr>
<td>8.</td>
<td>Wide Hollow Creek</td>
<td>NSL: From the east line of the SW1/4 of the NW1/4 (SEC18-TWP13N-RGE17E) downstream to its mouth at the City of Yakima (SEC18-TWP13N-RGE17E).</td>
</tr>
<tr>
<td>9.</td>
<td>Wenas Creek</td>
<td>NSL: From the east line of SEC3-TWP14N-RGE18E downstream to its mouth at the Yakima River (SEC18-TWP14N-RGE18E).</td>
</tr>
</tbody>
</table>
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) Title 16 – Environment.
(2) Titles 16A and 16C – Critical Areas.

(3) Title 16D – Yakima County Regional Shoreline Master Program.

(4) 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) Adoption and amendment of development regulations as defined by RCW 36.70A;

(2) Area-wide rezones to implement new county policies; and

(3) 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.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 Hearings.
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 apply 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
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

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Chapter 16B.03 CLASSIFICATION BY PROJECT
PERMIT TYPE

notice requirements. Decisions on Type 1 project permit applications will be made by the Administrative Official without a prior public hearing. Decisions on Type 1 projects can be appealed to the Hearing Examiner.

(b) Type 2 applications are administrative actions which may generate public interest. Public notice will be provided for Type 2 actions. Decisions on Type 2 project permit applications will be made by the Administrative Official without a prior public hearing, unless referred by the Administrative Official to the Hearing Examiner for final decision in accordance with the Table 3-2 Notes and YCC 19.30.030(3)(b)(v). Decisions on Type 2 projects can be appealed to the Hearing Examiner. Public notice will be provided on Type 2 actions.

(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. 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. The Board shall conduct a closed record hearing to act on the Examiner’s recommendation. Public notice will be provided on Type 4 actions.

(2) Any administrative appeals of SEPA determinations related to Type 1, 2, or 3 applications will be conducted in accordance with YCC 16B.09. Type 4 decisions and their related SEPA determinations are not subject to administrative appeal (see Table 3-1).

(3) Final administrative decisions on Type 1, 2, 3, and 4 applications and their related SEPA determinations are indicated in Table 3-1.

(4) 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

<table>
<thead>
<tr>
<th>Process Type</th>
<th>Public Notice</th>
<th>Recommending Body</th>
<th>Open Record Hearing Body</th>
<th>Decision Maker</th>
<th>Project Permit Appeal Body</th>
<th>SEPA Appeal Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Administrative Official(1) (Open Record Hearing)</td>
<td>Hearing Examiner(2) (Open Record Hearing)</td>
<td>Hearing Examiner(2) (Open Record Hearing)</td>
</tr>
<tr>
<td>Type 2</td>
<td>Yes</td>
<td>N/A</td>
<td>N/A</td>
<td>Administrative Official(1) (Open Record Hearing)</td>
<td>Hearing Examiner(2) (Open Record Hearing)</td>
<td>Hearing Examiner(2) (Open Record Hearing)</td>
</tr>
<tr>
<td>Type 3</td>
<td>Yes</td>
<td>Administrative Official</td>
<td>Hearing Examiner (Open Record Hearing)</td>
<td>Hearing Examiner (Open Record Hearing)</td>
<td>No administrative appeal</td>
<td>Hearing Examiner(2) (Open Record Hearing)</td>
</tr>
<tr>
<td>Type 4</td>
<td>Yes</td>
<td>Hearing Examiner</td>
<td>Hearing Examiner (Open Record Hearing)</td>
<td>BOCC (Closed Record Hearing)</td>
<td>No administrative appeal</td>
<td>No administrative appeal</td>
</tr>
</tbody>
</table>

Notes:

(1) Appeal determinations by the Hearing Examiner on Type 1 and Type 2 applications and on Type 3 SEPA appeals shall be final and binding and not subject to further administrative appeal.

(2) 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

<table>
<thead>
<tr>
<th>Title 19 – Yakima County Unified Land Development Code Type 1 Review[^4][^7]</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type 1 Permitted Uses</strong> shown in the land use table in YCC Chapter 19.14 except when Type 2 review is required (19.30.030(1)(c))</td>
</tr>
<tr>
<td><strong>Interpretations and similar use determinations</strong> by the Administrative Official (Chapter 19.31)</td>
</tr>
<tr>
<td><strong>Reconstruction of damaged buildings or structures</strong> not involving expansion or nonconforming use (19.33.050(2)(d))</td>
</tr>
<tr>
<td><strong>Legal Nonconforming use determination</strong> by the Administrative Official (19.33.060(1)(a))</td>
</tr>
<tr>
<td><strong>Replacement or restoration of legal nonconforming dwelling</strong> (19.33.060(6)(a))</td>
</tr>
<tr>
<td><strong>Utility divisions</strong> (19.34.090)</td>
</tr>
<tr>
<td><strong>Boundary Line Adjustments</strong> (19.34.020)</td>
</tr>
<tr>
<td><strong>Minor amendments of approved preliminary plats</strong> (19.34.050(9)(b))</td>
</tr>
<tr>
<td><strong>Final Subdivisions and Short Subdivision</strong>[^1] (19.34.070)</td>
</tr>
<tr>
<td><strong>Segregations within an approved Binding Site Plan</strong> for commercial or industrial development (19.34.080(3)(b))</td>
</tr>
<tr>
<td><strong>ESLU Setback modifications exceptions</strong> (19.35.020(6)(d))</td>
</tr>
<tr>
<td><strong>Administrative Modifications</strong> to existing or approved uses (19.35.030(3))</td>
</tr>
<tr>
<td><strong>Minor modification</strong> to a previously approved Master Planned Resort, Resort Development Plan or Planned Development (19.35.050(1))</td>
</tr>
<tr>
<td><strong>Future Projects or actions</strong> in compliance with an approved Master Development Plan or Development Agreement (19.35.055(1))</td>
</tr>
</tbody>
</table>

**Type 1 Uses require Type 2 review when**[^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**[^4][^8]

- **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]
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Application</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type 2</strong></td>
<td>Environmental Review (SEPA Checklist)</td>
<td>New Binding Site Plans for commercial and industrial development (19.34.080)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Administrative Adjustments to standards authorized (19.35.020)</td>
</tr>
<tr>
<td><strong>Type 3</strong></td>
<td></td>
<td>Conditional Uses shown on the land use table in Chapter 19.14</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Plat vacations or alterations under Chapter 58.17 RCW</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Major modifications to a Master Development Plan or Development Agreement (19.35.055(3))</td>
</tr>
<tr>
<td><strong>Type 4</strong></td>
<td></td>
<td>Type 4 Quasi-judicial uses or development shown on the land use table in Chapter 19.14</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Master Planned Resorts (MPRs) in rural or resource areas (19.11.050)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New or expanded Master Planned Developments in Urban Growth Areas (19.17.040)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subdivision Applications (19.34.050)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Major amendments to approved preliminary subdivision (19.34.050(9)(c))</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Major modification to a Master Planned Resort or Planned Development (19.35.050(2))</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minor Rezones (19.36.030)</td>
</tr>
<tr>
<td><strong>Title 16</strong></td>
<td></td>
<td>Title 16 – Chapter 16.04 – Yakima County SEPA Ordinance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Application Process Type</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Environmental Review (SEPA Checklist) Type 2(7)</td>
</tr>
<tr>
<td><strong>Title 16A and 16C</strong></td>
<td></td>
<td>Title 16A and 16C – Yakima County Critical Areas Ordinance and Title 16D – Yakima County Regional Shoreline Master Program</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Application Process Type</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Floodprone Permit (16A.05.05) Type 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Floodprone Development Variance (16A.05.52 or 16A.05.52) Type 2(4)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flood Hazard Permit (16D.05.44.040 or 16D.05.44.040) Type 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Critical Areas Adjustment (16A.03.23 or 16A.03.13 &amp; 16A.04.25) Type 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Critical Areas Reasonable Use Exception (16A.03.24) Type 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minor Revision to approved uses/development (16A.03.25) Type 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-Conforming Use/Facility Alteration (16A.03.26) Type 2(8)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-Conforming Structures or Areas (16A.03.26 or 16D.03.26) Type 2(9)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shoreline Exemption (16D.03.05) Type 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shoreline Substantial Development Permit (16D.03.19 &amp; 16D.10.05) Type 2(4)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shoreline Conditional Use Permit (16D.03.21 &amp; 16D.10.05) Type 2</td>
</tr>
</tbody>
</table>

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
Shoreline Variance (16D.03.22)  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 the 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 19.30.030(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
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(12) Critical Areas Titles 16A and 16C may apply to property based on agricultural use. Refer to Title 16C to determine jurisdiction.

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

16B.03.050 Limitations on Open Record Public Hearings and Closed Record Hearings.
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 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 16 (SEPA) Environment, Title 16A and 16C – Critical Areas Ordinances, Title 16B – Project Permit Administration, 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 Chapter 19.14 but is consistent in character with the purpose of the Zoning District.

(4) The Hearing Examiner shall issue similar use interpretations regarding any provisions of the Yakima County Unified Land Development Code (Title 19), as specified by Chapter 19.31, 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 project permit, or a modification to a development agreement is proposed, the public hearing shall be conducted by the hearing body indicated in Table 3-3 after notice as indicated in Table 5-1.

Table 3-3

Public Hearing Procedure When Development Agreements Are Consolidated With Project Permits

<table>
<thead>
<tr>
<th>Process Type</th>
<th>Hearing Body</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1</td>
<td>Board</td>
<td>The Administrative Official will provide a recommendation to the Board and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>incorporate the Board’s decision on the development agreement into the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>decision on the project permit.</td>
</tr>
<tr>
<td>Type 2</td>
<td>Board</td>
<td>The Administrative Official will provide a recommendation to the Board and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>incorporate the Board’s decision on the development agreement into the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>decision on the project permit.</td>
</tr>
<tr>
<td>Type 3 (and Type 2 elevated to Type 3 review)</td>
<td>Hearing Examiner (consolidated with open record hearing)</td>
<td>The Hearing Examiner will consider the development agreement during the open record hearing on the project permit and will make a recommendation to the Board on the development agreement; and approval of the project permit shall be conditioned on the Board’s approval of the development agreement.</td>
</tr>
<tr>
<td>Type 4</td>
<td>Hearing Examiner (consolidated with open record hearing)</td>
<td>The Hearing Examiner will consider the development agreement during the open record hearing on the project permit and will make a recommendation to the Board on the development agreement; and the Board’s approval of the project permit shall be conditioned on the Board’s approval of the development agreement.</td>
</tr>
</tbody>
</table>

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(5) The BOCC may approve a development agreement by ordinance or resolution only.

Chapter 16C.01

GENERAL PROVISIONS

Sections:
16C.01.01 Title and Authority.
16C.01.02 Language Interpretation.
16C.01.03 Purpose of Title.
16C.01.04 Intent of Title.
16C.01.05 Applicability.
16C.01.06 Science and Protection of Anadromous Fish.
16C.01.08 Administrative Authority.
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16C.01.01 Title and Authority.
Yakima County Code (YCC) Title 16C is established pursuant to RCW 36.70A.060 (Growth Management Act Natural resource lands and critical areas – Development regulations), RCW Chapter 43.21C (State Environmental Policy Act), RCW 86.16, and federal requirements for eligibility in the National Flood Insurance Program, pursuant to the Code of Federal Regulations (CFR) 44CFR, Parts 59 and 60. This title shall be known as the “Critical Areas Ordinance of Yakima County, Washington.”

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 13-2007 §1 (Exh. A)(16C.01.01), 2007).

16C.01.02 Language Interpretation.
Unless specifically defined in Chapter 16C.02, words, phrases and terms in this title shall be interpreted so as to give them the meaning they have in common usage and to give this title its most reasonable application. “Shall” is mandatory; “may” is discretionary and does not impose a requirement; “should” is always advisory; “include(s)” means includes but not limited to. 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.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 13-2007 §1 (Exh. A)(16C.01.02), 2007).

16C.01.03 Purpose of Title.
The purpose of Title 16C is the following:

(1) Designate, protect, and maintain the function and values of critical areas and give special consideration to conservation or protections measures necessary to reserve or enhance anadromous fisheries.

(2) Ensure a single, uniform system of procedures and standards be applied to development within designated critical areas of unincorporated Yakima County.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 13-2007 §1 (Exh. A)(16C.01.03), 2007).

16C.01.04 Intent of Title.
(1) Title 16C establishes policies, standards, and other provisions pertaining to development within designated critical areas regulated under the provisions of the Growth Management Act (RCW 36.70A), and development regulated under the National Flood Insurance Program and RCW 86.16. Additional purpose and intent for the protection of critical areas is provided in the chapter on each subject. Stream corridors, frequently flooded areas, wetlands, critical aquifer recharge areas, geologically hazardous areas and fish and wildlife habitat areas constitute Yakima County’s critical areas. These areas are of special concern to the people of Yakima County and the state of Washington because they are environmentally sensitive lands, or hazardous areas, which compose an important part of the county’s natural resource base. The policies, standards and procedures of this title are intended to:

(a) Preserve development options within designated critical areas where such development will not adversely impact critical area values and functions, particularly the functional properties of stream corridors and other hydrologically related critical areas;
(b) Prevent further degradation of critical areas;
(c) Conserve, protect and, where feasible, restore essential or important natural resources.
(d) Protect the public health, safety and general welfare;
(e) Further the goals and objectives of the Yakima County Comprehensive Plan and all of its elements;
(f) Implement the goals and requirements of the Washington Growth Management Act (RCW Chapter 36.70A), and the National Flood Insurance Program;
(g) Recognize and protect private property rights;
(h) Provide development options for landowners of all existing lots to the greatest extent possible, through the establishment of Adjustment, Reasonable Use provisions and Non-Conforming Use and Facility provisions;
(i) Recognize that mining and related uses are an appropriate use within designated critical areas when conducted in a manner consistent with the laws of the state that already govern mining including, but not limited to, the Surface Mining Act, RCW Chapter 78.44.

(2) In addition, the policies, standards and procedures of this title:

(a) Are not intended to regulate the operation and maintenance of existing, legally established uses and structures, including but not limited to vegetative buffers on existing uses that have been reduced in width prior to the effective dates of provisions in the Critical Areas Ordinance;
(b) Are not intended to result in an unconstitutional taking of private property;
(c) Are not intended to retroactively require the restoration of degraded critical areas for properties in a degraded condition prior to the effective dates of provisions in the Critical Areas Ordinance; but rather to utilize restoration as a tool to mitigate impacts of new development;
(d) Are not intended to presume that regulatory tools are the only mechanism for protection, but rather integrated with non-regulatory tools in as balanced a manner as possible;
(e) Are not intended to prohibit the use of valid water rights.


16C.01.05 Applicability.
(1) Except as provided in subsection (3) below, the provisions of this title shall apply to any new development, construction or use within the unincorporated portion of Yakima County designated as a critical area, irrespective of parcel boundaries, outside Shoreline jurisdiction, as determined by the Shoreline Master Program (YCC Title 16D), and upon any land mapped and designated as a special flood hazard area under the National Flood Insurance Program or as a frequently flooded area designated by this title; however, this title does not apply to the situations below, except that the Flood Hazard protection provisions of Chapters 16C.05.20 through 16C.05.72 will continue to apply as determined by the applicability provision in 16C.05.20:

(a) Within critical areas designated by this title or amendments that may later be adopted, there may exist lots, structures and uses which were lawfully established before this title was initially adopted, amended or readopted, as provided below, but which would be subsequently prohibited, regulated or restricted under this title. It is the intent of this title to permit these pre-existing legal nonconformities to continue without requirement to change said nonconformity until such time as conformance is required through permits for development in the future. The adoption and amendment dates of the relevant regulations are provided below:

(i) Critical Areas Ordinance adopted July 12, 1994 (YCC Title 16A);
(ii) Critical Areas Ordinance amended October 1, 1995 (YCC Title 16A);
The Yakima County Code is current through Ordinance 7-2018, passed December 18, 2018.

(iii) Flood Hazard Ordinance adopted June 5, 1985;
(iv) Critical Areas Ordinance amended December 15, 2007 (GMA Update - YCC Title 16C);
(v) Critical Areas Ordinance amended June 30, 2017 (GMA Update - YCC Title 16C);
(vi) Critical Areas Ordinance amended Month Day, Year (Repeal of 16A).

(b) Critical areas on federally owned lands are not subject to this title;
(c) Forest practices, as defined by this title, carried out under a Washington Department of Natural Resources Forest Practice permit are not subject to this title, except those that involve a conversion of forest land to a nonforestry use, involve a conversion option harvest plan, or take place on lands platted after January 1, 1960;
(d) Livestock grazing on publicly owned land, when carried out under an agreement that includes a resource management plan that will be monitored by a public entity, is not subject to this title;
(e) Changing agricultural crops within an existing farming operation is not considered new development, construction or use, provided that the existing area under agricultural production is not extended further into a vegetative buffer identified under Section 16C.06.16, and provided that the natural contour of the land subject to this title is not altered by excavation and filling;
(f) Minor, temporary or transient activities, including those of a recreational nature, that do not alter the environment or require a dedicated staging area, use area, or route are not subject to this title, and including temporary signs (election, sale, rent, etc.);
(g) Critical areas within the exterior boundaries of the Yakama Nation that are located within the designated Closed Areas or not under County jurisdiction as a result of the Supreme Court decision County of Yakima et al. v. Confederated Tribes and Bands of the Yakima Indian Nation (1991) are not subject to this title;
(h) Mining, as defined by this title, that is carried out under a Washington Department of Natural Resources reclamation permit is not subject to the geologically hazardous areas provisions of this title for erosion hazard areas, oversteepened slope hazard areas, landslide hazard areas and suspected geologic hazard areas. Other critical areas provisions continue to apply.

(2) Other rules and regulations, including the Yakima County Unified Land Development Code (YCC Title 19), Shoreline Master Program (YCC Title 16D), and the Building and Construction Ordinance (YCC Title 13), shall remain in full force and effect as they apply to a designated critical area. Wherever the requirements of Title 16C conflict with the requirements of the applicable Zoning Ordinance, the Subdivision Ordinance or any other lawfully adopted County rules or regulations, the most restrictive standards shall govern.

(3) Yakima County has opted into the Voluntary Stewardship Program (VSP) as an alternative to regulatory protection of critical areas on agricultural lands. A working group comprised of agricultural groups, environmental groups, and the Yakama Nation is developing a work plan that identifies goals and benchmarks to protect critical areas while maintaining the viability of agriculture through voluntary, incentive-based measures (WAC 365-191-010(4)).

(a) The work plan developed by the VSP working group was approved by the Washington State Conservation Commission on October 30, 2017, therefore the provisions or standards of this title will not apply to agricultural activities prior to July 22, 2011, defined as agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original
(b) If the approved work plan is not approved by the Washington State Conservation Commission, or fails to meet goals, and benchmarks, or receive adequate funding, the provisions and policies of this title will apply to agricultural activities (RCW 36.70A.735).

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017: Res. 80-2016 (Exh. A) (part), 2016; Ord. 13-2007 §1 (Exh. A)(16C.01.05), 2007).

16C.01.06 Science and Protection of Anadromous Fish.
This title has been updated consistent with the requirements for:

(1) Using the best available science as required by RCW 36.70A.172 (Critical areas – Designation and protection – Best available science to be used) and WAC 365-195-900 through WAC 365-195-920 (BAS Background and purpose);

(2) Giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish (salmon, steelhead, pacific lamprey etc.) and their habitat, as required by RCW 36.70A.172 (Best available science to be used) and WAC 365-195-925 (Criteria for demonstrating “special consideration” has been given to anadromous fisheries).

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 13-2007 §1 (Exh. A)(16C.01.06), 2007).

16C.01.08 Administrative Authority.
(1) The Yakima County Public Services Department – Planning Division shall be responsible for the general administration of this title. The Planning Division Manager or the Manager’s designee shall serve as the Administrative Official of this title, except as noted in Chapters 16C.05.20 through 16C.05.72. The Administrative Official shall establish procedures for implementation of this title.

(a) Where the provisions of these regulations may be unclear in special circumstances, or where judgment must be made because of the nature of the language used, the Administrative Official shall make such interpretations. A separate record of all interpretations shall be kept. To avoid arbitrariness, any earlier interpretation that may relate to a pending action shall be examined by the Administrative Official for its effect or influence on the pending action.

(b) A written request for interpretation of any provision of this title, or any rule or regulation adopted pursuant to this title, may be submitted to the Administrative Official. Each request shall set forth the specific provision or provisions to be interpreted and the facts of the specific situation giving rise to the request for an interpretation. Interpretations shall be processed in accordance with YCC Section 16B.03.070.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 13-2007 §1 (Exh. A)(16C.01.08), 2007).

16C.01.09 Severability.
If any provision of the ordinance codified in this title or its application to any person or legal entity or circumstances is held to be invalid, the remainder of said ordinance or the application of the provision to other persons or legal entities or circumstances shall not be affected.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 13-2007 §1 (Exh. A)(16C.01.09), 2007).

The Yakima County Code is current through Ordinance 7-2018, passed December 18, 2018.
Chapter 16C.02
DEFINITIONS

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16C.02.001 Definitions Generally.
(1) Whenever the words and terms set forth in this chapter appear in this title, they shall be given the meaning attributed to them by this chapter. References to specific provisions of YCC Title 13 and the International Building Codes, statutes and Washington Administrative Code provide greater detail for purposes of administering this title.

(2) Definitions listed in this chapter shall be applied to all critical areas, including Flood Hazard Areas, unless the definition itself identifies the term as applying to Flood Hazard administration, in which case the definition only applies to that situation.


16C.02.005 Abutting.
“Abutting” means bordering upon, to touch upon, or in physical contact with. Sites are considered abutting even though the area of contact may be only a point.


16C.02.010 Adjacent.
“Adjacent” means to be nearby and not necessarily abutting.


16C.02.012 Administrative Official.
“Administrative Official” means the duly appointed planning division manager of the public services department, or his designee, or the relevant decision maker identified in YCC Title 16B (Project Permit Administration); synonymous with “administrator” or “director.”


16C.02.020 Agricultural Activities.
“Agricultural activities” means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017).

16C.02.025 Alluvial Fan.
“Alluvial fan” is a low, outspread, relatively flat to gently sloping feature, shaped like an open fan or a segment of a cone, deposited by a stream at the place where it issues from a valley upon a plain or broad valley, or where a tributary stream is near or at its junction with the main stream, or wherever a constriction in a valley abruptly ceases or the gradient of the stream suddenly decreases; it is steepest near the mouth of the valley where its apex points upstream, and it slopes gently and convexly outward with gradually decreasing gradient.


16C.02.030 Applicant.
“Applicant” means a person, party, firm, corporation, or other legal entity that proposes a development, construction or use on a site.

16C.02.035  **Aquifer.**
“Aquifer” means a saturated geologic formation which will yield a sufficient quantity of water to serve as a private or public water supply.


16C.02.040  **Critical Aquifer Recharge Area.**
“Critical aquifer recharge area” means an area with a critical recharging effect on aquifers used for potable water, or areas where a drinking aquifer is vulnerable to contamination that would affect the potability of the water.


16C.02.042  **Bank.**
“Bank” means the land surface above the ordinary high water mark that abuts a body of water and contains it to the bankfull depth.


16C.02.043  **Bankfull depth.**
“Bankfull depth” means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section.


16C.02.044  **Base Flood.**
“Base flood” for purposes of administering Chapters 16C.05.20 through 16C.05.72 means the flood having a one percent chance of being equaled or exceeded in any given year. (Ref. IBC 1612.2.)


16C.02.045  **Base Flood Elevation.**
“Base flood elevation” for purposes of administering Chapters 16C.05.20 through 16C.05.72 means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). (Ref. IBC 1612.2.)


16C.02.046  **Basement.**
“Basement” for purposes of administering Chapters 16C.05.20 through 16C.05.72 means any area of the building having its floor subgrade (below ground level) on all sides. (Ref. IBC 1612.2.)


16C.02.055  **Bed.**
“Bed” means the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.


16C.02.060  **Bedrock.**
“Bedrock” means in-place solid rock.

16C.02.065 Berm.
“Berm” means a mound of earth material used as a protective barrier or to control the direction of water flow.


16C.02.067 Best Management Practices.
“Best Management Practices” or “BMPs” means schedules of activities, practices, maintenance procedures, and structural and/or managerial practices that, when used singly or in a combination, prevent or reduce adverse impacts to the environment.


16C.02.070 Bioengineering.
“Bioengineering” means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.


16C.02.075 Breakwater.
“Breakwater” means a fixed or floating off-shore structure that protects the shore from wave action or currents.


16C.02.080 Bulkhead.
“Bulkhead” means a vertical or nearly vertical erosion protection structure placed parallel to the shore consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.


16C.02.085 Channel.
“Channel” means an open conduit, either naturally or artificially created, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.


16C.02.090 Channel Migration Zone.
“Channel Migration Zone” is the area where the stream channel is likely to shift or migrate to over time.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017).

16C.02.092 Chief Building Official.
“Chief building official” or “building official” means the manager of the Building and Fire Safety Division of the Department of Public Services or designee.


16C.02.095 Classification.
“Classification” means the definition of value and hazard categories to which critical areas and natural resource lands will be assigned.


16C.02.100 Clearing.
“Clearing” means the removal of timber, brush, grass, ground cover or other vegetative matter from a site.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

16C.02.110 Compaction.
“Compaction” means compressing soil through some mechanical means to make it denser.

16C.02.115 Confinement Feeding Operation.
“Confinement feeding operation” means the use of structures or pens for the concentrated feeding or holding of animals or poultry, including but not limited to horses, cattle, sheep, or swine. This definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms, but does not include animal husbandry and normal farming practices.

16C.02.120 Construction.
“Construction” means the assembly, placement, or installation of structures, roadways, transmission lines, and other improvements within a project site.

16C.02.122 Critical Areas.
“Critical Areas” include the following areas and ecosystems:
   (a) Wetlands;
   (b) Areas with a critical recharging effect on aquifers used for potable water;
   (c) Fish and wildlife habitat conservation areas;
   (d) Frequently flooded areas; and
   (e) Geologically hazardous areas.

16C.02.125 Designated.
“Designated” means formal legislative action to identify and describe a critical area.

16C.02.130 Department.
“Department” means the Yakima County Public Services Department – Planning Division.

16C.02.135 Development.
“Development” means the division of land into lots or parcels and any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, clearing, paving, excavation or drilling operations, storage of equipment or materials, or any other activity which results in the removal of vegetation or in the alteration of natural site characteristics.

16C.02.140 Dike.
“Dike” means an embankment to prevent flooding by a stream or other water body. A dike is also referred to as a levee.
16C.02.145 Dock.
“Dock” means a structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.


16C.02.150 Dredging.
“Dredging” means removal of earth from the bed of a stream, lake, or pond for the purpose of increasing the depth of surface water or obtaining minerals, construction aggregate, or landfill materials. This definition does not include excavation for mining within a pond created by a mining operation approved under this title or under a local zoning ordinance, or a mining operation in existence before Zoning, Shorelines, or Critical Areas permits were required for such operations.


16C.02.160 Earth Material.
“Earth material” means any rock, natural soil, or combination thereof.


16C.02.170 Enhance.
“Enhance” means to strengthen any of the basic functional properties listed in Section 16C.06.05 that exist but do not perform at optimum efficiency. “Optimum” refers to the most favorable or best performance of each function achievable for a specific segment of stream corridor.


16C.02.175 Ephemeral Stream.
“Ephemeral stream” means a stream that flows only in response to precipitation with no groundwater association, usually less than thirty days per year. The lack of any groundwater association results in a lack of a distinctive riparian vegetation compared to the surrounding landscape.


16C.02.180 Erosion.
“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, water, or ice.


16C.02.190 Excavation.
“Excavation” means the mechanical removal of earth material.


16C.02.200 Fill.
“Fill” means the addition of any material, such as (by way of illustration) earth, clay, sand, rock, gravel, concrete rubble, wood chips, bark, or waste of any kind, which is placed, stored or dumped upon the surface of the ground resulting in an increase in the natural surface elevation. The physical structure of a shore stabilization structure shall not be considered fill. However, fill placed behind the structure is considered fill. Stream bed manipulation for irrigation diversions shall not be considered fill.


16C.02.203 Fish and Wildlife Habitat Conservation Areas.
“Fish and wildlife habitat conservation areas” are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and...
movement corridors; and areas with high relative population density or species richness. These areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company. Natural watercourses such as streams and rivers that carry irrigation water are not considered part of these artificial features.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017).

16C.02.205 Flood.
“Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.


16C.02.206 Flood Hazard Permit.
“Flood hazard permit” means written approval applied for and obtained in accordance with such rules and regulations as are established under this title.


16C.02.207 Flood Insurance Rate Maps.
“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. Preliminary updated Flood Insurance Rate Maps are maps that have been accepted by FEMA, but are not yet effective.


16C.02.208 Flood Insurance Study.
“Flood insurance study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.


16C.02.209 Floods of Record.
“Floods of Record” are areas identified as inundated during the flood of record, identification of areas subject to flooding, or stream systems where the path of floodwaters can be unpredictable.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017).

16C.02.210 Floodplain.
“Floodplain” means a land area adjoining a river, stream, watercourse or lake which has been determined likely to flood. The extent of the floodplain may vary with the frequency of flooding being considered. “Floodplain” is synonymous with the one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year.


16C.02.215 Flood-prone.
“Flood-prone” means a land area for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data.


The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
16C.02.216 Flood-proofing.
“Flood-proofing” for purposes of administering Chapters 16C.05.20 through 16C.05.72 means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damages to lands, water and sanitary facilities, structures and contents of buildings.


16C.02.220 Floodway.
“Floodway” means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.


16C.02.225 Floodway Fringe.
“Floodway fringe” for purposes of administering Chapters 16C.05.20 through 16C.05.72 means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage for floodwaters.


16C.02.230 Forest Land.
“Forest land” means land primarily devoted to forest practices activities.


16C.02.240 Forest Practices.
“Forest practices” means any activity conducted on or directly pertaining to forestland and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction, including forest practices hydraulic projects that include water crossing structures, and associated activities and maintenance;
(b) Harvesting, final and intermediate;
(c) Pre-commercial thinning;
(d) Reforestation;
(e) Fertilization;
(f) Prevention and suppression of diseases and insects;
(g) Salvage of trees; and
(h) Brush control.


16C.02.245 Frequently Flooded Areas.
“Frequently Flooded Areas” are defined by:

(a) Flood Insurance Rate Maps (FIRM) from FEMA;
(b) Preliminary updated FIRM maps from FEMA;
(c) Floods of record;
(d) Mapped channel migration zones; and
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

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(e) Flood-prone.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017).

16C.02.250 Grade.
“Grade” means the vertical location of the ground surface. “Natural grade” is the grade as it exists or may have existed in its original undisturbed condition. “Existing grade” is the current grade in either its undisturbed, natural condition or as disturbed by some previous modification. “Rough grade” is a stage where grade conforms approximately to an approved plan. “Finish grade” is the final grade of the site which conforms to an approved plan.


16C.02.255 Grading.
“Grading” means any excavation, filling, or combination thereof.


16C.02.260 Groundwater.
“Groundwater” means water that occurs beneath the land surface, also called subsurface water or subterranean water. Groundwater includes water in the zone of saturation of a water-bearing formation.


16C.02.261 Hazardous Materials.*
“Hazardous materials” means any material, either singularly or in combination, that is a physical or health hazard as defined and classified in the International Fire Code, whether the materials are in usable or waste condition; any material that may degrade groundwater quality when improperly stored, handled, treated, used, produced, recycled, disposed of, or otherwise mismanaged; any hazardous waste, hazardous substance, dangerous waste, or extremely hazardous waste that is a physical or health hazard as defined or classified in Chapter 70.105 RCW and Chapter 173-303 WAC, whether the materials are in usable or waste condition; and petroleum or petroleum products that are in a liquid phase at ambient temperatures, including any waste oils or sludge.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 1-2011 § 2 (Exh. A (5)), 2011).

* Code reviser’s note: Ord. 1-2011 added this section as 16C.02.061; it has been editorially renumbered to preserve alphabetization.

16C.02.263 Hydrologically Related Critical Areas (HRCA).
“Hydrologically related critical areas (HRCA)” include all those areas identified in Section 16C.06.03, within Yakima County which are important and deserving of protection by nature of their value for the functional properties found in Section 16C.06.05.


16C.02.266 Hyporheic.
“Hyporheic” means a groundwater area adjacent to and below channels where water is exchanged with channel water and water movement is mainly in the downstream direction.


16C.02.270 Intermittent Streams.
“Intermittent stream” means a stream which flows only during certain times of the year, with inputs from precipitation and groundwater, but usually more than 30 days per year. The groundwater association generally produces an identifiable riparian area. This definition does not include streams that are intermittent because of irrigation diversion or other manmade diversions of the water.

16C.02.275 Lake or Pond.
“Lake” or “pond” means any inland body of standing water. The term includes the reservoir or expanded part of a river behind a dam, but excludes a man-made body of water created for surface mining purposes.


16C.02.281 Lowest Floor.
“Lowest floor” for purposes of administering Chapters 16C.05.20 through 16C.05.72 means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title.


16C.02.282 Manufactured Home.
“Manufactured home” means a structure fabricated on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities; has sleeping, cooking, and plumbing facilities or any combination thereof; and is intended for human occupancy or is being used for residential purposes. Although Washington Administrative Code (WAC) and Yakima County Code Titles 13 and 19 separately define and distinguish between “manufactured home” and “mobile home” according to federal or state construction codes for such dwellings, the term “manufactured home” shall include “mobile home” for regulatory purposes under this title. The term shall not include “recreation vehicle,” “commercial coach,” “camping vehicle,” “travel trailer,” “park trailer,” “tip-out,” and any other similar vehicle which is not intended, designed, constructed or used for residential purposes for use as a single-family dwelling and is not otherwise labeled as a manufactured or mobile home under any federal or state law. For floodplain management purposes only under this title, park trailers, camping vehicles, travel trailers, tip-outs, and other similar vehicles shall be considered manufactured homes when placed on a site for greater than one hundred eighty days.


16C.02.283 Manufactured Home Park or Subdivision.
“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale in accordance with YCC Title 19.


16C.02.284 Manufactured Home Park or Subdivision, Existing.
“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 1, 1995, the effective date of these floodplain management regulations.


16C.02.285 Minerals.
“Minerals” means gravel, sand and metallic and nonmetallic substances of commercial value.


16C.02.290 Mining.
“Mining” means the removal of naturally occurring minerals and materials from the earth for commercial value. Mining includes processing and batching. Mining does not include large excavations for structures, foundations, parking areas, etc. Also see Dredging and Excavation (Section 16C.06.20).

16C.02.295 Native.
“Native” means indigenous to or originating naturally within Yakima County.


16C.02.300 Natural Conditions.
“Natural conditions” means those conditions which arise from or are found in nature and not modified by human intervention; not to include artificial or manufactured conditions.


16C.02.302 New Construction.
“New construction” for purposes of administering Chapters 16C.05.20 through 16C.05.72 means structures for which the start of construction commenced on or after June 5, 1985, the date Yakima County enacted Ordinance 3-1985 in order to meet the requirements of the National Flood Insurance Program. October 1, 1995, the effective date of the amended ordinance codified in Title 16A shall be used for defining the term “new construction” as it applies to all other critical areas requirements established under Title 16A by Ordinance 8-1995.


16C.02.303 Nonconforming Structure.
“Nonconforming structure” for purposes of administering Chapters 16C.05.20 through 16C.05.72 means a structure which was legally constructed prior to October 1, 1995, the effective date of the amended Title 16A, but which would not be permitted as a new structure under the terms of this title because the structure is not in conformance with the applicable elevation and/or flood-proofing requirements.


16C.02.304 Nonconforming Use.
“Nonconforming use” for purposes of administering Chapters 16C.05.20 through 16C.05.72 means the use of a building, structure or land which was lawfully established, existing and maintained at the effective date of provisions of this title but which, because of the application of this title to it, no longer conforms to the use or applicable elevation and/or flood-proofing requirements of this title and which would not be permitted as a new use under the terms of this title.


16C.02.305 Ordinary High Water Mark (OHWM).
“Ordinary high water mark (OHWM)” means that mark on lakes and streams which will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.


16C.02.310 Perennial Stream.
“Perennial stream” means a stream that flows year-round in normal water years. Groundwater is a source of much of the water in the channel.


16C.02.320 Project Site.
“Project site” means that portion of any lot, parcel, tract, or combination thereof which encompasses all phases of the total project proposal.


16C.02.321 Qualified Professional.
A “qualified professional” shall meet the following criteria:
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(1) A qualified professional for wetlands must have a bachelor’s degree or higher in biology, ecology, soil science, botany, or a closely related field, and a minimum of five years of professional experience in wetland identification and assessment in the Pacific Northwest.

(2) A qualified professional for stream corridors must have a bachelor’s degree or higher in wildlife biology, ecology, fisheries, or closely related field, and a minimum of five years’ professional experience related to the subject species/habitat type.

(3) A qualified professional for geologically hazardous areas and preparation of geo-technical reports must be a professional engineering geologist or civil engineer, licensed in the state of Washington.

(4) A qualified professional for critical aquifer recharge areas must be a professional hydrogeologist, or environmental engineer licensed in the state of Washington.

(5) A qualified professional for channel migration zone reports must be a professional engineering geologist, civil engineer or geologist licensed in the state of Washington, with a minimum of five years of professional experience in geomorphology.

(6) A qualified professional for flood studies must be a professional engineering geologist or civil engineer licensed in the state of Washington.

(7) A qualified professional for economic studies must have a bachelor’s degree or higher in economics or business administration with five years of professional experience. The five-year standard shall be waived for professionals with a Ph.D degree.

(8) A qualified professional for habitat assessments and habitat management plans must have a bachelor’s degree or higher in biology and professional experience related to the subject species or habitat.

(9) Or other person/persons with experience, training, expertise and related work experience appropriate for the relevant critical area subjects determined to be acceptable to the Administrative Official.


16C.02.322 Recreation Vehicle.
“Recreation vehicle” means a vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 13-2007 §1 (Exh. A)(16C.02.322), 2007).

16C.02.325 Restore.
“Restore” means to re-establish the basic functional properties listed in Section 16C.06.05 that have been lost or destroyed through natural events or human activity. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the site to aboriginal or pre-European settlement conditions nor to limit flood authorities’ ability to make improvements necessary to alleviate flood risk, which may not allow for certain restoration activities or methods.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 13-2007 §1 (Exh. A)(16C.02.325), 2007).

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
16C.02.330 Revetment. “Revetment” means a facing placed on a bank or bluff to protect a slope, embankment, or shore structure against erosion by wave action or currents.


16C.02.335 Riparian Areas. “Riparian areas” are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence).


16C.02.340 Riprap. “Riprap” means a layer, facing, or protective mound of stones randomly placed to prevent erosion, scour, or sloughing of a structure or embankment; also the stone used for this purpose.


16C.02.345 Scour. “Scour” means the removal of underwater material by waves and currents, especially at the base or toe of a shore stabilization structure.


16C.02.355 Shoreline. “Shoreline,” as used in this title, means those water areas, the associated features, and the land areas within Yakima County that are subject to the State Shoreline Management Act, especially as defined in RCW 90.58.030 (definitions), and as further identified in Section 16D.10.03 (Shoreline Jurisdiction) of the Shoreline Master Program (YCC Title 16D).


16C.02.360 Shore Stabilization. “Shore stabilization” means the construction or modification of bulkheads, retaining walls, dikes, levies, riprap, breakwaters, jetties, groins, weirs, and other structures along the shore, for the purpose of controlling stream undercutting, stream erosion or lake shore erosion.


16C.02.362 Shrub-steppe. “Shrub-steppe” means a non-forested vegetation type consisting of one or more layers of perennial bunchgrasses and a conspicuous but discontinuous layer of shrubs (see Eastside Steppe for sites with little or no shrub cover). In areas with greater precipitation or on soils with higher moisture-holding capacity, shrub-steppe can also support a dense layer of forbs (i.e., broadleaf herbaceous flora). Shrub-steppe contains various habitat features, including diverse topography, riparian areas, and canyons. Another important component is habitat quality (i.e., degree to which a tract resembles a site potential natural community), which may be influenced by soil condition and erosion; and the distribution, coverage, and vigor of native shrubs, forbs, and grasses. Sites with less disturbed soils often have a layer of algae, mosses, or lichens.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017).

16C.02.365 Slope. “Slope” means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

16C.02.366 Solid Waste.
“Solid waste” means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, wood waste, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. Solid waste shall not include earth, clay, sand or gravel.


16C.02.367 Special Flood Hazard Areas.
“Special flood hazard area” means the land in the floodplain identified by the Federal Emergency Management Agency that is subject to a one percent or greater chance of flooding in any given year; commonly known as the 100-year floodplain.


16C.02.368 Start of Construction.
“Start of construction” for purposes of administering Chapters 16C.05.20 through 16C.05.72 means the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. “Permanent construction” does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garage; nor does it include excavation for a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park, “start of construction” means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks, “start of construction” is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.


16C.02.370 Stream.
“Stream” means water contained within a channel, either perennial, intermittent or ephemeral. Streams include natural watercourses modified by man, for example, by stream flow manipulation, channelization, and relocation of the channel. They do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, canals, stormwater runoff facilities, or other artificial watercourses.


16C.02.380 Stream Corridor.
“Stream corridor,” as used in this title, means those features listed and described in Section 16C.06.03 and related appendices to this title.


16C.02.390 Structure.
“Structure” means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height. The term also includes gas or liquid storage tanks when located principally above ground.


16C.02.395 Substantial Improvement.
“Substantial improvement” for purposes of administering Chapters 16C.05.20 through 16C.05.72 means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:

1. Before the improvement or repair is started; or
(2) Before the damage occurred to a structure that has been damaged and is being restored.

For the purposes of this definition “substantial improvement” occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The total value of all improvements to an individual structure undertaken subsequent to October 1, 1995, the effective date of the amended Title 16A, shall be used to define “substantial improvement” for said structure. The term does not, however, include either:

(1) Any project for improvement to a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.


16C.02.400 Use.

“Use” means the activity to which land or a building is devoted and for which either land or a building is or may be occupied or maintained.


16C.02.415 Vegetative Buffer or Buffer.

“Vegetative buffer” or “buffer” means an area extending landward from the ordinary high water mark of a lake or stream and/or from the edge of a wetland which is maintained or otherwise allowed to provide, under optimal conditions, adequate soil conditions and native vegetation for the performance of the basic functional properties of a stream corridor, wetland and other hydrologically related critical areas as set forth in Section 16C.06.05 (Functional Properties) and Section 16C.07.04 (Wetland Functions and Rating). It is understood that optimal conditions do not always exist due to degradation of the vegetative buffer before establishment of this title, or due to colonization by non-native species. Such conditions still provide functional properties, though at a lower level, depending on the difference from natural conditions.


16C.02.425 Wetland.

“Wetland” or “wetlands” means areas that are naturally inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands.


16C.02.430 Wildlife.

“Wildlife” means all species of the animal kingdom whose members exist in Washington in a wild state. The term “wildlife” includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term “wildlife” does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).


16C.02.435 Wildlife Habitat.

“Wildlife habitat” means areas which, because of climate, soils, vegetation, relationship to water, location and other physical properties, have been identified as of critical importance to maintenance of wildlife species.
16C.02.440 Works.
“Works” means any dam, wall, wharf, embankment, levee, dike, berm, pile, bridge, improved road, abutments, projection, excavation, channel rectification, or improvement attached to, or affixed upon, the realty.

Chapter 16C.05.40

NONCONFORMING USES AND STRUCTURES

Sections:
16C.05.40.010 Generally.
16C.05.40.020 Nonconforming Uses of Land.
16C.05.40.030 Nonconforming Structures.
16C.05.40.040 Improvements.
16C.05.40.050 Restoration.
16C.05.40.060 Discontinuance.

16C.05.40.010 Generally.
(1) Within the special flood hazard areas established by Chapters 16C.05.20 through 16C.05.72 or amendments thereto, there may exist structures and uses of land and structures which were lawful before these chapters were adopted or amended, but which would be prohibited, regulated or restricted under the terms of Chapters 16C.05.20 through 16C.05.72 or future amendment.

(2) It is the intent of Chapters 16C.05.20 through 16C.05.72 to permit these lawful pre-existing nonconformities to continue until they are removed by economic forces or otherwise, but not to encourage their survival except in cases where continuance thereof would not be contrary to the public health, safety or welfare, or the spirit of said chapters.

(3) To avoid undue hardship, nothing in Chapters 16C.05.20 through 16C.05.72 shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to June 5, 1985, the date Yakima County enacted Ordinance 3-1985 in order to meet the requirements of the National Flood Insurance Program, and upon which actual building construction has been diligently carried on; namely, actual construction materials placed in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved. October 1, 1995, the effective date of the amended ordinance codified in Title 16A, shall be used as it applies to all other critical areas requirements established under Title 16A by Ordinance 8-1995.


16C.05.40.020 Nonconforming Uses of Land.
If, on October 1, 1995, the effective date of Chapters 16C.05.20 through 16C.05.72, a lawful use of land not conducted within a building exists that is made no longer permissible under the terms of said chapters as adopted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of the lot of record than that which it occupied at the effective date of adoption or amendment of Chapters 16C.05.20 through 16C.05.72.

(2) At such time as a structure is erected thereon, the structure and the use of the land shall conform to the regulations specified by Chapters 16C.05.20 through 16C.05.72 and YCC Title 19.


16C.05.40.030 Nonconforming Structures.
(1) If, on October 1, 1995, the effective date of Chapters 16C.05.20 through 16C.05.72, a structure is nonconforming only because the structure is not in conformance with the applicable elevation and/or floodproofing requirement of said chapters and Chapter 19.33 of YCC Title 19, provided that the degree of nonconformity shall not be increased and the applicable elevation and/or floodproofing requirements of this title shall be observed, any
structural alterations or enlargements of an existing structure under such conditions shall not increase the degree of nonconformity.

(2) A structure, nonconforming only because the structure is not in conformance with the applicable elevation and/or floodproofing requirements of Chapters 16C.05.20 through 16C.05.72, destroyed to an extent such that restoration costs would exceed fifty percent of the assessed value of the structure immediately prior to such occurrence, shall be considered completely destroyed and shall be required to meet all applicable requirements of this title and YCC Title 19 upon restoration.


16C.05.40.040 Improvements.
Nothing in Chapters 16C.05.20 through 16C.05.72 shall be construed to restrict normal structural repair and maintenance activities, including replacement of walls, fixtures and plumbing, provided that the value of work and materials in any twelve-month period does not exceed twenty-five percent of the assessed value of the structure prior to such work.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 13-2007 §1 (Exh. A)(16C.05.40.040), 2007).

16C.05.40.050 Restoration.
Nothing in Chapters 16C.05.20 through 16C.05.72 shall be deemed to prohibit the restoration of the structural portions of a nonconforming use within six months from the date of its accidental damage by fire, explosion, or act of God; provided that the applicable elevation and/or floodproofing requirements of said chapters shall be adhered to if the structure is destroyed. A structure shall be considered to be destroyed if the restoration costs exceed fifty percent of the assessed value.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 13-2007 §1 (Exh. A)(16C.05.40.050), 2007).

16C.05.40.060 Discontinuance.
If the nonconforming use is discontinued for a period of twelve consecutive months or more, the nonconforming status of the use is terminated and any future use of the land or structures shall be in conformity with the provisions of this title. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use. The ownership of property classed as nonconforming may be transferred without that fact alone affecting the right to continue such nonconforming use.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 13-2007 §1 (Exh. A)(16C.05.40.060), 2007).
Chapter 16C.07

WETLANDS

Sections:
16C.07.01 Purpose and Intent.
16C.07.02 Designating and Mapping.
16C.07.03 Protection Approach.
16C.07.04 Wetland Functions and Rating.
16C.07.05 Compensatory Mitigation Requirements.
16C.07.06 Wetland Mitigation Banks.

16C.07.01 Purpose and Intent.
The purpose and intent of the provisions protecting wetland critical areas is equivalent to the purpose and intent for Chapter 16C.06.01 (Purpose and Intent).

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 13-2007 §1 (Exh. A)(16C.07.01), 2007).

16C.07.02 Designating and Mapping.
(1) Wetlands are those areas that meet the definition found in Section 16C.02.425 as provided in RCW 36.70A.030(21). All areas within Yakima County meeting the wetland definition are hereby designated critical areas and are subject to the provisions of this title. The following clarifications guide the application of the wetland definition:

(a) Due to the inherent design of most irrigation systems, such systems are reasonably and foreseeably expected to result in some leakage or seepage. Such leakage or seepage is a normal result of utilization of irrigation systems and is deemed for the purposes of this title to be a nonregulated, artificial wetland.

(2) The approximate location and extent of wetlands are shown on maps maintained by Yakima County, which may include information from the National Wetlands Inventory produced by the U.S. Fish and Wildlife Service and soil maps produced by United States Department of Agriculture National Resources Conservation Service that are useful in helping to identify potential wetland areas. These maps are to be used as a guide for Yakima County, project applicants and/or property owners, and may be continuously updated as wetlands are more accurately identified, located and delineated.


16C.07.03 Protection Approach.
(1) Wetlands will be protected using the protection approach for Hydrologically Related Critical Areas found in Section 16C.06.02 (Protection Approach), which accommodates issues affecting wetlands.

(2) Wetlands and their functions will be protected using the standards found in the Stream Corridor Chapter (16C.06), which includes provisions to:

(a) Follow mitigation sequencing as outlined in Section 16C.03.10 (Mitigation Requirements);

(b) Avoid degrading the functions and values of the wetland and other critical areas;

(c) Provide a zero net loss of wetland functions and values together with, if reasonably possible through voluntary agreements or government incentives, a gain in functions and values through the long term.


16C.07.04 Wetland Functions and Rating.
(1) Wetlands are unique landscape features that are the interface between the aquatic and terrestrial environments. Wetlands provide the following functions:
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

(a) Biogeochemical functions, which are related to trapping and transforming chemicals and include functions that improve water quality in the watershed such as: nutrient retention and transformation, sediment retention, metals and toxics retention, and transformation;

(b) Hydrologic functions, which are related to maintaining the water regime in a watershed, such as: flood flow attenuation, decreasing erosion, groundwater recharge;

(c) Food web and habitat functions, which includes habitat for: invertebrates, amphibians, anadromous fish, resident fish, birds, mammals.

(2) Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetland categories shall be based on the criteria provided in the Washington State Wetland Rating System for Eastern Washington, 2014 Update (Ecology Publication #14-06-030 - https://fortress.wa.gov/ecy/publications/SummaryPages/1406030.html) as determined using the appropriate rating forms contained in that publication. These categories are summarized as follows:

(a) Category I wetlands are those that represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible or too difficult to replace within a human lifetime, and provide a high level of functions. Generally, these wetlands are not common and make up a small percentage of the wetlands within Yakima County. The following types of wetlands are Category I:

(i) Alkali wetlands are characterized by the presence of shallow saline water with a high pH and provide the primary habitat for several species of migrant shorebirds and are also heavily used by migrant waterfowl and small alkali bee that is used to pollinate alfalfa and onion for seed production;

(ii) Wetlands of High Conservation Value (formerly called Natural Heritage Wetlands) - Wetlands that are identified by scientists of the Washington Department of Natural Resources Natural Heritage Program as important ecosystems for maintaining plant diversity that represent rare plant communities or provide habitat for rare plants are uncommon in eastern Washington;

(iii) Bogs and Calcareous Fens are peat wetlands sensitive to disturbance and have not been successfully re-created through compensatory mitigation. Bogs are wetlands with peat soils and a low pH, usually a pH <5. Calcareous fens are a type of alkaline, rather than acidic wetland, maintained by groundwater that have a neutral or high pH and high concentrations of calcium and other alkaline minerals;

(iv) Mature and old-growth forested wetlands with native slow growing trees, which include Western Red Cedar (Thuja plicata), Alaska Yellow Cedar (Chamaecyparis nootkatensis), pine spp. (mostly White pine - Pinus monticola), Western Hemlock (Tsuga heterophylla), Oregon White Oak (Quercus garryana) and Englemann Spruce (Picea engelmannii);

(v) Forested wetlands with stands of Aspen contribution as a priority habitat far exceeds the small acreage of these stands and relatively small number of stems (Hadfield & Magelssen, 2004). Furthermore, mature stand of aspen and its underground root system may be difficult to reproduce. Regeneration of aspen stands by sexually produced seeds is an unusual phenomenon (Romme et al., 1997);

(vi) Wetlands scoring 22 points or more (out of 27) from the rating of functions are Category I wetlands in the Eastern Washington Wetland Rating System.

(b) Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include:

(i) Forested wetlands in the floodplains of rivers are an important resource in the floodplains of rivers, especially in the areas through which the river may flow regularly (often called the channel migration zone). Trees in the Floodplains are critical to the proper functioning and the dynamic processes of rivers.
They influence channel form, create pools, riffles, and side channels that are essential habitat for many fish and other aquatic species. These trees also create localized rearing and flood refuge areas, and contribute to the stabilization of the main river channel (NRC, 2002);

(ii) Mature and old-growth forested wetlands with fast growing native trees, which include Alders (Red - Alnus rubra, Thin-leaf - A. incana ssp. tenuifolia), Cottonwoods (Narrow-leaf - Populus angustifolia, Black - P. balsamifera), Willows (Peach-leaf - Salix amygdaloides, Sitka - S. sitchensis, Pacific - S.lasiandra); Quaking Aspen (Populus tremuloides), or Water Birch (Betula occidentalis);

(iii) Vernal pools, also called rainpools, are ecosystems located in a landscape with other wetlands that retain water until the late spring when they dry out to allow some strictly aquatic organisms to flourish, and provide areas where migrating waterfowl can find food and pair bonding;

(iv) Wetlands scoring between 19-21 points (out of 27) on the questions related to the functions present are Category II wetlands in the Eastern Washington Wetland Rating System.

(c) Category III wetlands are often smaller, less diverse or more isolated from other natural resources in the landscape than Category II wetlands. Category III wetlands include:

(i) Vernal pools that are isolated; and

(ii) Wetlands with a moderate level of functions (scoring between 16 - 18 points) in the Eastern Washington Wetland Rating System and can often be adequately replaced with a well-planned mitigation project.

(d) Category IV wetlands have the lowest levels of functions, (scoring less than 16 points) in the Eastern Washington Wetland Rating System, and are often heavily disturbed. These are wetlands that should be able to be replaced, and in some cases be improved. These wetlands may provide some important functions, and also need to be protected.

(3) The wetland rating categories as described in section (2), above, shall be applied to projects which are submitted on or after the date of adoption of these provisions. The wetlands shall be rated as they exist on the day of project application submission, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. However, illegal modifications to wetlands which have been made since the original adoption of the amended Critical Areas Ordinance (YCC Title 16A, 1995) shall not be considered when rating the wetland. Information regarding the original condition of illegally modified wetlands that cannot be discerned from aerial photographs or other reliable information sources, which is needed to complete the Eastern Washington Wetland Rating System data sheets, shall use the highest appropriate points value within each missing data field of the rating sheet to complete the rating.


16C.07.05 Compensatory Mitigation Requirements.

Projects that propose to compensate for wetland acreage and/or functions are subject to State and Federal regulations. Compensatory mitigation for alterations to wetlands shall provide no net loss of wetland functions and values, and must be consistent with the Mitigation Plan Requirements in Section 16C.03.17(13) (Compensatory Mitigation Plans). The following guidance documents were developed to assist applicants in meeting the regulations and requirements.


The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
16C.07.06 Wetland Mitigation Banks.

(1) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

   (a) The bank is certified under RCW 90.84 and its administrative rules, WAC 173-700;

   (b) The Administrative Official determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

   (c) The proposed use of credits is consistent with the terms and conditions of the bank’s certification.

(2) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank’s certification.

(3) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank’s certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

(Ord. 5-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 13-2007 §1 (Exh. A)(16C.07.05), 2007).
Chapter 16D.02

DEFINITIONS

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16D.02.001 Definitions Generally.
(1) Whenever the words and terms set forth in this chapter appear in this title, they shall be given the meaning attributed to them by this chapter. References to specific provisions of YCC Title 13 and the International Building Codes, statutes and Washington Administrative Code provide greater detail for purposes of administering this title.

(2) Definitions listed in this chapter shall be applied to all critical areas, including flood hazard areas, whether they occur inside or outside shoreline jurisdiction, unless the definition itself identifies the term as applying to shoreline or flood hazard administration, in which case the definition only applies to that situation.


16D.02.005 Abutting.
“Abutting” means bordering upon, to touch upon, or in physical contact with. Sites are considered abutting even though the area of contact may be only a point.


16D.02.010 Adjacent.
“Adjacent” means to be nearby and not necessarily abutting.


16D.02.012 Administrative official.
“Administrative Official” means the duly appointed Planning Division Director of the Public Services Department, or his designee, or the relevant decision maker identified in YCC Title 16B (Project Permit Administration); synonymous with “administrator” or “director.”


16D.02.015 Agricultural Activities.
For purposes of administering the Shoreline Master Program, “agricultural activities” means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities; provided, that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. Agricultural activities include plowing, discing, harrowing, compacting, planting, and harvesting, spraying, etc.;

(1) “Agricultural products” includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;

(2) “Agricultural equipment” and “agricultural facilities” includes, but is not limited to: (a) The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (b) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (c) farm residences and associated equipment, lands, and facilities; and (d) roadside stands and on-farm markets for marketing fruit or vegetables; and

(3) “Agricultural land” means those specific land areas on which agriculture activities are conducted as of the date of adoption of a local master program as evidenced by aerial photography or other documentation. After the
effective date of the master program land converted to agricultural use is subject to compliance with the requirements of the master program.


16D.02.025 Alluvial Fan.
“Alluvial fan” is a low, outspread, relatively flat to gently sloping feature, shaped like an open fan or a segment of a cone, deposited by a stream at the place where it issues from a valley upon a plain or broad valley, or where a tributary stream is near or at its junction with the main stream, or wherever a constriction in a valley abruptly ceases or the gradient of the stream suddenly decreases; it is steepest near the mouth of the valley where its apex points upstream, and it slopes gently and convexly outward with gradually decreasing gradient.


16D.02.030 Applicant.
“Applicant” means a person, party, firm, corporation, or other legal entity that proposes a development, construction or use on a site.


16D.02.033 Aquaculture.
For purposes of administering the Shoreline Master Program, “aquaculture” means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield, and processing of aquatic plants or animals.


16D.02.035 Aquifer.
“Aquifer” means a saturated geologic formation which will yield a sufficient quantity of water to serve as a private or public water supply.


16D.02.040 Critical Aquifer Recharge Area.
“Critical aquifer recharge area” means an area with a critical recharging effect on aquifers used for potable water, or areas where a drinking aquifer is vulnerable to contamination that would affect the potability of the water.


16D.02.042 Bank.
“Bank” means the land surface above the ordinary high water mark that abuts a body of water and contains it to the bankfull depth.


16D.02.043 Bankfull Depth.
“Bankfull depth” means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the floodplain or intersect a terrace or hill slope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section.


16D.02.044 Base Flood.
“Base flood” for purposes of administering Chapters 16D.05.20 through 16D.05.72 means the flood having a 1-percent chance of being equaled or exceeded in any given year. (Ref. IBC 1612.2)
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
16D.02.082 Cabin. For purposes of administering the Shoreline Master Program, “cabin” means a small single-family residence of 800 square feet or less, without a garage or carport and without large accessory buildings. Small accessory buildings, such as detached storage sheds or accessory structures totaling 120 square feet or less, may be allowed. Dwellings not meeting these standards are considered standard single-family residences.


16D.02.085 Channel. “Channel” means an open conduit, either naturally or artificially created, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.


16D.02.090 Channel Migration Zone. For purposes of administering the Shoreline Master Program, “channel migration zone (CMZ)” means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.


16D.02.092 Chief Building Official. “Chief Building Official” or “building official” means the manager of the Building and Fire Safety Division of the Department of Public Services or designee.


16D.02.095 Classification. “Classification” means the definition of value and hazard categories to which critical areas and natural resource lands will be assigned.


16D.02.100 Clearing. “Clearing” means the removal of timber, brush, grass, ground cover or other vegetative matter from a site.


16D.02.110 Compaction. “Compaction” means compressing soil through some mechanical means to make it denser.


16D.02.115 Confinement Feeding Operation. “Confinement feeding operation” means the use of structures or pens for the concentrated feeding or holding of animals or poultry, including but not limited to horses, cattle, sheep, or swine. This definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms, but does not include animal husbandry and normal farming practices.


16D.02.120 Construction. “Construction” means the assembly, placement, or installation of structures, roadways, transmission lines, and other improvements within a project site.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
16D.02.166 Ecosystem-Wide Processes.  
For purposes of administering the Shoreline Master Program, “ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.


16D.02.170 Enhance.  
“Enhance” means to strengthen any of the basic functional properties listed in Section 16D.06.05 that exist but do not perform at optimum efficiency. “Optimum” refers to the most favorable or best performance of each function achievable for a specific segment of stream corridor.


16D.02.175 Ephemeral Stream.  
“Ephemeral stream” means a stream that flows only in response to precipitation with no groundwater association, usually less than 30 days per year. The lack of any groundwater association results in a lack of a distinctive riparian vegetation compared to the surrounding landscape.


16D.02.180 Erosion.  
“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, water, or ice.


16D.02.185 Events and Temporary Uses.  
For purposes of administering the Shoreline Master Program, “events and temporary uses” means a social or community occasion or activity lasting for a limited time. Events and temporary uses within permitted facilities or legally nonconforming facilities that are designed for such uses are not included in this definition, as long as they do not materially interfere with the normal public use of the water or shorelines of the state.


16D.02.190 Excavation.  
“Excavation” means the mechanical removal of earth material.


16D.02.195 Feasible.  
For purposes of administering the Shoreline Master Program, “feasible” means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

2. The action provides a reasonable likelihood of achieving its intended purpose; and

3. The action does not physically preclude achieving the project’s primary intended legal use.


16D.02.200 Fill.  
“Fill” means the addition of any material, such as (by way of illustration) earth, clay, sand, rock, gravel, concrete rubble, wood chips, bark, or waste of any kind, which is placed, stored or dumped upon the surface of the ground resulting in an increase in the natural surface elevation. The physical structure of a shore stabilization structure shall
not be considered fill. However, fill placed behind the structure is considered fill. Stream bed manipulation for irrigation diversions shall not be considered fill.


16D.02.205 Flood.
“Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.


16D.02.206 Flood Hazard Permit.
“Flood hazard permit” means written approval applied for and obtained in accordance with such rules and regulations as are established under this title.


16D.02.207 Flood Insurance Rate Map.
“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.


16D.02.208 Flood Insurance Study.
“Flood insurance study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.


16D.02.210 Floodplain.
“Floodplain” means a land area adjoining a river, stream, watercourse or lake which has been determined likely to flood. The extent of the floodplain may vary with the frequency of flooding being considered. “Floodplain” is synonymous with the one-hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year.


16D.02.215 Flood-prone.
“Flood-prone” means a land area for which a floodway and floodplain have not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data.


16D.02.216 Flood-proofing.
“Flood-proofing” for purposes of administering Chapters 16D.05.20 through 16D.05.72 means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damages to lands, water and sanitary facilities, structures and contents of buildings.


16D.02.220 Floodway.
“Floodway” means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

16D.02.225 Floodway Fringe.
“Floodway fringe” for purposes of administering Chapters 16D.05.20 through 16D.05.72 means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage for floodwaters.


16D.02.230 Forest Land.
“Forest land” means land primarily devoted to forest practices activities.


16D.02.240 Forest Practices.
“Forest practices” means activities conducted under federal forest practices approval or under a Forest Practices permit reviewed and approved by the Washington Department of Natural Resources pertaining to the management of forest land, including growing, managing, harvesting, and interim storage of merchantable timber for commercial value, as well as incidental activities reviewed under federal or state approval, such as road construction and maintenance (including bridges) and mining activities.


16D.02.250 Grade.
“Grade” means the vertical location of the ground surface. “Natural grade” is the grade as it exists or may have existed in its original undisturbed condition. “Existing grade” is the current grade in either its undisturbed, natural condition or as disturbed by some previous modification. “Rough grade” is a stage where grade conforms approximately to an approved plan. “Finish grade” is the final grade of the site which conforms to an approved plan.


16D.02.255 Grading.
“Grading” means any excavation, filling, or combination thereof.


16D.02.260 Groundwater.
“Groundwater” means water that occurs beneath the land surface, also called subsurface water or subterranean water. Groundwater includes water in the zone of saturation of a water-bearing formation.


16D.02.263 Hydrologically Related Critical Areas (HRCA).
“Hydrologically Related Critical Areas (HRCA)” include all those areas identified in section 16D.06.03, within Yakima County, which are important and deserving of protection by nature of their value for the functional properties found in Section 16D.06.05.


16D.02.266 Hyporheic.
“Hyporheic” means a groundwater area adjacent to and below channels where water is exchanged with channel water and water movement is mainly in the downstream direction.


16D.02.270 Intermittent Streams.
“Intermittent stream” means a stream which flows only during certain times of the year, with inputs from precipitation and groundwater, but usually more than 30 days per year. The groundwater association generally produces an identifiable riparian area. This definition does not include streams that are intermittent because of irrigation diversion or other manmade diversions of the water.

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
16D.02.275 **Lake or Pond.**
“Lake or pond” means an inland body of standing water. The term includes the reservoir or expanded part of a river behind a dam.


16D.02.281 **Lowest Floor.**
“Lowest floor,” for purposes of administering Chapters 16D.05.20 through 16D.05.72, means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.


16D.02.282 **Manufactured Home.**
“Manufactured home” means a structure fabricated on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities; has sleeping, cooking, and plumbing facilities or any combination thereof; and is intended for human occupancy or is being used for residential purposes. Although Washington Administrative Code (WAC) and Yakima County Code Titles 13 and 19 separately define and distinguish between “manufactured home” and “mobile home” according to federal or state construction codes for such dwellings, the term “manufactured home” shall include “mobile home” for regulatory purposes under this chapter. The term shall not include “recreation vehicle,” “commercial coach,” “camping vehicle,” “travel trailer,” “park trailer,” “tip-out,” and any other similar vehicle which is not intended, designed, constructed or used for residential purposes for use as a single-family dwelling and is not otherwise labeled as a manufactured or mobile home under any federal or state law. For floodplain management purposes only under this chapter, park trailers, camping vehicles, travel trailers, tip-outs, and other similar vehicles shall be considered manufactured homes when placed on a site for greater than one hundred eighty days.


16D.02.283 **Manufactured Home Park or Subdivision.**
“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale in accordance with YCC Title 19 of this code.


16D.02.284 **Manufactured Home Park or Subdivision, Existing.**
“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 1, 1995, the effective date of these floodplain management regulations.


16D.02.285 **Minerals.**
“Minerals” means gravel, sand and metallic and nonmetallic substances of commercial value.


16D.02.290 **Mining.**
“Mining” means the removal of naturally occurring minerals and materials from the earth for commercial value. Mining includes processing and batching. Mining does not include large excavations for structures, foundations, parking areas, etc. Also see Dredging and Excavation (16D.06.20). Also see introduction to Appendix B.

16D.02.295 Native.
“Native” means indigenous to, or originating naturally within, Yakima County.


16D.02.300 Natural Conditions.
“Natural conditions” means those conditions which arise from or are found in nature and not modified by human intervention; not to include artificial or manufactured conditions.


16D.02.302 New Construction.
“New construction” for purposes of administering Chapters 16D.05.20 through 16D.05.72 means structures for which the start of construction commenced on or after June 5, 1985, the date Yakima County enacted Ordinance 3-1985 in order to meet the requirements of the National Flood Insurance Program. October 1, 1995, the effective date of the amended ordinance codified in this title shall be used for defining the term new construction as it applies to all other critical areas requirements established under Title 16A by Ordinance 8-1995.


16D.02.303 Nonconforming Structure.
“Nonconforming structure” for purposes of administering Chapters 16D.05.20 through 16D.05.72 means a structure which was legally constructed prior to October 1, 1995, the effective date of this title, but which would not be permitted as a new structure under the terms of this title because the structure is not in conformance with the applicable elevation and/or flood-proofing requirements.


16D.02.304 Nonconforming Use.
“Nonconforming use” for purposes of administering Chapters 16D.05.20 through 16D.05.72 means the use of a building, structure or land which was lawfully established, existing and maintained at the effective date of provisions of this title but which, because of the application of this title to it, no longer conforms to the use or applicable elevation and/or flood-proofing requirements of this title and which would not be permitted as a new use under the terms of this title.


16D.02.305 Ordinary High Water Mark (OHWM).
“Ordinary high water mark” means that mark on lakes and streams which will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.


16D.02.310 Perennial Stream.
“Perennial stream” means a stream that flows year round in normal water years. Groundwater is a source of much of the water in the channel.


16D.02.320 Project Site.
“Project site” means that portion of any lot, parcel, tract, or combination thereof which encompasses all phases of the total project proposal.


16D.02.321 Qualified Professional.
“A qualified professional” shall meet the following criteria:
(1) A qualified professional for wetlands must have a bachelor’s degree or higher in biology, ecology, soil science, botany, or a closely related field, and a minimum of five years of professional experience in wetland identification and assessment in the Pacific Northwest.

(2) A qualified professional for stream corridors must have a bachelor’s degree or higher in wildlife biology, ecology, fisheries, or closely related field, and a minimum of five years professional experience related to the subject species/habitat type.

(3) A qualified professional for geologically hazardous areas and preparation of geotechnical reports must be a professional engineering geologist or civil engineer, licensed in the state of Washington.

(4) A qualified professional for critical aquifer recharge areas must be a professional hydrogeologist, or environmental engineer licensed in the state of Washington.

(5) A qualified professional for channel migration zone reports must be a professional engineering geologist, civil engineer or geologist licensed in the state of Washington, with a minimum of five years of professional experience in geomorphology.

(6) A qualified professional for flood studies must be a professional engineering geologist or civil engineer licensed in the state of Washington.

(7) A qualified professional for economic studies must have a bachelor’s degree or higher in economics or business administration with 5 years of professional experience. The five-year standard shall be waived for professionals with a PhD degree.

(8) A qualified professional for habitat assessments and habitat management plans must have a bachelor’s degree or higher in biology and professional experience related to the subject species or habitat.

(9) Or other person/persons with experience, training, expertise and related work experience appropriate for the relevant critical area subjects determined acceptable to the administrative official.


16D.02.322 Recreation Vehicle.
“Recreation vehicle” means a vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.


16D.02.325 Restore.
“Restore” means to re-establish the basic functional properties listed in Section 16D.06.05 that have been lost or destroyed through natural events or human activity. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the site to aboriginal or pre-European settlement conditions.


16D.02.330 Revetment.
“Revetment” means a facing placed on a bank or bluff to protect a slope, embankment, or shore structure against erosion by wave action or currents.
16D.02.335  Riparian Vegetation.
“Riparian vegetation” means the terrestrial vegetation that grows beside rivers, streams, and other freshwater bodies and that depends on these water sources for soil moisture greater than would otherwise be available from local precipitation.


16D.02.340  Riprap.
“Riprap” means a layer, facing, or protective mound of stones randomly placed to prevent erosion, scour, or sloughing of a structure or embankment; also the stone used for this purpose.


16D.02.345  Scour.
“Scour” means the removal of underwater material by waves and currents, especially at the base or toe of a shore stabilization structure.


16D.02.355  Shoreline.
For purposes of administering the Shoreline Master Program, “shoreline” means those water areas, the associated features, and the land areas within Yakima County that are subject to the State Shoreline Management Act, especially as defined in RCW 90.58.030 (definitions), and as further identified in 16D.10.03 (Shoreline Jurisdiction).


16D.02.360  Shore Stabilization.
“Shore stabilization” means the construction or modification of bulkheads, retaining walls, dikes, levies, riprap, breakwaters, jetties, groins, weirs, and other structures along the shore, for the purpose of controlling stream undercutting, stream erosion or lake shore erosion.


16D.02.363  Single Improved Recreational Vehicle Site.
For purposes of administering the Shoreline Master Program, “single improved recreational vehicle site” means a site on which a recreational vehicle, as defined in 16D.02.322, may be parked with minimal services (such as electricity, well and septic system), without a garage or carport, and without large accessory buildings (small detached storage sheds or accessory structures totaling 120 square feet or less may be allowed). Recreational vehicle sites not meeting these criteria are considered single-family residences.


16D.02.365  Slope.
“Slope” means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.


16D.02.366  Solid Waste.
“Solid waste” means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, wood waste, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. Solid waste shall not include earth, clay, sand or gravel.

16D.02.367 Special Flood Hazard Areas.
“Special flood hazard area” means the land in the floodplain identified by the Federal Emergency Management Agency, that is subject to a one-percent or greater chance of flooding in any given year; commonly known as the 100-year floodplain.


16D.02.368 Start of Construction.
“Start of construction,” for purposes of administering Chapters 16D.05.20 through 16D.05.72, means the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. “Permanent construction” does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garage, or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park, “start of construction” means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks, “start of construction” is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.


16D.02.370 Stream.
“Stream” means water contained within a channel, either perennial, intermittent or ephemeral. Streams include natural watercourses modified by man, for example, by stream flow manipulation, channelization, and relocation of the channel. They do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, canals, stormwater runoff facilities, or other artificial watercourses.


16D.02.380 Stream Corridor.
“Stream corridor,” as used in this title, means those features listed and described in Chapter 16D.06.03 and related appendices to this title.


16D.02.390 Structure.
“Structure” means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height. The term also includes gas or liquid storage tanks when located principally above ground.


16D.02.395 Substantial Improvement.
“Substantial improvement” for purposes of administering Chapters 16D.05.20 through 16D.05.72 means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:

(1) Before the improvement or repair is started; or

(2) Before the damage occurred to a structure that has been damaged and is being restored.

For the purposes of this definition “substantial improvement” occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external
dimensions of the structure. The total value of all improvements to an individual structure undertaken subsequent to October 1, 1995, the effective date of this title, shall be used to define “substantial improvement” for said structure. The term does not, however, include either:

1. Any project for improvement to a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.


16D.02.400 Use.
“Use” means the activity to which land or a building is devoted and for which either land or a building is or may be occupied or maintained.


16D.02.415 Vegetative Buffer or Buffer.
“Vegetative buffer” or “buffer” means an area extending landward from the ordinary high water mark of a lake or stream and/or from the edge of a wetland which is maintained or otherwise allowed to provide, under optimal conditions, adequate soil conditions and native vegetation for the performance of the basic functional properties of a stream corridor, wetland and other hydrologically related critical areas as set forth in Chapter 16D.06.05 (Functional Properties) and 16D.07.04 (Wetland Functions and Rating). It is understood that optimal conditions do not always exist due to degradation of the vegetative buffer before establishment of this title, or due to colonization by non-native species. Such conditions still provide functional properties, though at a lower level, depending on the difference from natural conditions.


16D.02.425 Wetland.
“Wetland” or “wetlands” means that area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands may include those artificial wetlands specifically intentionally created from nonwetland areas to mitigate conversion of wetlands.


16D.02.430 Wildlife.
“Wildlife” means all species of the animal kingdom whose members exist in Washington in a wild state. The term “wildlife” includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term “wildlife” does not include feral domestic mammals or the family Muridae of the order Rodentia (Old World rats and mice).


16D.02.435 Wildlife Habitat.
“Wildlife habitat” means areas which, because of climate, soils, vegetation, relationship to water, location and other physical properties, have been identified as of critical importance to maintenance of wildlife species.

16D.02.440 Works.
“Works” means any dam, wall, wharf, embankment, levee, dike, berm, pile, bridge, improved road, abutments, projection, excavation, channel rectification, or improvement attached to, or affixed upon, the realty.

Chapter 16D.05.40
NONCONFORMING USES AND STRUCTURES

Sections:
16D.05.40.010 Generally.
16D.05.40.020 Nonconforming Uses of Land.
16D.05.40.030 Nonconforming Structures.
16D.05.40.040 Improvements.
16D.05.40.050 Restoration.
16D.05.40.060 Discontinuance.

16D.05.40.010 Generally.
(1) Within the special flood hazard areas established by Chapters 16D.05.20 through 16D.05.72 or amendments thereto, there may exist structures and uses of land and structures which were lawful before these chapters were adopted or amended, but which would be prohibited, regulated or restricted under the terms of Chapters 16D.05.20 through 16D.05.72 or future amendment.

(2) It is the intent of Chapters 16D.05.20 through 16D.05.72 to permit these lawful pre-existing nonconformities to continue until they are removed by economic forces or otherwise, but not to encourage their survival except in cases where continuance thereof would not be contrary to the public health, safety or welfare, or the spirit of said chapters.

(3) To avoid undue hardship, nothing in Chapters 16D.05.20 through 16D.05.72 shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to June 5, 1985, the date Yakima County enacted Ordinance 3-1985 in order to meet the requirements of the National Flood Insurance Program, and upon which actual building construction has been diligently carried on; namely, actual construction materials placed in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction; provided, that work shall be diligently carried on until completion of the building involved. October 1, 1995, the effective date of the amended ordinance codified in YCC Title 16A, shall be used as it applies to all other critical areas requirements established under YCC Title 16A by Ordinance 8-1995.


16D.05.40.020 Nonconforming Uses of Land.
If, on October 1, 1995, the effective date of Chapters 16D.05.20 through 16D.05.72, a lawful use of land not conducted within a building exists that is made no longer permissible under the terms of said chapters as adopted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of the lot of record than that which it occupied at the effective date of adoption or amendment of Chapters 16D.05.20 through 16D.05.72.

(2) At such time as a structure is erected thereon, the structure and the use of the land shall conform to the regulations specified by Chapters 16D.05.20 through 16D.05.72 and YCC Title 19.


16D.05.40.030 Nonconforming Structures.
(1) If, on October 1, 1995, the effective date of Chapters 16D.05.20 through 16D.05.72, a structure is nonconforming only because the structure is not in conformance with the applicable elevation and/or floodproofing requirement of said chapters and Chapter 19.33 of YCC Title 19; provided, that the degree of nonconformity shall not be increased and the applicable elevation and/or floodproofing requirements of this title shall be observed, any
structural alterations or enlargements of an existing structure under such conditions shall not increase the degree of nonconformity.

(2) A structure, nonconforming only because the structure is not in conformance with the applicable elevation and/or floodproofing requirements of Chapters 16D.05.20 through 16D.05.72, destroyed to an extent such that restoration costs would exceed fifty percent of the assessed value of the structure immediately prior to such occurrence, shall be considered completely destroyed and shall be required to meet all applicable requirements of this title and YCC Title 19 upon restoration.


16D.05.40.040 Improvements.
Nothing in Chapters 16D.05.20 through 16D.05.72 shall be construed to restrict normal structural repair and maintenance activities, including replacement of walls, fixtures and plumbing; provided, that the value of work and materials in any twelve-month period does not exceed twenty-five percent of the assessed value of the structure prior to such work.


16D.05.40.050 Restoration.
Nothing in Chapters 16D.05.20 through 16D.05.72 shall be deemed to prohibit the restoration of the structural portions of a nonconforming use within six months from the date of its accidental damage by fire, explosion, or act of God; provided, that the applicable elevation and/or floodproofing requirements of said chapters shall be adhered to if the structure is destroyed. A structure shall be considered to be destroyed if the restoration costs exceed fifty percent of the assessed value.


16D.05.40.060 Discontinuance.
If the nonconforming use is discontinued for a period of twelve consecutive months or more, the nonconforming status of the use is terminated and any future use of the land or structures shall be in conformity with the provisions of this title. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use. The ownership of property classed as nonconforming may be transferred without that fact alone affecting the right to continue such nonconforming use.

Chapter 16D.07
WETLANDS

Sections:
16D.07.01 Purpose and Intent.
16D.07.02 Designating and Mapping.
16D.07.03 Protection Approach.
16D.07.04 Wetland Functions and Rating.
16D.07.05 Compensatory Mitigation Requirements.
16D.07.06 Wetland Mitigation Banks.

16D.07.01 Purpose and Intent.
The purpose and intent of the provisions protecting wetland critical areas are equivalent to the purpose and intent for Chapter 16D.06.01 (Purpose and Intent).


16D.07.02 Designating and Mapping.
(1) Wetlands are those areas that meet the definition found in Section 16D.02.425 as provided in RCW 36.70A.030(20). All areas within Yakima County meeting the wetland definition are hereby designated critical areas and are subject to the provisions of this title. The following clarifications guide the application of the wetland definition:

   (a) Due to the inherent design of most irrigation systems, such systems are reasonably and foreseeably expected to result in some leakage or seepage. Such leakage or seepage is a normal result of utilization of irrigation systems and is deemed for the purposes of this title to be a nonregulated, artificial wetland.

(2) The approximate location and extent of wetlands are shown on maps maintained by Yakima County, which may include information from the National Wetlands Inventory produced by the U.S. Fish and Wildlife Service and soil maps produced by United States Department of Agriculture National Resources Conservation Service that are useful in helping to identify potential wetland areas. These maps are to be used as a guide for Yakima County, project applicants and/or property owners, and may be continuously updated as wetlands are more accurately identified, located and delineated.


16D.07.03 Protection Approach.
(1) Wetlands will be protected using the protection approach for hydrologically related critical areas found in 16D.06.02 (Protection Approach), which accommodates issues affecting wetlands.

(2) Wetlands and their functions will be protected using the standards found in the Stream Corridor Chapter (16D.06), which includes provisions to:

   (a) Follow mitigation sequencing as outlined in section 16D.03.10 (Mitigation Requirements);

   (b) Avoid degrading the functions and values of the wetland and other critical areas;

   (c) Provide a zero net loss of wetland functions and values together with, if reasonably possible through voluntary agreements or government incentives, a gain in functions and values through the long term.


16D.07.04 Wetland Functions and Rating.
(1) Wetlands are unique landscape features that are the interface between the aquatic and terrestrial environments. Wetlands provide the following functions:

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(a) Biogeochemical functions, which are related to trapping and transforming chemicals and include functions that improve water quality in the watershed such as: nutrient retention and transformation, sediment retention, metals and toxics retention, and transformation.

(b) Hydrologic functions, which are related to maintaining the water regime in a watershed, such as: flood flow attenuation, decreasing erosion, groundwater recharge.

(c) Food web and habitat functions, which includes habitat for: invertebrates, amphibians, anadromous fish, resident fish, birds, mammals.

(2) Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetland categories shall be based on the criteria provided in the Washington State Wetland Rating System for Eastern Washington, revised August 2004 (Ecology Publication No. 04-06-15, http://www.ecy.wa.gov/pubs/0406015.pdf) as determined using the appropriate rating forms contained in that publication. These categories are summarized as follows:

(a) Category I wetlands are those that represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible or too difficult to replace within a human lifetime, and provide a high level of functions. Generally, these wetlands are not common and make up a small percentage of the wetlands within Yakima County. The following types of wetlands are Category I:

(i) Alkali wetlands;

(ii) Natural Heritage Wetlands. Wetlands that are identified by scientists of the Washington Department of Natural Resources Natural Heritage Program as high quality, relatively undisturbed wetlands, or wetlands that support state threatened or endangered plant species;

(iii) Bogs;

(iv) Mature and old-growth forested wetlands with native slow growing trees, which include Western Red Cedar (Thuja plicata), Alaska Yellow Cedar (Chamaecyparis nootkatensis), pine species (mostly White pine – Pinus monticola), Western Hemlock (Tsuga heterophylla), Oregon White Oak (Quercus garryana) and Englemann Spruce (Picea engelmannii);

(v) Forested wetlands with stands of aspen;

(vi) Wetlands scoring 70 points or more (out of 100) in the Eastern Washington Wetland Rating System.

(b) Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include:

(i) Forested wetlands in the floodplains of rivers;

(ii) Mature and old-growth forested wetlands with native fast growing trees, which include alders (Red – Alnus rubra, Thin leaf – A. tenuifolia), cottonwoods (Narrow leaf – Populus angustifolia, Black – P. balsamifera), willows (Peach leaf – Salix amygdaloides, Sitka – S. sitchensis, Pacific – S. lasiandra); aspen (Populus tremuloides); or Water Birch (Betula occidentalis);

(iii) Vernal pools;

(iv) Wetlands scoring between 51 and 69 points (out of 100) in the Eastern Washington Wetland Rating System.

(c) Category III wetlands are often smaller, less diverse and/or more isolated from other natural resources in the landscape than Category II wetlands. Category III wetlands include:
(i) Vernal pools that are isolated; and

(ii) Wetlands with a moderate level of functions (scoring between 30 and 50 points) in the Eastern Washington Wetland Rating System.

(d) Category IV wetlands have the lowest levels of functions, scoring less than 30 points in the Eastern Washington Wetland Rating System, and are often heavily disturbed. These are wetlands that should be able to be replaced, and in some cases be improved. These wetlands may provide some important functions, and also need to be protected.

(3) The wetland rating categories as described in section (2), above, shall be applied to projects which are submitted on or after the date of adoption of these provisions. The wetlands shall be rated as they exist on the day of project application submission, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. However, illegal modifications to wetlands which have been made since the original adoption of the amended Critical Areas Ordinance (YCC Title 16A, 1995) shall not be considered when rating the wetland. Information regarding the original condition of illegally modified wetlands that cannot be discerned from aerial photographs or other reliable information sources, which is needed to complete the Eastern Washington Wetland Rating System data sheets, shall use the highest appropriate points value within each missing data field of the rating sheet to complete the rating.


16D.07.05 Compensatory Mitigation Requirements.
Projects that propose to compensate for wetland acreage and/or functions are subject to state and federal regulations. Compensatory mitigation for alterations to wetlands shall provide no net loss of wetland functions and values, and must be consistent with the mitigation plan requirements in section 16D.03.17(13) (Compensatory Mitigation Plans). The following guidance documents were developed to assist applicants in meeting the regulations and requirements.


16D.07.06 Wetland Mitigation Banks.
(1) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

(a) The bank is certified under RCW 90.84 and its administrative rules WAC 173-700;

(i) The administrative official determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

(ii) The proposed use of credits is consistent with the terms and conditions of the bank’s certification.

(2) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank’s certification.
(3) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank’s certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

Chapter 19.01

GENERAL PROVISIONS

Sections:
19.01.010 Introduction.
19.01.020 Compliance.
19.01.030 Severability and Validity.
19.01.040 Repealer.
19.01.050 Authority.
19.01.060 Enforcement.
19.01.070 Definitions.

19.01.010 Introduction.

(1) Title. Title 19 of the Yakima County Code constitutes and may be cited as the Unified Land Development Code (ULDC).

(2) Legislative Intent. To improve public service and efficiency, the Board of Yakima County Commissioners has adopted this Title, which consolidates several of the County’s development-related codes into a single document. This Title applies to all of unincorporated Yakima County within the County’s land-use jurisdiction and includes:

   (a) Subtitle 19.0 Introduction, code organization, administration and definitions of terms;
   (b) Subtitle 19.1 Land use zoning districts and use regulations and stormwater and erosion control;
   (c) Subtitle 19.2 Development standards for signs; site screening and landscaping; parking and loading; transportation and circulation; sewer and water;
   (d) Subtitle 19.3 Procedures for the development and division of land; amendment of the code; and processing under the State Environmental Policy Act (SEPA).

(3) Organization. The text of this Title is organized:

   (a) Title. This Title in its entirety is Title 19 of the Yakima County Code.
   (b) Subtitles. Subtitles are numbered as 19.#, establish the major categories and start new Chapter number series.
   (c) Chapters. Chapters are numbered as 19.##, with the second group of numbers representing the Chapter number, the first digit of which is the Subtitle number.
   (d) Sections. Sections are numbered as 19.##.###, with the second group of numbers representing the Chapter number and the third group of numbers representing the Section number.
   (e) Subsections. Subsections levels are indicated by alphanumeric characters in the following hierarchy: (1), (a), (i) and (A).

19.01.020 Compliance.

(1) Development Permit Compliance Required.

   (a) Applications for development may be approved or approved with conditions if the application conforms to adopted County and State rules and regulations or variations permitted by law, including:
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
19.01.030  Severability and Validity.
If it should be found by a court of competent jurisdiction that any portion of this Title, including adopted text and maps, does not qualify under the authority of Chapter 35.63 RCW, such finding shall not affect the validity of the remainder of this Title.

If any provision of this Title, including adopted text and maps, or applying the provision to any person or circumstances, is held invalid, then the rest of this Title or applying the provision to other persons or circumstances shall not be affected. The Board of Yakima County Commissioners hereby declares it would have enacted the remainder of these regulations even without any such provision judged to be invalid.

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

19.01.040  Repealer.
This Title when adopted shall replace and supersede:

(1)    Subdivision Ordinance (Title 14, Yakima County Code).
(2)    Zoning (Title 15, Yakima County Code).
(3)    Urban Growth Area Zoning (Title 15A, Yakima County Code).

References to these titles and other Titles of County Code, notably YCC 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 YCC Title 19.

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

19.01.050  Authority.
(1)    This Title is enacted under authority granted to Yakima County by Article XI, Section II, of the Washington State Constitution and Chapters 36.70 and 36.70A of the Revised Code of Washington.
(2)    Designation of Reviewing Official.

(a)    Decisions made by officials under the authority of this Title shall be final unless appealed to the Hearing Examiner under YCC Title 16B.
(b)    Unless otherwise noted, the Planning Director of the Yakima County Planning Division (“Director”) or the director’s designee shall be the Administrative Official and shall interpret and apply this Title.
(c)    Where noted in this Title, the County Engineer shall interpret and apply this Title relating to transportation and circulation facilities.
(d)    The Yakima County Building Official shall interpret and apply YCC Title 13 and shall have the following powers and responsibilities:

   (i)   Issue development permits for permitted uses where authorized in compliance with this Title;
   (ii)  Conduct inspections to determine compliance or noncompliance with the terms of this Title;
   (iii) Revoke, in writing, a permit or approval issued contrary to this Title or based on a false statement or misrepresentation in the application;
   (iv)  Stop, by written order, work being done contrary to the development permit or to this Title. Such written order, posted on the premises involved, shall not be removed except by order of the Building Official. Removal without such order shall constitute a violation of this Title;
(v) Institute or cause to be instituted any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or occupancy of a structure or land, and/or restrain, correct, or abate such violation; and

(vi) Perform any other act or duty authorized or assigned to him under provisions of this Title.

(e) The Public Services Director will consult with Reviewing Officials designated by this Title concerning project permits subject to this Title and YCC Chapter 12.10.

(3) Interpretation and Application of This Title. Unless otherwise noted and as provided in YCC Section 16B.03.070, it shall be the responsibility of the Administrative Official to interpret and apply this Title. An interpretation shall be subject to appeal under YCC Chapter 16B.09. The Administrative Official’s response shall be in writing and kept on permanent file.

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

19.01.060 Enforcement.

(1) It shall be the duty of the Administrative Official to determine the applicability of this Title for enforcement purposes. All departments, officials and public employees of the County vested with the duty or authority to issue permits, shall conform to this Title and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this Title. Any permit, certificate or license issued in conflict with this Title, intentionally or otherwise, shall be void. The Building Official shall carry out the enforcement provisions of YCC Chapter 13.25 of the Yakima County Code, when a violation has been determined under the provisions of YCC Title 13.

(2) The Building Official is authorized to perform interim and final inspections of all development and modifications to development to assure it has been established and/or constructed in conformance with the final site plan and associated terms and conditions of approval. The Building Official may coordinate such inspections with the inspections required by other applicable codes or ordinances. When the development, as built, conforms to the final site plan, the Building Official shall so certify on the face of the site plan on file with the County.

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

19.01.070 Definitions.

For this Title, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified unless the context requires a different meaning. Where terms are not defined, they shall have the ordinary accepted meaning within the context with which they are used. Where an activity or land use could fall under two definitions, the more specific shall apply. The Webster’s Ninth New Collegiate Dictionary, with the assistance of the American Planning Association Planning Advisory Service’s “A Planner’s Dictionary” and Black’s Legal Dictionary shall be the sources for ordinary accepted meaning and for the definition of words not defined below. Specific examples are included as illustrations, but are not intended to restrict a more general definition.

(1) “A” Definitions.

<p>| Accepted agricultural management practices | “Accepted agricultural management practices” means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain farm income and customarily utilized in conjunction with agricultural use. This definition specifically includes new modes of operation or technology for conducting commercial agriculture. |
| Access | “Access” means a legally available and physically practical area for the perpetual use of motor vehicle ingress and egress to a lot. In determining practicality, the topography, drainage, potential for erosion, underlying ownership and other factors may be considered. |
| Access driveway | “Access driveway” means an entrance roadway from a street or alley to a parking facility. |
| Access easement | “Access easement” means any public or private easement for the purpose of ingress and egress that may be owned by the underlying owners of land over which it crosses. |
| Access road | “Access road” means a street that is not a classified street. |</p>
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<td>access road, Interior</td>
<td>“Interior access road” means a local access road within the boundaries of a proposed plat or short plat.</td>
</tr>
<tr>
<td>access road, Perimeter/connecting</td>
<td>“Perimeter/connecting access road” means a local access road along the perimeter of a plat or short plat, and/or connecting the interior local access roads within a plat or short plat to an existing public road.</td>
</tr>
<tr>
<td>Accessory building or structure</td>
<td>“Accessory building or structure” means a building or part of a building or structure that is subordinate to the operation or enjoyment of a lawful use, and the use of which is incidental to, that of the main building, structure or use on the same lot.</td>
</tr>
<tr>
<td>Accessory use</td>
<td>“Accessory use” means a land use that is incidental and subordinate to the principal use of a site. Therefore, accessory uses may only be permitted when a principal permitted use has been established. They must be: clearly secondary to, supportive of and compatible with the principal use; consistent with the purpose of the zoning district; and comply with the provisions of this Title. The land use category of an accessory use shall be the same as that of the principal uses as listed in Chapters 19.11 through 19.18, unless otherwise specified.</td>
</tr>
<tr>
<td>Administrative Adjustment</td>
<td>“Administrative adjustment of standard” means a change, either an increase or decrease, in one or more of the development standards of this Title in accordance with the provisions of Chapter 19.35.</td>
</tr>
<tr>
<td>Administrative Official</td>
<td>“Administrative Official” means the duly appointed Yakima County Planning Director or the Director’s designee. This term is synonymous with “Director” or “Administrator”.</td>
</tr>
<tr>
<td>ADT (Average Daily Trips)</td>
<td>“ADT” means the average trips expected on a road/street on any given day.</td>
</tr>
<tr>
<td>Adult day care center</td>
<td>See definition for “Day care facility”.</td>
</tr>
<tr>
<td>Adult entertainment facility</td>
<td>“Adult entertainment facility” means an adult cabaret, adult motion picture theater, adult retail store, or a commercial establishment that includes an adult sales practice as those terms are defined in the adult entertainment licensing provisions in YCC Chapter 5.06. Adult arcades as defined in YCC Chapter 5.06 are expressly prohibited by this Title.</td>
</tr>
<tr>
<td>Adult family home</td>
<td>“Adult family home” means a regular family abode, licensed by the state, in which a person or persons provide personal care, special care, room and board to more than one, but not more than six adults who are not related by blood or marriage to the person or persons providing the services.</td>
</tr>
<tr>
<td>Agency with jurisdiction</td>
<td>“Agency with jurisdiction” for the 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.</td>
</tr>
<tr>
<td>Agricultural building</td>
<td>&quot;Agricultural building&quot; means a structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit and other agricultural products. Controlled atmosphere and cold storage warehouses are not agricultural buildings (see Agricultural related industries). An agriculture building shall not be used for human habitation, or a place of employment where agricultural products are processed, treated or packaged nor shall it be a place used by the public.</td>
</tr>
<tr>
<td>Agricultural land</td>
<td>&quot;Agricultural land&quot; means land primarily or historically devoted to the commercial production of horticultural, agronomic, or specialty crops, as well as apiary and animal production. This definition also includes rangelands and fallow lands.</td>
</tr>
<tr>
<td>Agricultural market</td>
<td>&quot;Agricultural market&quot; means a use primarily engaged in the retail sale of fresh, regionally grown agricultural products. An Agricultural Market may include as incidental and accessory to the principal use, the sale of factory sealed or prepackaged food products such as boxes of apples or other fruit, jams, jellies and baked goods and other value-added products using produce grown regionally, and some limited non-food items. This definition does not include the sale of livestock.</td>
</tr>
<tr>
<td>Agricultural product support</td>
<td>“Agricultural product support” means a business that provides a product or service intended for use in the processing, storage, preservation, or distribution of agricultural commodities.</td>
</tr>
<tr>
<td>Agricultural service establishment</td>
<td>“Agricultural service establishment” means those uses specifically engaged in performing agricultural or horticultural services on a fee or contract basis, including but not limited to the following: (1) Crop dusting and spraying services; (2) Harvesting and plowing services; (3) Agricultural land grading services; (4) Specialized farm equipment service and repair, excluding automotive paint, maintenance, or body and repair; (5) Large animal veterinary services; and (6) Agricultural fertilizer and chemical product application services.</td>
</tr>
</tbody>
</table>
### Agricultural stand

“`Agricultural stand`” means a structure, or portion thereof, up to 1,000 square feet in area used for the retail sale of agricultural and related incidental products, excluding livestock, primarily grown on the premises.

### Agricultural tourist operation, (ATO)

“`Agricultural tourist operation`” refers to a working farm, including an approved winery, distillery or brewery (domestic or micro) or any agricultural, horticultural, or agribusiness operation that is open to the public for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. These activities must be related to the agricultural products grown or produced on site and incidental to the primary operation on the site. This term includes farm tours, hayrides, corn mazes, pumpkin patches, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above and similar uses. The retail sales of agricultural related products is considered accessory and subordinate to the agricultural operation when the products sold are grown or produced on site.

1. **Retail Agricultural Tourist Operation:** one that may include eating and food preparation facilities with event facilities for seminars or other social gatherings.
2. **Destination Agricultural Tourist Operation:** one that consists of an assortment of uses over and above any uses associated with retail level operation but may include overnight lodging facilities up to 12 guest rooms, with event facilities for seminars, weddings and other social gatherings.
3. **Resort Agricultural Tourist Operation:** one that consists of an assortment of uses over and above any uses associated with retail or destination level operation. These accessory uses can be anything related to the agricultural operation that enhances the tourist related experience, with a dedicated area for seminars, weddings and other social gatherings, and RV park accommodations.

### Agriculturally related industry

“`Agriculturally related industry`” means specifically:

1. **Packing plants** – may include, but are not limited to, the following activities: washing, sorting, crating and other functional operations such as drying, field crushing or other preparation in which the chemical and physical composition of the agricultural product remains essentially unaltered.
2. **Processing plants** – may include, but are not limited to, those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product.
3. **Storage facilities** – include bin storage lots, controlled atmosphere and cold storage warehouses, and warehouses for the storage of processed and/or packaged agricultural products.

(This definition does not include processing activities or slaughter houses, animal reduction yards and tallow works.)

### Agriculture

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

### Airport operations

“`Airport operations`” means activities, uses, structures and facilities that are located on and necessary to the operation of the Airport. These activities and facilities include runways, taxiways, parking ramps and aprons, navigation and radar/radio communication facilities and equipment, safety and emergency facilities and storage and maintenance facilities.

### Airport or landing field

“`Airport or landing field`” means any area of land or water used or intended to be used for the landing and taking off of aircraft. Hangars and other appurtenant buildings, storage areas and open spaces necessary for airport operation are also included within this definition. “`Landing field`” means a geographic area that is designed or occasionally utilized for aircraft operations, but is not primarily used for aviation related activities. Airports and landing fields are further defined as follows:

1. **Personal use** – A facility with a limited number of privately owned aircraft for the personal use of the owner or tenant of the site, with no commercial operations other than crop dusting.
2. **Restricted use** – A facility with exclusive rights or use reserved to the owner for personal or commercial use. This shall include owners or tenants of a planned development zoning district, industry or institution.
3. **Public use** – Any facility available for public use.

### Airport special definitions

“`Airport special definitions`.” The following terms are established for the purpose of protecting the airspace of regulated airports (see also Chapter 19.17):

1. **“Airspace Hazard”** means any structure, tree, or use of land which compromises public safety or obstructs the airspace required for the safe operation of aircraft in or around an airport, as determined by the Reviewing Official under this Title.
2. **“Airspace Obstruction”** means any structure, tree, land mass, smoke or steam or use of land which penetrates the primary, approach, transitional, horizontal or conical surface of an airport as defined by Federal Aviation Regulation (FAR), Part 77.
3. **“Aviation Deed Declaration”** means a declarative covenant which recognizes the preexistence of the airport and the right of over flight recorded for all uses within the approach.
“Animal husbandry” means the raising of domesticated farm animals when in the case of dairy husbandry.

This definition includes dairy confinement areas, slaughter houses, or holding of animals or poultry including, but not limited to, horses, cattle, sheep or swine.

Concentrated animal feeding operations include: structure or pens for the concentrated feeding of cows, beef cattle, horses, ponies, mules, llamas, goats and sheep their primary source of food, and transitional surfaces of the conical surface area.

(4) “Avigation Easement” means an easement granted for the free and unobstructed use and passage of aircraft over, across, and through the airspace above, or in the vicinity of property.

(5) “Civil Airport Imaginary Surfaces” means the imaginary airspace (primary, approach, transitional, horizontal and conical surfaces) designated by the Federal Aviation Administration and as defined by FAR, Part 77.

(6) “Established Airport Elevation” means the highest point of an airport’s usable landing area, measured in feet above mean sea level.

(7) “Hazard to Air Navigation” means an official determination by the FAA that an airspace obstruction constitutes a hazard to air navigation. The FAA determination that an airspace obstruction does not constitute a “hazard to air navigation” under federal regulations does not prevent the Reviewing Official from determining that it is an airspace hazard of potentially incompatible land use under this Title.

(8) “Potentially Incompatible Land Use” means land uses deemed potentially incompatible within the airport overlay include:

(a) Those land uses located in the primary Airport Overlay, being an area bounded by the limits of the approach surface and the transitional surface within the conical surface area, that are of such intensity as to potentially endanger public health, safety or welfare. Such uses include manufactured or mobile home parks, schools, places of public assembly and multi-family residential uses;

(b) Those land uses within the primary or secondary Airport Overlay constituting airspace hazards, as determined by the Reviewing Official.

(9) “Runway Protection Zone” means a trapezoidal area representing the ground level at the innermost portion of the runway approach as defined in the respective airport master plan.
other than during the winter months is from grazing in the pasture where they are kept.

| Antique store | “Antique store” means an establishment offering for sale articles such as glass, china, furniture, or similar furnishings and decorations which have intrinsic value and significance as a result of age (generally 50 years or older), design or sentiment. |
| Apartment | “Apartment” means a room or suite of two or more rooms in a multi-family dwelling, occupied or suitable for occupancy as a residence for one family. This definition does not include “Accessory Apartments”. |
| Appeal | “Appeal” means a request for review of an Administrative Official’s or Hearing Examiner’s written decision, determination, order or official interpretation. |
| Applicant | “Applicant” means a person submitting an application for any permit or approval required by this Title and who is the owner of the subject property or the authorized agent of the owner, as defined by this Title. |
| Application for development | “Application for development” means the application form and all accompanying documents and exhibits required by this Title or the Administrative Official. |
| Aquaculture | “Aquaculture” means keeping or raising aquatic plants or animals including, but not limited to, fish hatcheries and fish farms. This definition excludes commercial aquacultural processing, packing and storage plants. When aquaculture is clearly accessory to other land uses, such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it shall be subject to requirements applicable to the principal use. Commercial aquacultural processing, packing and storage may be considered, where appropriate, under other commercial or industrial categories. |
| Arterial | “Arterial” means a principal (primary), minor or collector arterial as designated by the WSDOT or proposed in the Transportation Plan or adopted in the Comprehensive Plans. Synonymous with Federal Highway Administration definition. |
| Attached | “Attached” means in the case of dwellings, two or more dwellings connected by a common vertical wall or roof line or in the case of multi-story buildings by a common ceiling/floor. |
| Auction house | “Auction house” means a structure or enclosure where goods and/or livestock are sold by auction. |
| Automobile body shop | “Automobile body shop” means a facility which provides collision repair services, including body frame straightening, replacement of damaged parts and painting. |
| Automotive parts and supply | “Automotive parts and supply” means use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers or recreation vehicles. Stores that sell new automobile parts and accessories; may also include minor parts installation. |
| Automotive repair services | “Automotive repair services” means any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including, but not limited to body, fender, muffler, or upholstery work, oil change and lubrication but excludes dismantling or salvage. |
| Automotive service station | “Automotive service station” means a facility to supply motor fuel and other petroleum products to motor vehicles, including lubrication, and providing minor repair service and incidental sales or motor vehicle accessories. |
| Automotive, truck, manufactured home and/or travel trailer sales | “Automotive, truck, manufactured home and/or travel trailer sales” means a place used for the display, sale or rental of new or used automobiles, trucks, manufactured and mobile homes, travel trailers and campers. |
| 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. |

(2) **“B” Definitions.**

<p>| Balloon sign | See definition for “sign, Balloon”. |
| Banner | See definition for “sign, Banner”. |
| Battery exchange stations | “Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under... |</p>
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beacon</td>
<td>“Beacon” means any light with one or more beams directed at one or more points not on the same lot as the light source.</td>
</tr>
<tr>
<td>Bed and breakfast (B &amp; B) inn</td>
<td>“Bed and breakfast inn” means a structure designed for and occupied as a single-family residence with not more than five guestrooms used to provide temporary traveler’s accommodations and meals for a fee for not more than 30 days. Bed and breakfast inns with three or more guest rooms are licensed under the Department of Health’s transient accommodation license.</td>
</tr>
<tr>
<td>Beverage industries</td>
<td>“Beverage industries” means the production, processing and/or packaging of milk, soft drinks, fruit juices and other drinks.</td>
</tr>
<tr>
<td>Binding site plan</td>
<td>“Binding site plan” means a drawing or drawings to a scale of not less than one inch to one hundred feet which: (1) Identifies and shows the areas and locations of all streets, roads, drainage systems, improvements, utilities, open spaces, dedications, lots, tracts, spaces and any other matters specified in this Title and any other applicable ordinances; (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan, and (3) Contains provisions making any development upon land covered by the plan be in conformity with the site plan.</td>
</tr>
<tr>
<td>Bingo parlor</td>
<td>See definition for “Game room”.</td>
</tr>
<tr>
<td>Bioretention</td>
<td>“Bioretention” means the process in which contaminants and sedimentation are removed from stormwater runoff. Stormwater is collected into the treatment area that consists of a grass buffer strip, sand bed, ponding area, organic layer or mulch layer, planting soil, and plants. Runoff passes first over or through a sand bed, which slows the runoff’s velocity, distributes it evenly along the length of the ponding area that consists of a surface organic layer and/or groundcover and the underlying planting soil. The ponding area is graded, its center depressed. Water is ponded and gradually infiltrates the bioretention area or is evapotranspired. The bioretention area is graded to divert excess runoff away from itself. Stored water in the bioretention area planting soil exfiltrates over a period of days into the underlying soils.</td>
</tr>
<tr>
<td>Block</td>
<td>“Block” means a group of lots, tracts or parcels within well-defined and fixed boundaries.</td>
</tr>
<tr>
<td>Board of County Commissioners</td>
<td>“Board of County Commissioners”, also abbreviated as “BOCC”, or “Board”, is the legislative authority of Yakima County.</td>
</tr>
<tr>
<td>Boarding or lodging house</td>
<td>“Boarding or lodging house” means one or more buildings, cabins, that are permanently established on site with not more than five guest rooms where lodging and meals may be provided for compensation for not more than ten persons, but shall not include apartments, family home services, health care facilities, day care centers, residential care facilities. Any number of guest rooms over five shall be considered an overnight lodging facility. Boarding or lodging houses with three or more guest rooms are licensed under the Department of Health’s transient accommodation license.</td>
</tr>
<tr>
<td>Bond</td>
<td>“Bond” means any form of a surety bond in an amount and form satisfactory to the Board (BOCC). All bonds shall be approved by the BOCC whenever a bond is required by these regulations.</td>
</tr>
<tr>
<td>Bond, Maintenance</td>
<td>“Bond, Maintenance” means an insurance bond, usually for a two-year period.</td>
</tr>
<tr>
<td>Bond, Project</td>
<td>“Bond, Project” means a bond for construction project.</td>
</tr>
<tr>
<td>Boundary line adjustment</td>
<td>“Boundary line adjustment” means an action that involves the adjustment of common property lines through a boundary line correction or modification process, as set forth in this Title.</td>
</tr>
<tr>
<td>brewery, Domestic</td>
<td>“Brewery, domestic” means a facility where sixty thousand barrels or more of beer are processed and manufactured per year. A domestic brewery can include hop fields, grain fields, tasting and sales rooms. (Definition based on RCW 66.24.240(1).)</td>
</tr>
<tr>
<td>brewery, Micro</td>
<td>“Brewery, micro” means a facility where less than sixty thousand barrels of beer are processed and manufactured per year. A microbrewery can include hop fields, grain fields, tasting and sales rooms. (Based on RCW 66.24.244(1).)</td>
</tr>
<tr>
<td>brokerage offices, Transportation</td>
<td>“Brokerage offices, transportation” means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo.</td>
</tr>
</tbody>
</table>
| Buildable area                            | “Buildable area” means that area of a lot, tract or parcel remaining after minimum required setbacks, yard areas, open space, sanitary control areas, on-site sewage system and reserve
areas, where designated by the Yakima Health District, and excepting any floodplains, wetlands, steep slopes or manmade conditions or restrictions that would prevent construction of a habitable structure under existing County development standards.

**Buildable land**

“Buildable land” (for the purposes of calculating land supply for Urban Growth Areas) means land within or near the urban areas that is suitable and available for residential, commercial, and industrial uses and includes both vacant land and developed land that in the opinion of County, is likely to be redeveloped.

**Buildable Lot**

“Buildable lot” means that which contains a buildable area.

**Building**

“Building” means any structure built for the support, shelter or enclosure of persons, animals, uses or property of any kind. Where this Title requires, or where special authority granted pursuant to this Title requires that a use shall be entirely enclosed within a building, this definition shall be qualified by adding “and enclosed on all sides”. Also see definition for “structure”.

**Building area**

“Building area” means the area of a lot or parcel that delineates the limits of where a building may be lawfully placed.

**Building code**

“Building code” means YCC Title 13 and any other related codes as amended and adopted by Yakima County.

**Building height**

“Building height” means the vertical distance from grade plane to the average height of the highest roof surface.

**Building Official**

“Building Official” means that person or persons designated by the legislative body to enforce the provisions of the building code and the assigned provisions of this Title.

**Building site**

“Building site” means an area of land, consisting of one or more lots or portions of lots, that is: (1) Capable of being developed under current federal, state and local statutes, including zoning and use provisions, dimensional standards, minimum lot area, minimum lot area for construction, minimum lot width, shoreline master program provisions, critical area provisions and health and safety provisions; or (2) Currently legally developed.

**Building space**

“Building space” means the three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, yard setbacks and building coverage.

**Business school**

“Business school” means a commercial or public school providing instruction solely in professional skills such as: business management, accounting, secretarial skills, sales, marketing and merchandising.

**Butcher shop**

“Butcher shop” means a custom retail meat cutting operation. This definition does not include slaughtering, but does include other accessory uses such as frozen food lockers.

### (3) “C” Definitions.

**Camp**

“Camp” means a public or private place that offers outdoor recreational activities that may have common eating and sleeping facilities and where recreational activities or religious retreats are organized and conducted in a group under supervision and such group activities constitute the majority of the stay.

**Campground**

“Campground” means any parcel or tract of real property that is used or designed for camping or outdoor recreation and containing two or more camping spaces offered for the use of the public or members of an organization. [Based in part on RCW 19.105.300(13), National Association of RV Parks and Campgrounds research, and ANSI A 119.4]

**Camping**

“Camping” means erecting a tent or shelter or arranging bedding, or both, or parking a vehicle for the purpose of remaining overnight on land. (WAC 332-52-10)

**Camping or recreational vehicle**

“Camping or recreational vehicle” means vacation trailer, park trailer, fifth-wheel, self-propelled vehicle or structure equipped with wheels for highway use that is designed for human occupancy and is used for temporary, recreational or emergency purposes, but not for residential purposes. Said vehicle may be equipped with plumbing, including sink and/or toilet.

**Camping site**

“Camping site” means a space designed or used for the purpose of locating a trailer, tent, tent trailer, pick-up camper, or other similar device used for land-based portable shelter within an RV park or campground. (RCW 19.05.300(3))

**Camping units**

“Camping units” means any portable structure, shelter or vehicle designed and intended for occupancy by persons engaged in RV activities or camping within an RV park or campground.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car wash</td>
<td>“Car wash” means a business engaged in washing, waxing and/or polishing cars and small trucks. Includes self-service car washes, automated car washes, manned car washes and auto detailing.</td>
</tr>
<tr>
<td>Card room</td>
<td>See definition for “Game room”.</td>
</tr>
<tr>
<td>Caretaker dwelling</td>
<td>“Caretaker dwelling” means a single-family dwelling unit for the occupancy of guards, watchmen, or property caretakers which is accessory to a permitted use.</td>
</tr>
<tr>
<td>Center line of right-of-way</td>
<td>“Center line of right-of-way” means the mid-point between the future alignments of the opposite edges of right-of-way. When the County Engineer determines that the centerline will be relocated, the future centerline shall be used.</td>
</tr>
<tr>
<td>Certificate of water availability</td>
<td>“Certificate of water availability” means documentation submitted by the applicant at the time of application showing evidence of an adequate water supply for the proposed structure requiring potable water.</td>
</tr>
<tr>
<td>Change of use</td>
<td>“Change of use” means a change from one use listed in Chapter 19.14 Table of Permitted Land Uses to another use listed in the table.</td>
</tr>
<tr>
<td>Charging levels</td>
<td>“Charging levels” means the standardized indicators of electric force, or voltage, that an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications: (1) Level 1 is considered slow charging (120 volt AC). (2) Level 2 is considered medium charging (208 or 240 volt AC). (3) Level 3 is considered fast or rapid charging (480 volt AC).</td>
</tr>
<tr>
<td>Chicanes</td>
<td>“Chicanes” means the narrowing, curving and/or widening of a roadway.</td>
</tr>
<tr>
<td>Church or other place of worship</td>
<td>“Church or other place of worship” means a structure or group of structures that by design and construction are primarily used for organized religious services and instruction.</td>
</tr>
<tr>
<td>City</td>
<td>“City” means an incorporated city or town within its respective Urban Growth Area.</td>
</tr>
<tr>
<td>Classified street</td>
<td>“Classified street” means a street designated by the Federal Highway Administration as an arterial or collector, or proposed for such designation by the comprehensive plan.</td>
</tr>
<tr>
<td>Clean and sober facility</td>
<td>“Clean &amp; sober facility” means a commercial business providing a dwelling or building for occupancy by rehabilitated alcohol and/or drug users during their re-entry into the community. The Clean &amp; Sober Facility provides residentially oriented facilities for the rehabilitation or social adjustment of persons who may need supervision or assistance in becoming socially reoriented, but who do not need institutional care. (Also see Halfway House.)</td>
</tr>
<tr>
<td>Clinic</td>
<td>“Clinic” means a structure for the medical examination and treatment of human patients, but without provision for keeping such patients overnight on the premises.</td>
</tr>
<tr>
<td>Closed record appeal</td>
<td>“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).</td>
</tr>
<tr>
<td>Cluster development</td>
<td>“Cluster development” means the arrangement or grouping of dwellings or lots to increase densities (e.g. smaller lots) on some portions of the property to preserve the remainder for either: agricultural or forest use; future infill development within urban areas; open space and other amenities associated with the property; and/or to locate on-site utility (water and sewer) system.</td>
</tr>
<tr>
<td>Collector</td>
<td>“Collector” means streets that are minor tributaries, gathering traffic from numerous smaller (local) streets and delivering it to and from minor arterials, as designated by the Federal Highway Administration.</td>
</tr>
<tr>
<td>Collector lines, electrical</td>
<td>“Collector lines, electrical” means electrical lines necessary to deliver power from a commercial energy resource facility to electrical substations or interconnection facilities associated with existing or proposed transmission lines.</td>
</tr>
<tr>
<td>Commercial services</td>
<td>“Commercial services” means technical services and specialized care services such as lawn and garden care and delivery services, except as otherwise regulated.</td>
</tr>
<tr>
<td>Communication tower</td>
<td>“Communication tower” means any tower, pole, mast, whip or antenna or any combination thereof used for transmitting electronic communication through the air. This definition includes towers erected for use in the amateur radio service.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>Communication tower height</td>
<td>“Communication tower height” means the vertical distance above the ground measured to the highest point of the communication tower.</td>
</tr>
<tr>
<td>Community center</td>
<td>“Community center” means a facility owned and operated by a public agency or nonprofit corporation, provided, that the principal use of the facility is for public assistance, community improvement or public assembly.</td>
</tr>
<tr>
<td>Community on-site sewage disposal system</td>
<td>“Community on-site sewage disposal system” means an on-site sewage disposal system that serves more than one lot within a land division or more than one individual use on a lot.</td>
</tr>
<tr>
<td>Community open space</td>
<td>“Community open space” means a parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use, enjoyment, as well as the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open spaces. Community open space may include neighborhood and community parks, commons, plazas, community green or lawn, landscaped buffers, or other areas, decorative plantings, formal and informal gardens, pedestrian walkways or paths, and active or passive recreation areas (swimming pools, tennis courts, playgrounds, etc.). Community open space shall not include street rights-of-way or any area within a residential lot.</td>
</tr>
<tr>
<td>Community water supply system</td>
<td>“Community Water Supply System” means any publicly or privately owned system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is furnished to any community, collection, or number of individuals, but excluding a water system serving one single-family residence.</td>
</tr>
<tr>
<td>Community youth center</td>
<td>“Community youth center” means a structure open to the general public that is owned or operated by Yakima County or another public agency or charitable nonprofit agency and that is used predominantly by children for cultural, educational, recreational or social purposes.</td>
</tr>
<tr>
<td>Compatibility</td>
<td>“Compatibility” means the characteristics of different uses or developments that permit them to be located near each other in harmony with or without special mitigation measures.</td>
</tr>
<tr>
<td>Comprehensive Plan</td>
<td>“Comprehensive Plan” means the Comprehensive Plans and any supplemental or Neighborhood plans officially adopted under RCW Chapters 36.70 and 36.70A, specifically: (1) The Yakima Urban Area Comprehensive Plan 2025, including the West Valley Neighborhood Plan and Terrace Heights Neighborhood Plan; (2) The Yakima County Comprehensive Plan; (3) The relevant portions of the Union Gap Comprehensive Plan. (4) A comprehensive plan adopted by a city or town council.</td>
</tr>
<tr>
<td>Conditions of approval</td>
<td>“Condition of approval” means restrictions or requirements required by a Reviewing Official pursuant to authority granted by this Title.</td>
</tr>
<tr>
<td>Connectivity</td>
<td>“Connectivity” means a system of streets with multiple routes and connections serving the same origins and destinations.</td>
</tr>
<tr>
<td>Construction plan</td>
<td>“Construction plan” means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Board as a condition of the approval of the plat.</td>
</tr>
<tr>
<td>Consulting services</td>
<td>See definition for “Professional business”.</td>
</tr>
<tr>
<td>Context Sensitive Solutions (CSS)</td>
<td>“Context Sensitive Solutions” means a transportation facility design that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility. CSS is an approach that considers the total context within which a transportation improvement project will exist.</td>
</tr>
<tr>
<td>Convalescent or nursing home</td>
<td>“Convalescent or nursing home” means an establishment providing nursing, dietary and other personal services to convalescents, invalids or aged persons, but not mental cases and cases for contagious or communicable diseases which are customarily treated in sanitariums and hospitals.</td>
</tr>
<tr>
<td>Convenience store</td>
<td>“Convenience store” means a building not greater than 4,000 square feet that is used for retail sales of packaged or prepared food, beverages, lottery tickets, tobacco products, and limited stock of groceries or similar products for the traveling public or neighborhood residents. May include automotive fuel dispensing services.</td>
</tr>
<tr>
<td>Cosmetic Services</td>
<td>“Cosmetic Services” means tattooing, body piercing and similar services.</td>
</tr>
<tr>
<td>County</td>
<td>“County” means Yakima County.</td>
</tr>
<tr>
<td>County Auditor</td>
<td>“County Auditor” shall be defined in RCW Chapter 36.22 as it now exists or is hereafter amended.</td>
</tr>
</tbody>
</table>
### County Engineer

“County Engineer” shall be defined as RCW Chapter 36.40 as it now exists or is hereafter amended.

### County public road standards

“County public road standards” means as assigned and approved by the County Engineer.

### County Treasurer

“County Treasurer” shall be defined in RCW Chapter 36.29 as it now exists or is hereafter amended.

### Crime Prevention Through Environmental Design (CPTED)

“Crime prevention through environmental design” means a multi-disciplinary approach to deterring criminal behavior through environmental design. Specifically altering the physical design of the communities in which humans reside and congregate in order to deter criminal activity is the main goal of CPTED.

### Crisis residential facility

“Crisis residential facility” means a protective residential facility operated to provide secure or semi-secure temporary shelter for children under the age of eighteen years.

### Critical areas

“Critical areas” means all unincorporated lands under Yakima County’s land use jurisdiction that are regulated under the Critical Areas Ordinance, Regional Shoreline Master Program and mean, generally, areas with a critical recharging effect on aquifers used for potable water, wetlands, hydrologically related critical areas (frequently flooded areas, wetlands), geologically hazardous areas, drainages, and fish and wildlife habitat conservation areas.

### Cul-de-sac bulb

“Cul-de-sac bulb” is a road closed at one end by a circular area of sufficient size for turning vehicles around.

### curb, Barrier

“Barrier curb” means a curb designed to prevent vehicles from access to sidewalks.

### curb, Low impact design

“Low-impact design curb” means a curb with an approved alternative design that incorporates low-impact stormwater management design.

### curb, Mountable

“Mountable curb” means a curb, including a rolled curb, designed to allow for vehicle access to sidewalks.

### (4) “D” Definitions.

#### Dangerous waste


#### Day

“Day” means calendar day, unless specified otherwise. 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 period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of 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, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

#### Day care center

“Day care center” means a day care facility that supplies care, attention, supervision and oversight serving children regardless of whether such services are provided for compensation, as governed by Washington State DSHS licensing provisions for said day care use and conducted in accordance with said State DSHS requirements.

#### Day care facility

“Day care facility” means a building or structure that an agency, person or persons regularly provide care for a group of non-related individuals (children or adults) for periods of less than twenty-four hours a day. This includes family day care homes and day care centers.

#### Day care home, family

“Day care home, family” means family day care home located in a private home that supplies care, attention, supervision and oversight for children, as governed by Washington State DSHS licensing provision for said day care use and conducted in accordance with said State DSHS requirements.

#### 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 in Title 16B designates the decision maker by project permit procedure type.

#### Dedication

“Dedication” is the deliberate appropriation of land by an owner for any general and public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which property has been devoted. The intention to dedicate shall be evidence by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit, provided that no affirmative duty to maintain or improve any dedicated land shall devolve upon Yakima County except by...
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway</td>
<td>Means a means of vehicular access, beginning at the property line of a lot, tract or parcel of land abutting a public or private road that provides access to an addressable structure or unit on that lot. A driveway does not serve any other lot, parcel or tract of land and shall not alter or affect the legal description of an owner’s “land” shall not constitute a division of land.</td>
</tr>
<tr>
<td>“Delicatessen and other specialty food stores”</td>
<td>Means retail food stores selling ready to eat food products such as cooked meats, prepared salads or other specialty food items. This definition includes seafood, health food and other specialty food stores having seating for no more than five (5) persons.</td>
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<td>“Driveway”</td>
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<tr>
<td>“Double plumbing dry side sewer”</td>
<td>Means private sewer lines installed at the time of on-site sewage disposal system construction that will connect the structure’s wastewater system to a public sewer when the public sewer becomes available.</td>
</tr>
<tr>
<td>Drive-through food and beverage vendor</td>
<td>Means an establishment where food or other retail items are sold from a drive-up window to a person driving a vehicle. Such establishments may include juice bars, and mobile food vendors, but do not include establishments where an adult sales practice as defined in YCC Chapter 5.06 occurs.</td>
</tr>
<tr>
<td>Domestic farm animal</td>
<td>Means animals domesticated by man to live in a tame condition. This definition includes dairy cows, beef cattle, horses, ponies, mules, llamas, alpacas, goats, sheep, rabbits, poultry and swine.</td>
</tr>
<tr>
<td>Designated classified road or street</td>
<td>Means a corridor or alignment for the improvement of an existing facility or the addition of a future arterial or collector public road improvement that has been designated by Yakima County, on a map or in an adopted plan or comprehensive plan element, or has been identified through early assistance as necessary to provide a higher functional classification.</td>
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</tr>
<tr>
<td>Desk top publishing</td>
<td>Means activity related to the use of computers in order to produce documents for personal use or for other uses.</td>
</tr>
<tr>
<td>“Department”</td>
<td>Means the Yakima County Planning Division of the Public Services Department.</td>
</tr>
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</tr>
<tr>
<td>“Density”</td>
<td>Means the method of describing the intensity of development patterns typically measured in dwelling units per acre. Gross density includes the entire property, whereas net density refers to the land available for development (e.g., less roads and critical areas).</td>
</tr>
<tr>
<td>Department</td>
<td>Means the Yakima County Planning Division of the Public Services Department.</td>
</tr>
<tr>
<td>Development</td>
<td>Means any work, condition, or activity which requires a permit or approval under the Unified Land Development Code, Critical Areas Ordinance, Regional Shoreline Master Program, or YCC Title 13.</td>
</tr>
<tr>
<td>Development authorization</td>
<td>Means written authorization for development or modification of development as defined in this Title.</td>
</tr>
<tr>
<td>Development, planned residential</td>
<td>Means in the residential districts, the coordinated development of a single lot of not less than 12,000 square feet with a number of residential units (not less than three), residential structures and/or dwelling types including, but not limited to: apartment complexes and mobile home parks, which are designed to: (1) Maintain the character of the residential neighborhood; (2) Provide compatibility between various types of dwelling units, off-street parking and other uses with the site; (3) Share such site amenities as off-street parking, access drives, open space and recreational facilities. This definition includes the clustering of residential units on a single lot. In commercial districts, “planned residential development” means a mixed use development combining multi-family residential and commercial use into a single coordinated project.</td>
</tr>
<tr>
<td>Distillery</td>
<td>Means a facility where more than 60,000 gallons of spirits are processed and manufactured per year. A distillery can include fields, tasting and sales rooms. (Based on RCW 66.24.140(1)).</td>
</tr>
<tr>
<td>Distillery, craft</td>
<td>Means a facility where 60,000 gallons or less of spirits are processed and manufactured per year. A craft distillery can include fields, tasting and sales rooms. (Based on RCW 66.24.140(1)).</td>
</tr>
<tr>
<td>Division of land</td>
<td>Means “division of land” for purposes of this Title is any transaction or action that alters or affects the shape, size or legal description of any part of an owner’s “land” through boundary correction or modification, long or short subdivision, binding site plan, or as otherwise permitted by law. Sale of a condominium apartment and rental or lease of a building, facility or structure which does not alter or affect the legal description of an owner’s “land” shall not constitute a division of land.</td>
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<td>Drive-through food and beverage vendor</td>
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</tr>
<tr>
<td>Driveway</td>
<td>Means a means of vehicular access, beginning at the property line of a lot, tract or parcel of land abutting a public or private road that provides access to an addressable structure or unit on that lot. A driveway does not serve any other lot, parcel or tract of land and shall not alter or affect the legal description of an owner’s “land” shall not constitute a division of land.</td>
</tr>
</tbody>
</table>
### Driveway, private shared

“Driveway, private shared” means a means of vehicular access, beginning at the property line of a lot, tract or parcel of land abutting a public or private road that provides access up to four separate addressable structures, lots or units, as per Chapter 19.23.

### Drugstore

“Drugstore” means a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and non-prescription medicines, but where non-medical products are sold as well.

### Dry line sewer

“Dry line sewer” means a public or private sewer lateral that is intended for future connection to the regional public sewer system.

### Dwelling

“Dwelling” means a building, structure or portion thereof designed exclusively for residential purposes.

### Dwelling, multiple-family

“Dwelling, multiple-family” means a structure or structures or portion thereof, designed exclusively for residential purposes and containing three or more attached dwelling units on a lot. See also “Apartments”.

### Dwelling, single-family

“Dwelling, single-family” means a detached structure designed exclusively for residential purposes containing no more than one dwelling unit. An accessory kitchen may be authorized for a single family dwelling. However, a dwelling unit with a second kitchen will not be considered to be a single family dwelling if the structure is arranged so that the structure contains complete, independent separate living area that does not qualify as an accessory apartment. Single-family dwellings are further classified by their nature of construction as follows:

1. Site built – constructed primarily at the occupancy site and permanently affixed to the ground by a foundation.
2. Modular Home – See “Modular Home”.
3. Manufactured Home = See “Manufactured Home” and “Mobile Home”.

### Dwelling, single-family attached

“Dwelling, single-family attached” or “common wall” unit means two single-family dwellings that are attached, but with each dwelling unit located entirely on its own lot.

### Dwelling, single-family detached

“Dwelling, single-family detached” means one dwelling unit located on one lot and not attached to any other dwelling unit.

### Dwelling, two-family

“Dwelling, two-family” means a structure designed exclusively for residential purposes and containing two attached dwelling units on the same lot. This definition includes the term “duplex”.

### Dwelling unit

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, food preparation, cooking and sanitation plumbing and electrical wiring or fuel fixtures for ovens and other cooking appliances whether or not such cabinets, fixtures and appliances are installed. Dwelling unit does not include recreational vehicles.

### Dwelling unit, Accessory (ADU)

“Accessory dwelling unit” means a structure meeting the purpose and requirements of Section 19.18.020 that is attached to a single-family home, or detached garage with living facilities for one individual or family separate from the primary single-family. In areas specified, accessory dwellings may be detached from other structures.

### (5) “E” Definitions.

#### Earthen material

“Earthen material” means sand, gravel, rock, aggregate and/or soil.

#### Easement

“Easement” is a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes.

#### Electric vehicle

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for locomotive purpose. Electric vehicle includes:

1. Battery electric vehicle;
2. Plug-in hybrid electric vehicle;
3. Neighborhood electric vehicle; and
4. Medium speed electric vehicle.

#### Electric vehicle charging station

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(6) “F” Definitions.

| Electric vehicle infrastructure (EVI) | “Electric vehicle infrastructure” or “EVI” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including electric vehicle charging stations, rapid charging stations, and battery exchange stations. |
| Energy resource facility | “Energy resource facility” means those land uses involved in the production, distribution and sale of energy products by utilizing either renewable or nonrenewable energy resources such as: wind, solar, hydroelectric, geothermal, biomass, coal, oil or natural gas. |
| Environmental review | “Environmental review” means the procedures and requirements established by the State Environmental Policy Act, RCW Chapter 43.21C as it now exists or is hereafter amended. |
| Especially sensitive land uses (ESLU) | “Especially sensitive land uses” means those that are, by their nature, especially sensitive to farming, forest or mineral resource, linear transmission facilities and management practices. These land uses include dwellings (excluding caretaker dwellings), schools, day care facilities, churches or other places of worship or assembly, medical facilities such as hospitals, clinics and convalescent care facilities, outdoor recreational facilities and similar uses. |
| Espresso/coffee drive-through facility | “Espresso/coffee drive-through facility” means a place used to sell coffee and associated items from a drive-up window to a person driving a vehicle, but does not include establishments where an adult sales practice as defined in YCC Chapter 5.06 occurs. |
| Espresso/coffee stand | “Espresso/coffee stand” means a place used to sell coffee and associated items from a counter area commonly inside a building and/or structure. |
| Existing use | “Existing use” means a use or development legally existing or legally established prior to the effective date of this Title that has been or would be classified under this Title as a permitted, administrative or conditional use in the appropriate zoning district. |

**Family**

“A family” means individuals, consisting of two or more persons related by blood, marriage, adoption (or a group of not more than five persons, excluding servants, who are not related by blood or marriage) living together as a single housekeeping unit in a dwelling unit.

1. The term “family” shall also include:
   a. State licensed adult family homes required to be recognized as residential use pursuant to RCW 70.128; 175;
   b. State licensed foster family homes and group care facilities as defined in RCW 74.15.180, subject to the exclusion of Subsection (2) of this Section;
   c. Group homes for the disabled and consensual living arrangements equivalent to a familial setting required to be accommodated as residential uses pursuant to the Fair Housing Act amendments as the same exists or is hereafter amended and the Washington Housing Policy Act. RCW 35.63.220 and RCW 35A.63.240, respectively.

2. The term “family” shall exclude individuals residing in halfway houses, crisis residential centers as defined in RCW 74.15.020(3)(g), group homes licensed for juvenile offenders or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

**Family home services**

“A family home services” means and includes the following:

1. Adult day care home. – “Adult day care home” means a regular family abode of a person or persons providing personal care, or special care for less than twenty-four hours to more than one but not more than six adults who are not related by blood or marriage to the person providing the services.
2. Adult family home. – “Adult family home” means a regular family abode of a person or persons providing personal care, or special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person providing the services.
3. Family day care home, child. “Child family day-care home” means a licensed child day care facility in the family residence of a state licensee providing regularly scheduled child day care for not more than twelve children in the family living quarters, including children who reside at the home.
4. Foster family home. “Foster family home” means a dwelling unit in which foster care is provided on a twenty-four hour basis for not more than six unrelated children, expectant mothers or persons with development disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or disabled person is placed as part of the family, and the dwelling unit is governed by the state foster care home licensing provisions and conducted in accordance with state requirements.
5. Group care facility, small. “Small group care facility” means a facility for handicapped, physically disabled or developmentally disabled adults, or dependent or pre-delinquent children, plus house parents, providing facilities residually oriented in a home-like environment directed to allow a degree of community participation and human dignity not provided in an
<table>
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<tr>
<td>Forest industries</td>
<td>Include sawmills, shake and shingle mills, chippers, pole yards, log dumps, log sorting and storage areas, scaling stations, temporary crew quarters, forest industry storage.</td>
</tr>
<tr>
<td>Food preparation</td>
<td>“Food preparation” means a business, service or facility dealing with the preparation of food items for off-site consumption. Includes: confectioneries, catering services and preparation of food items for wholesale.</td>
</tr>
<tr>
<td>Floodplain, one-hundred year</td>
<td>“Floodplain, one-hundred-year” means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. Synonymous with the base flood extent in areas established by the Federal Emergency Management Agency (FEMA), as per FEMA Floodplain Management Bulletin 1-98 Use of Flood Insurance Study Data as Available Data).</td>
</tr>
<tr>
<td>Floodway</td>
<td>“Floodway” means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.</td>
</tr>
<tr>
<td>Flood-prone</td>
<td>“Flood-prone” means a land area for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data.</td>
</tr>
<tr>
<td>Flood risk map</td>
<td>“Flood risk map” means the flood boundaries for the 10, 25 and 50-year flood magnitudes as determined by FEMA, and contained in the Yakima County Flood Risk Database.</td>
</tr>
<tr>
<td>Floodplain</td>
<td>“Floodplain” means a land area adjoining a river, stream, watercourse or lake that has been determined likely to flood. The extent of the floodplain may vary with the frequency of flooding being considered.</td>
</tr>
<tr>
<td>Final plat</td>
<td>“Final Plat” means the final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this RCW 58.17 and this Title.</td>
</tr>
<tr>
<td>Finding</td>
<td>“Finding” means a conclusion reached by the Reviewing Official in a review process and based on the evidence available therein.</td>
</tr>
<tr>
<td>Feedlot</td>
<td>“Feedlot”. (See “Animal feeding operation” and “Concentrated animal feeding operation”,)</td>
</tr>
<tr>
<td>Farm labor shelter</td>
<td>“Farm labor shelter” means a dwelling unit used exclusively as housing for farm laborers and their immediate family members. Farm labor shelters may either be attached clustered in a group, or a combination thereof. This definition does not include camping or recreational vehicles, or mobile homes.</td>
</tr>
<tr>
<td>Farm labor center</td>
<td>“Farm labor center” means a facility of more than eight farm labor shelters on a single lot. The shelters may either be attached, clustered in a group, or a combination thereof.</td>
</tr>
<tr>
<td>Fence</td>
<td>“Fence” means a barrier intended to prevent escape or intrusion, to mark a boundary or prevents people or animals from entering or leaving and are made of posts and wire or boards.</td>
</tr>
<tr>
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</tr>
<tr>
<td>Flea market</td>
<td>“Flea market” means an occasional or periodic market usually held in an open area, but which may be held indoors, where an individual or groups of individual sellers offer goods for sale to the public. A key element to flea markets is that there are no long-term leases between the sellers and operators and that often the sellers use their own vehicles for display or set up temporary tables or booths for their wares. (See definition for “Yard sales”).</td>
</tr>
<tr>
<td>Flood damage</td>
<td>“Flood damage” means damages within the meaning of this Title shall include harmful inundation, water erosion of soil, stream banks and beds, stream channel shifting and changes, harmful deposition by water of eroded and shifting soils and debris upon property or in the beds of streams or other bodies of water, damages by high water to public roads, highways, bridges, utilities and to works built for protection against floods or inundation, the interruption by floods of travel, communication and commerce, and all other high water influences and results which injuriously affect the public health and the safety of property (RCW 86.16.120).</td>
</tr>
<tr>
<td>Flood risk map</td>
<td>“Flood risk map” means the flood boundaries for the 10, 25 and 50-year flood magnitudes as determined by FEMA, and contained in the Yakima County Flood Risk Database.</td>
</tr>
<tr>
<td>Floodplain</td>
<td>“Floodplain” means a land area adjoining a river, stream, watercourse or lake that has been determined likely to flood. The extent of the floodplain may vary with the frequency of flooding being considered.</td>
</tr>
<tr>
<td>Floodplain, one-hundred year</td>
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</tr>
<tr>
<td>Floodway</td>
<td>“Floodway” means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.</td>
</tr>
<tr>
<td>Flood-prone</td>
<td>“Flood-prone” means a land area for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data.</td>
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<tr>
<td>Floodplain, one-hundred year</td>
<td>“Floodplain, one-hundred-year” means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. Synonymous with the base flood extent in areas established by the Federal Emergency Management Agency (FEMA), as per FEMA Floodplain Management Bulletin 1-98 Use of Flood Insurance Study Data as Available Data).</td>
</tr>
<tr>
<td>Floodway</td>
<td>“Floodway” means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.</td>
</tr>
<tr>
<td>Flood-prone</td>
<td>“Flood-prone” means a land area for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data.</td>
</tr>
<tr>
<td>Floodway</td>
<td>“Floodway” means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.</td>
</tr>
<tr>
<td>Food preparation</td>
<td>“Food preparation” means a business, service or facility dealing with the preparation of food items for off-site consumption. Includes: confectioneries, catering services and preparation of food items for wholesale.</td>
</tr>
<tr>
<td>Forest industries</td>
<td>“Forest industries” include sawmills, shake and shingle mills, chippers, pole yards, log dumps, log sorting and storage areas, scaling stations, temporary crew quarters, forest industry storage.</td>
</tr>
</tbody>
</table>
and maintenance facilities, forest industry residue dumps and other uses involved in the harvesting and primary processing of timber, provided that:
(1) The intent of the processing is initial reduction in bulk and/or to facilitate transport to secondary processing centers, although it may also include the finishing of lumber into boards, studs, timbers, and similar sawmill type products; and
(2) Such uses shall not include the manufacture of furnished wood products such as furniture, plywood or paper, trusses, laminated products, etc.

Fraternal organizations, lodges and clubs
“Fraternal organizations, lodges and clubs” means a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and informal written membership requirements. May include eating facilities, or meeting or reception halls.

Full-movement intersection
“Full-movement intersection” means an intersection that allows turns onto and from each intersecting roadway.

(7) “G” Definitions.

Game room
“Game room” means a commercial facility or a portion thereof, open to the general public, in which card games, pool, electronic games, bingo, etc., are played; provided, however, that this definition shall exclude “Social Card Room” as defined herein. Also, see “Meeting Hall”.

Garage
“Garage” means an accessory building or an accessory portion of the main building, designed or used only for storage by the occupants of the main building.

Gift shop
“Gift shop” means a business primarily engaged in the retail sale of combined lines of gifts and novelty merchandise, souvenirs, greeting cards, balloons, holiday decorations, curios, crafts, and miscellaneous small art goods.

Glamping
“Glamping” means a form of ‘glamorous camping’ at a transient occupancy facility, where guests occupy detached permanent upscale tent units or similar units (tepees and yurts) and vintage recreational vehicles but which are not conventional hotel, motel or cabin facilities and are not camping as defined within County Code. Payment for accommodations specifically includes overnight lodging, and transient occupancy tax. Glamping facilities with three or more units are licensed under the Department of Health’s transient accommodation license.

Glare
“Glare” means the reflection of harsh, bright light.

Grade
“Grade” means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or when the property line is more than five feet from the building, between the building and a line five feet from the building.

Grade plane
“Grade plane” means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

Gross floor
“Gross floor” means the total square footage of all floors in a structure as measured from the interior surface of each exterior wall of the structure and including halls, lobbies, enclosed porches and fully enclosed recreational areas and balconies, but excluding stairways, elevator shafts, attic space, mechanical rooms, restrooms, uncovered steps and fire escapes, private garages, carports and off-street parking and loading spaces.

Group home
“Group home” means a place for handicapped, physically or developmentally disabled adults or dependent or pre-delinquent children providing special care in a homelike environment. This definition does not include homes of this nature for six or fewer persons, excluding house parents which are protected by state or federal law as residential uses.

Guest ranch
“Guest ranch” means a specialized camp offering activities such as western ranching and offering sleeping and eating accommodations and outdoor recreational activities directly related to existing ranching operations. Guest ranches with three or more guest rooms are licensed under the Department of Health’s transient accommodation license.

(8) “H” Definitions.

Halfway house
“Halfway house” means residentially oriented facilities that provide:
(1) State licensed group care homes for juvenile delinquents;
(2) Houses providing residence in lieu of institutional sentencing;
<table>
<thead>
<tr>
<th><strong>Chapter 19.01 GENERAL PROVISIONS</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>Hard surfaced</strong></td>
</tr>
<tr>
<td><strong>Hazardous materials</strong></td>
</tr>
<tr>
<td><strong>Hazardous waste</strong></td>
</tr>
<tr>
<td><strong>Hazardous waste generator</strong></td>
</tr>
<tr>
<td><strong>Hazardous waste, off-site</strong></td>
</tr>
<tr>
<td><strong>Hazardous waste, on-site</strong></td>
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<tr>
<td><strong>Hazardous waste, storage</strong></td>
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<tr>
<td><strong>Hazardous waste, treatment</strong></td>
</tr>
<tr>
<td><strong>Health care facilities</strong></td>
</tr>
<tr>
<td><strong>Hearing Examiner</strong></td>
</tr>
<tr>
<td><strong>Historic landmark</strong></td>
</tr>
<tr>
<td><strong>Home business</strong></td>
</tr>
<tr>
<td><strong>Home business, major</strong></td>
</tr>
</tbody>
</table>
signing as permitted in the zoning district in which it is situated. Major home businesses may be conducted within the dwelling unit, attached or detached garage, or accessory structure, by members of a family residing in the dwelling, and non-resident individuals, when authorized in accordance with Chapter 19.18.

**Home business, minor**

“Home business, minor” means any occupation that is clearly secondary to the main use of the premises, as a dwelling place and does not change the character thereof or have any exterior evidence of such secondary uses (e.g., outward physical appearance, storage of materials, supplies or vehicles, noise, electrical interference) other than signing, as permitted in the zoning district in which it is situated. Minor home businesses are conducted within the dwelling unit and/or attached garage by members of a family residing in the dwelling. Minor home businesses are limited to those of a service character, but may include limited retail sales directly related to the home business.

**Home occupation, business administration**

“Home occupation, business administration” means the accessory use of a dwelling as an administrative office for an occupation conducted away from the home. The home is used for phone calls, mail and completing paperwork associated with business. This definition does not include manufacturing, sales, repair or other services.

**Homeowners association**

“Homeowners association” means a community association, other than a condominium association, in which individual owners share ownership or maintenance responsibilities for open space or facilities.

**Hulk hauler**

“Hulk hauler” means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle or scrap processor in substantially the same form in which they are obtained. A hulk hauler may not sell secondhand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, that may be sold to a licensed vehicle wrecker or disposed of at a public facility for waste disposal. (RCW 46.79.010).

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<table>
<thead>
<tr>
<th>Definition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Impervious surface</strong></td>
<td>“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. It includes most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, patios and other similar structures.</td>
</tr>
<tr>
<td><strong>Incompatible</strong></td>
<td>“Incompatible” means the transfer over a property line of negative economic or environmental effects, including but not limited to: traffic, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses or density, height, or mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.</td>
</tr>
<tr>
<td><strong>Individual on-site sewage disposal system</strong></td>
<td>“Individual on-site sewage disposal system” means an on-site sewage disposal system serving only one lot within a development.</td>
</tr>
<tr>
<td><strong>Individual well</strong></td>
<td>“Individual Well” means a water well used for individual use. The well is an excavation or structure created in the ground by digging, driving, boring or drilling to access groundwater in underground aquifers. The well water is drawn by a pump, or using containers, such as buckets, that are raised mechanically or by hand. Wells can vary greatly in depth, water volume and water quality. Well water typically contains more minerals in solution than surface water and may require treatment to soften the water by removing minerals such as arsenic, iron and manganese.</td>
</tr>
<tr>
<td><strong>Industrial development, major</strong></td>
<td>“Industrial development, major” means a master planned location for a specific manufacturing, industrial, or commercial business that: (1) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (2) Is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multi-tenant office parks.</td>
</tr>
<tr>
<td><strong>Intensity</strong></td>
<td>“Intensity” means a combination of factors (such as visual appearance and building size, traffic generation, noise, dust, light, and economic value) associated with a particular use that determines the potential impact of that use on neighboring land uses. The higher the intensity the greater the possible impact on neighboring land uses. Generally the intensity of a land use will determine its compatibility with other types of land uses.</td>
</tr>
<tr>
<td>Irrigation and/or drainage facilities</td>
<td>“Irrigation and/or drainage facilities” means all irrigation and/or drainage structures, including, but not limited to, standpipes, weir boxes, pipelines, ditches, pump houses, culverts, etc.</td>
</tr>
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</tr>
<tr>
<td><strong>(10) “J” Definitions.</strong></td>
<td></td>
</tr>
<tr>
<td>Kennel</td>
<td>“Kennel” means a building, enclosure or portion of any premises in or at which dogs are boarded or kept or maintained by any person other than the owner thereof, or in or at which six or more dogs over the age of four months are kept or maintained. This definition shall include boarding and fostering kennels, rehabilitation centers for other animals, but not pet shops, animal hospitals or zoos.</td>
</tr>
<tr>
<td>Kitchen</td>
<td>“Kitchen” means a room or an area equipped with permanent provisions for preparing and cooking food. Such provisions may include cabinetry, plumbing and electrical wiring or fuel fixtures for ovens and other cooking appliances whether or not such cabinets, fixtures and appliances are installed.</td>
</tr>
<tr>
<td>Kitchen, accessory residential</td>
<td>“Kitchen, accessory residential” means a second kitchen, in addition to the principal kitchen serving the single-family dwelling that is incidental to the primary single-family dwelling and is located in the same dwelling or on the same lot. This definition does not include catering kitchens operated as a home business.</td>
</tr>
<tr>
<td><strong>(12) “L” Definitions.</strong></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>“Land” means a legally created lot, tract, parcel, site or division that is shown on an officially recorded plat or short plat, or is specifically described as a separate unit of property on a deed executed prior to May 28, 1975.</td>
</tr>
<tr>
<td>Land Division</td>
<td>See definition of “Division of land”.</td>
</tr>
<tr>
<td>Land use</td>
<td>“Land use” means the manner in which land and structures are used.</td>
</tr>
<tr>
<td>Landscape architect</td>
<td>“Landscape architect” means a person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the State Licensing Board through certification as a landscape architect.</td>
</tr>
<tr>
<td>Landscape contractor</td>
<td>“Landscape contractor” means a business licensed by the state and principally engaged in the decorative and functional alteration, planting, and maintenance of grounds.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>“Landscaping” means the arrangement and planting of trees, grass, ground cover, shrubs, flowers, xeriscaping, and the placement of site screening, pedestrian or bicycle pathways to achieve functional and/or aesthetic enhancement.</td>
</tr>
<tr>
<td>Large on-site sewage system</td>
<td>“Large on-site sewage system” means an on-site sewage system with design flows of between three thousand five hundred gallons per day and one hundred thousand gallons per day.</td>
</tr>
<tr>
<td>Legislative body</td>
<td>“Legislative body” means the Board of Yakima County Commissioners.</td>
</tr>
<tr>
<td>Linear transmission facility</td>
<td>“Linear transmission facility” means those physical facilities necessary for the distribution of energy resources to serve a broader community or regional area, including but not limited to: (1) Electrical transmission lines 150 kV or greater; (2) Pipelines for petroleum or petroleum products with an inside diameter of six (6) inches or greater and exceeding five (5) miles in length; (3) Pipelines for natural gas, synthetic natural gas, or liquid propane gas with an inside diameter of twelve (12) inches or greater and exceeding five (5) miles in length; (4) Underground gas storage facilities with capacity exceeding 100x10^6 standard cubic feet per day; and (5) Other similar utility or energy facilities not meeting the definition of “Utility Services”.</td>
</tr>
<tr>
<td>Linear transmission facility, minor revision</td>
<td>“Linear transmission facility, minor revision” means revisions to an existing linear transmission facility that are within the scope of previous environmental review, are generally consistent with</td>
</tr>
</tbody>
</table>
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Livestock event facility</td>
<td>“Livestock event facility” means those uses normally established for the purpose of holding livestock oriented events, such as rodeos, horsemanship competitions, or team penning. This definition also includes practice facilities for such events if open to the public, riding clubs, or other groups.</td>
</tr>
<tr>
<td>Loading space</td>
<td>“Loading space” means an off-street space on the same lot with a structure or use, or contiguous to a group of structures or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials and which abuts a street, alley or other appropriate means of access and egress.</td>
</tr>
<tr>
<td>Local street system</td>
<td>“Local street system” means the interconnected system of unclassified collectors and local access streets providing access to a development from classified collector or arterial streets.</td>
</tr>
<tr>
<td>Lot</td>
<td>“Lot” means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, being of sufficient area and dimension to meet minimum zoning requirements and intended to be used, developed or built upon as a unit, as opposed to a fractional portion thereof.</td>
</tr>
<tr>
<td>Lot area</td>
<td>“Lot area” means the total horizontal area within the boundary lines of a lot.</td>
</tr>
<tr>
<td>Lot, Corner</td>
<td>“Corner lot” means a lot abutting two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees. See Figure 2-2.</td>
</tr>
<tr>
<td>Lot coverage</td>
<td>“Lot coverage” means the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces.</td>
</tr>
<tr>
<td>Lot depth</td>
<td>“Lot depth” means the horizontal length of a straight line drawn from the mid-point of the front lot line to the midpoint of the rear lot line. See Figure 2-3.</td>
</tr>
</tbody>
</table>
"Exterior lot" means any lot located outside the boundaries of a proposed plat or short plat.

"Flag lot" means a lot or parcel that has access to a road, street or easement, by means of a narrow strip of lot or easement.

"Interior lot" means any lot located within the boundaries of a proposed plat or short plat.

"Front lot line" means the property line separating the lot from the road. For the purpose of establishing the front lot line for a corner lot, through lot or flag lot, the following shall apply:

1. In the case of a corner lot or through lot, the front lot line shall be the property line with the narrowest road frontage, except, the Building Official or his designee, shall designate the front lot line for corner lots or through lots in residential zoning districts.

2. For a flag lot, when the access easement or right-of-way extends across the lot, the front lot line shall be the line separating the lot from the right-of-way or access easement. When the right-of-way or access easement does not extend across the property, the front line shall be determined by the Building Official. Where the Building Official determines the front of the lot, consideration will be given to owner preference and public safety issues.

"Interior lot line" means in the case of zero lot line development, the property line separating a zero lot line from:

1. Another zero lot line or
2. Adjoining common open space. See Figure 2-4.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
</table>
| Rear lot line                             | “Rear lot line” means the property line that is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or where the rear line of the lot is formed by two or more lines, the following shall apply:  
(1) For a triangular or gore shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line;  
(2) In the case of a trapezoidal lot, the rear line that is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line;  
(3) In the case of a pentagonal lot, the rear boundary that includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot. |
| Side lot line                             | “Side lot line” means any lot boundary line not a front lot line or rear lot line.                                                                                                                                 |
| Nonconforming lot                         | “Nonconforming lot” means a lot that was lawfully established prior to the adoption or applicable amendment of this Title, which fails to conform to the present area or dimensional requirements of this Title, excluding undersized lots as defined below. |
| Resultant lot                             | “Resultant lot” means the newly created unit of property in an application processed in accordance with this Title and is a fractional part of subdivided lands having fixed boundaries. The resultant lot may not contain sufficient area and dimension to meet minimum zoning requirements for width and area if the application altered one or more nonconforming lots in any way. The term shall be synonymous with “new lots” or “newly created lots.” |
| Taxable lot                               | “Taxable lot” is a parcel which appears on the Yakima County Assessor’s map and has been assigned a tax parcel number by the Assessor. Tax parcel numbers are assigned for billing purposes. A tax parcel number is not necessarily an indication that the lot was legally created. |
| Through lot                               | “Through lot” means an interior lot having frontage on two streets.                                                                                                                                        |
| Undersized lot                            | “Undersized lot” means small lots, clustered lots and parcels reconfigured from existing parcels as authorized by Yakima County pursuant to applications submitted after May 20, 1997 renders a resulting parcel undersized rather than nonconforming in status. |
| Lot width                                 | “Lot width” means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines, provided that the length of the line constituting the rear line of the required front yard shall never be less than fifty feet. |
| Low impact design                         | “Low impact design” means stormwater management and land development strategies that emphasize conservation and use of existing natural site features integrated with disturbed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial and industrial settings. Low impact design addresses stormwater management and land development that is applied at the parcel and subdivisions scale that emphasis conservation and use of on-site natural features. |
| MAI                                       | “MAI” means an appraisal performed by an appraiser who has completed the MAI Appraisal Institute’s class offerings and holds the designation Member of the Appraisal Institute (MAI).                                         |
“Manufactured home” means a factory assembled single-family dwelling as also defined by WAC 296-150M and built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act. A manufactured home also includes plumbing, heating, air conditioning, and electrical systems; is built on a permanent chassis; and can be transported in one or more sections. The distinction between a single-wide, double-wide or triple-wide manufactured home relates to the corresponding number of sections the home is delivered to the site. The term shall not include mobile home, recreational vehicle, commercial coach, camping vehicle, travel trailer, tip-out, or any other similar vehicle not labeled as a manufactured home under federal or state law.

“Manufactured structure” means a building manufactured with the intent of being transported to a fixed site and constructed in accordance with the International Building Codes as adopted by the County.

“Marina” means a dock or basin providing moorage for watercraft and may offer supply, repair, rental or other support facilities. A marina may be either open to the public or for private use.

“Massage therapy/spa” means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The terms includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.

“Master planned development” means any urban development approved under Subtitle 19.1 of this Title, Planned Residential Development, Planned Commercial Development, Planned Industrial Development and Planned Mixed-Use Development.

“Master planned resort” means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on rural destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

“Meeting hall or reception hall” means a facility that groups or organizations come together for meetings and social events. This definition includes private bridge club type card rooms, Grange Halls, etc.

“Mid-block pathway” means a public or private right-of-way across or within a block to be used by pedestrians which may also be used as a utility easement.

“Mineral batching” includes the batching of sand and gravel or rock into asphalt or cement concrete.

“Mineral processing” means the crushing, non-chemical washing (including sedimentation ponds), screening, sorting, stockpiling and blending of rock, sand, gravel and other earth, natural materials and/or precious metals. Processing does not include batching of sand and gravel or rock into asphaltic or Portland cement concrete products, the manufacturing of products such as concrete pipe, bricks, concrete forms and the like or the chemical blending or extraction of precious or semi-precious minerals.

“Mineral resources” means rock, gravel, sand and metallic and non-metallic substances of commercial value.

“Mining” means all or any part of, the process involved in quarrying, mineral extraction, crushing, asphalt mixing plants, concrete batch plants, or other uses of a similar nature, but does not include petroleum or natural gas exploration or production.

“Mining site/operation” means a tract of land and the operations necessary to excavate, process, stockpile, or remove materials such as sand, gravel, aggregate, rock or other mineral resources. The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this Title, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g. residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if: processing of the material does not occur on the property; the activity is completed quickly, does not occur over an extended period of time, and on-site stockpiles are fully depleted; and a mining permit is not required from the Department of Natural Resources.

“Mixed use building” means a building in a commercial district or planned development used partly for residential use and partly for a community facility or commercial use.

“Mixed use development” means use of the land or structure for two or more different uses.
<table>
<thead>
<tr>
<th>Definition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile home</td>
<td>“Mobile home” means a factory-built dwelling built prior to June 15, 1976, to standards other than HUD Manufactured Housing Code, and acceptable under applicable state codes in effect at the time of construction or the introduction of the home into the state. This definition does not include: modular homes, manufactured homes; park models; or camping vehicles, travel trailers, tip-outs, commercial coaches, recreational vehicles, motor homes and any other similar vehicle that are not intended, designed, constructed or used for residential purposes.</td>
</tr>
<tr>
<td>Mobile home park expansion</td>
<td>“Mobile home park expansion” means the preparation of additional sites for mobile or manufactured homes (including the installation of utilities, final site grading, the pouring of concrete pads and the construction of streets).</td>
</tr>
<tr>
<td>Mobile or manufactured home park</td>
<td>“Mobile or manufactured home park” means a parcel of land utilized for the placement of two or more mobile homes, and/or manufactured homes. Except, this definition does not include permitted mobile home or manufactured home sales lots, or manufactured homes in approved farm labor shelters or centers.</td>
</tr>
<tr>
<td>Modification (of use or development)</td>
<td>“Modification (of use or development)” means any change or alteration in the occupancy, arrangement, placement or construction of any existing use, structure or associated site improvement, and any change or alteration of land.</td>
</tr>
<tr>
<td>Modular home</td>
<td>“Modular home” means a residential structure that meets the requirements of the International Building Code and is constructed in a factory and transported to the building site. Modular homes are not subject to special review; they are subject to the same review standards as a site built home.</td>
</tr>
<tr>
<td>Motel</td>
<td>“Motel” means an individual building or group of attached or detached buildings containing guest rooms, together with conveniently located parking space on the same lot, which are designed, used or intended to be used for the accommodation of automobile transients. The term includes auto courts, motor lodges and tourist courts. See also definition for “overnight lodging facility.”</td>
</tr>
<tr>
<td>Multiple occupancy building</td>
<td>“Multiple occupancy building” means a single structure housing more than one retail business, office or commercial venture.</td>
</tr>
<tr>
<td>Multiple-use complex</td>
<td>“Multiple-use complex” means a group of two or more uses sharing the same lot, access and/or parking facilities, or a coordinated site plan. For purposes of calculating sign area each multiple-use complex shall be considered a single use.</td>
</tr>
<tr>
<td>Municipal solid waste landfill unit (MSWLF unit)</td>
<td>“Municipal solid waste landfill unit” means a discrete area of land or an excavation that receives household waste, and that is not a land application site, surface impoundment, injection well, or pile, as those terms are defined under Chapter 173-350 WAC, Solid waste handling standards or Chapter 173-218 WAC, underground injection control program. A MSWLF unit also may receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally-exempt small quantity generator waste, and industrial solid waste. Such landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion.</td>
</tr>
</tbody>
</table>

(14) “N” Definitions.

<table>
<thead>
<tr>
<th>Definition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural stream</td>
<td>“Natural stream” means a natural, e.g. (rivers, rivulet or brook), body of running water flowing on or under the earth that flows in a channel or water-course.</td>
</tr>
<tr>
<td>Nonagricultural accessory use</td>
<td>“Nonagricultural accessory use” means nonagricultural accessory uses and activities that are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses. (RCW 36.70A.177(3)(b)(ii))</td>
</tr>
<tr>
<td>Nonagricultural use</td>
<td>“Nonagricultural use” means one that does not meet the definition of agriculture.</td>
</tr>
<tr>
<td>Nonconforming building or structure</td>
<td>“Nonconforming building or structure” means a building or structure that was lawfully established prior to the adoption or applicable amendment of this Title, which fails by reason of such adoption or amendment to conform to the present setback, lot coverage, or other development requirements of this Title.</td>
</tr>
<tr>
<td>Nonconforming lot</td>
<td>“Nonconforming lot”. See definition of “Lot, nonconforming”.</td>
</tr>
<tr>
<td>Nonconforming use</td>
<td>“Nonconforming use” means a use of land, buildings or structures that were lawfully established prior to the adoption or applicable amendment of this Title and since maintained, that fails by reason of such adoption or amendment to conform to the present land use regulations established by this Title.</td>
</tr>
</tbody>
</table>

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
Chapter 19.01 GENERAL PROVISIONS

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

(15) “O” Definitions.

<table>
<thead>
<tr>
<th>Occasion</th>
<th>“Occasion” means a special event or a specific time when something is possible or when something will happen.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupancy</td>
<td>“Occupancy” means the purpose for which a structure, portion of a structure, or lot is used or intended to be used. For purposes of this Title, a change of occupancy is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of use.</td>
</tr>
<tr>
<td>Occupied</td>
<td>“Occupied” means to reside in, make use of for amusement, educational or similar purposes, to make use of for commercial purposes, or to make use of for industrial purposes and includes the term designed or intended to be occupied.</td>
</tr>
<tr>
<td>Off-road vehicle (ORV)</td>
<td>“Off-road vehicle (ORV)” means any motorized vehicle designed for or capable of cross-country travel without benefit of a road or trail, or immediately over land, snow, ice, marsh or other wetland types, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle; an ATV; an off-highway vehicle, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle; an amphibious machine; a ground effect air cushion vehicle; or other means of transportation deriving motive power from a source other than muscle or wind.</td>
</tr>
</tbody>
</table>
| Off-road vehicle recreation facilities | “Off-road vehicle recreation facilities” means facilities that include motor-cross courses, jeep courses, snowmobile courses and similar facilities where there have been physical improvements made to the property either deliberately or inherently. However, use of “Off-road recreation vehicles” shall not constitute “Off-road vehicle recreation facilities” where the vehicle is:
(1) Used for farming, military, fire, emergency, or law enforcement purposes;
(2) Used by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which the company has an easement;
(3) A construction or logging vehicle used in performance of the vehicle’s common function; or
(4) Agricultural or garden equipment, like tractors or lawnmowers, used for their intended purpose. |
| 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). |
| Open space | “Open space” means any land or area, the preservation of which in its present use would:
(1) Conserve and enhance natural or scenic resources; or
(2) Protect streams or water supply; or
(3) Promote conservation of soils, wetlands, beaches, or tidal marshes; or
(4) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or
(5) Enhance recreation opportunities.
As referred to in the clustering provisions of this Title, open spaces also means a defined portion of the property on which no residential, commercial, or industrial buildings are located; except, agricultural buildings and buildings enclosing utility improvements, such as a pumping station or well house. When constructed, such improvements shall be of a nature that will not preclude use of the land for future development once the appropriate zoning, utilities (public water and sewer service) and other infrastructure is in place. Covenants may be required to assure control of noxious weeds, fire hazards, abandoned orchards and other nuisances. |
| Open space, common | “Open space, common” means open space within or related to a development that is not dedicated for public use, but is designed, intended and legally committed for the common use or enjoyment of the residents of the development. |
| Open space, management plan, farm or forest | “Open space, management plan, farm or forest” means a site plan and supporting documents for a defined area that controls the development of the site and identifies permitted uses, construction activities, vegetation and a party or parties responsible for maintaining the site. |

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
### Optional consolidated permit review

“Optional consolidated permit review” means that process authorized by RCW 36.70B.060 and 36.70B.120 that 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 and a designated permit coordinator.

### Outdoor amusements

“Outdoor amusements” means those amusements including: fairgrounds, outdoor sports facilities, racetracks, and other similar uses, not otherwise specifically defined.

### Outdoor living area

“Outdoor living area” means an on-site area of lawn, garden, court, patio, pool or balcony in addition to the required off-street parking areas, driveways, service areas or areas of unstable slope.

### Overnight lodging facility

“Overnight lodging facility” means a commercial establishment consisting of motel and hotel units, cabins, that are permanently established on site and in which there are six or more guest rooms for transient lodging accommodations on a daily rate to the general public. Such establishments may include additional services such as restaurants, meeting rooms, spas, concierge services, and recreational facilities. This definition is inclusive of “glamping,” but does not include mobile homes, camping or recreational vehicles. Overnight lodging facilities are licensed under the Department of Health’s transient accommodation license.

### Owner

“Owner” means that person shown on the records of the County Auditor to be the owner of a particular property and in control of that property, and any person, agent, firm, corporation, or partnership that alone, jointly, or severally with others:

1. Has legal or equitable title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof, such as a contract vendor; and
2. Has charge, care, or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner.

### Parcel

“Parcel” means any portion, piece or division of land; fractional part or subdivision of block, according to plat or survey; portion of platted territory measured and set apart for individual and private use and occupancy.

### parcel, Remainder

“Remainder parcel” means the remainder parcel of a cluster development, or land division in a zone with flexible parcel sizes. In a cluster development, the remainder parcel contains land within the development and is devoted to open space, resource or other authorized use. The remainder parcel may or may not also include land eligible for further division if the development contains unused density.

### Park

“Park” means a public or privately owned area with facilities for active or passive recreation by the public.

### Park model

“Park model” means a recreational park trailer, as defined by WAC 296-150P-0020 and approved as such by the Washington State Department of Labor and Industries, as evidenced by a State-plan insignia. (See WAC 296-150P.)

### Parking angle

“Parking angle” means the angle formed by a parking stall and the edge of a parking bay, wall or driveway of the parking facility, ranging from zero to ninety degrees.

### Parking bay

“Parking bay” means the section of a parking facility containing a driveway or parking aisle and containing one or two rows of parking stalls.

### Parking lot

“Parking lot” means a facility designed to serve parking for five (5) or more parking spaces.

### parking, Off-street

“Off-street parking” means a parking space and associated driveway located beyond the right-of-way of a highway, street or alley.

### Parking space

“Parking space” means an off-street area that is paved, drained, maintained and used for the temporary storage of one motor vehicle.

### Parking stall

“Parking stall” means a clearly marked area that one vehicle is to be parked, a parking space.

### parking, Tandem

“Tandem parking” means the placement of parking spaces one behind the other, so that the space nearest the driveway or street access serves as the only means of access to the other space.

### Parkway

“Parkway” means a type of limited access roadway that typically includes a landscaped median and landscaping or an open space on either side.

### Party of record

“Party of record” means the applicant and any other person who has submitted written comment on any action or proposed action, or who has appeared at a public hearing or public meeting and signed an official register requesting notice of further action.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit</td>
<td>“Permit” means written governmental approval issued by an authorized official, empowering the holder thereof to take some action permitted only upon issuance of written approval.</td>
</tr>
<tr>
<td>Personal services</td>
<td>“Personal services” means a business providing specialized services such as: interior home or business design, shopping services, except as otherwise regulated.</td>
</tr>
<tr>
<td>Personal wind energy tower</td>
<td>“Personal wind energy tower” means a system designed for providing a source of electrical power to an existing or new building or facilities, wherein the power generated is used primarily for on-site consumption and generates 25kW or less. The system consists of a vertical or horizontal wind turbine and associated controls and may include a tower.</td>
</tr>
<tr>
<td>Personal wireless services</td>
<td>“Personal wireless services,” as defined in RCW 58.17.040(8), means any federally licensed personal wireless service. This definition also include “personal wireless facilities,” as defined in RCW 58.17.040(8), means unstaffed facilities used for the transmission or reception, or both, of wireless communication services including, but not limited to, antenna arrays, transmission cables, equipment shelters, and support structures.</td>
</tr>
<tr>
<td>Pet</td>
<td>“Pet” means a domesticated animal kept for pleasure or as a hobby rather than utility.</td>
</tr>
<tr>
<td>Pet day care</td>
<td>“Pet day care” means a building or structure that an agency, person or persons regularly provide care for pets, but not including overnight stays. Uses not meeting this definition shall be considered kennels.</td>
</tr>
<tr>
<td>Planning Commission</td>
<td>“Planning Commission” means the Planning Commission duly constituted by the Yakima County Legislative Body.</td>
</tr>
<tr>
<td>Planning Division</td>
<td>“Planning Division” means the Yakima County Planning Division of the Public Services Department.</td>
</tr>
<tr>
<td>Plat or Regular plat</td>
<td>“Plat” or “Regular plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other division and dedications.</td>
</tr>
<tr>
<td>Policy plan map</td>
<td>“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.</td>
</tr>
<tr>
<td>Preliminary plat</td>
<td>“Preliminary plat” is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this Title. The preliminary plat shall serve as the basis for the approval or disapproval of the general layout of a subdivision.</td>
</tr>
<tr>
<td>Preschool</td>
<td>See definition for “Day care center”.</td>
</tr>
<tr>
<td>Private access easement</td>
<td>“Private access easement” means any private easement for the purpose of ingress and egress that is not dedicated to the public and that is owned by the underlying owners of land over which it crosses.</td>
</tr>
<tr>
<td>Private road</td>
<td>“Private Road” means a road not accepted for maintenance by the County, the State Department of Transportation, or any other political subdivision of the State.</td>
</tr>
<tr>
<td>Private water system</td>
<td>See definition for “Water System, Individual”.</td>
</tr>
<tr>
<td>Product assemblage</td>
<td>“Product assemblage” means a business or service involved in assembling products for off-site sales.</td>
</tr>
<tr>
<td>Professional business</td>
<td>“Professional business” means a business primarily engaged in administrative or service related functions and dependent upon professional staff such as lawyers, doctors, realtors, travel agents, bankers, accountants, engineers, and consultants, or providing administrative governmental services.</td>
</tr>
<tr>
<td>Professional land surveyor</td>
<td>“Professional land surveyor” means an individual licensed by the state to practice land surveying under the provision of RCW 18.43. Synonymous with Surveyor.</td>
</tr>
<tr>
<td>Project permit or project permit application</td>
<td>“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).</td>
</tr>
<tr>
<td>Property owner</td>
<td>“Property owner” means the legal owner or owners of the property.</td>
</tr>
</tbody>
</table>
Public buildings and uses  “Public buildings and uses” means those public or quasi-public buildings and uses of a public works, public service, public safety or public utility nature not defined or listed elsewhere in this Title. These buildings and uses characteristically may be hard to locate, need close proximity to utility corridors, require a location within a service area or specific site, or need access onto an urban arterial or rural collector. Such buildings and uses include, but are not limited to: water towers, park & ride lots, interpretive centers, rest stops, parks and road maintenance stockpile sites, road de-icer structures, government-owned fueling stations and the like.

Public facilities  “Public facilities” means and includes streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, storm and sanitary sewer systems, water systems, parks and recreational facilities and schools.

Public hearing  “Public hearing” means a meeting open to the public that is announced and advertised in advance that the public is given an opportunity to participate.

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 fee. See also RCW 36.70B.020(5).

Public nuisances  “Public nuisances” means any use, activity or structure that interferes with the enjoyment and use of one’s property by endangering personal health or safety and/or failing to conform with the provisions, intent, or standards of the district that the use, activity or structure occurs. (Also see YCC Title 13.) This definition includes any violation of the provisions of this Title. Any violation of this Title shall be subject to prevention or abatement in an action at equity to the same extent as are other public nuisances.

Public road  “Public road” means an improved road maintained by a city, the State, the County or the federal government.

Public sewer system  “Public sewer system” means a sewerage system that is owned or operated by a city, town, municipal corporation, County, political subdivision of the State, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal and approved or under permit from the Department of Ecology. Also see definition for “Community on-site sewage disposal system”.

Public water system  “Public water system” means a water system serving two or more non-farm residences. See WAC 246-290-020. Also see definition for “Water System, Public” and definition for “Community water supply system”.

Public water system, area-wide  “Public water system”. See definition for “Water supply system, Area-wide”.

(17) “Q” Definitions.

(18) “R” Definitions.

Rapid charging station  “Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Recreational screen  “Recreational screen” means a protective device for recreational purposes designed to keep recreational equipment within or outside of a designated area. Such uses are typically associated with schools, parks, golf courses, swimming pools, ball fields and playgrounds.

Recreational use  “Recreational use” means and includes a wide range of establishments that operate facilities or provide services to meet varied cultural, entertainment, and recreational interests of their patrons. Such establishments typically operate facilities or provide services that enable patrons to:
(1) Participate in recreational activities, such as physical exercise, golf, bowling, swimming, skating, shooting, boating or other amateur sporting activities; or
(2) Pursue amusement, hobby, and leisure-time interests, such as hunting, fishing, sightseeing, gambling, scenic touring and other forms of tourism.
<table>
<thead>
<tr>
<th>Recreational vehicle</th>
<th>“Recreational vehicle” means a vehicle built on a single chassis and designed to be self-propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, houseboats, and campers not meeting the specifications required for a manufactured home or mobile home.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational vehicle park</td>
<td>“Recreational vehicle park” means a facility, governed by a set of public or private management rules that accommodates recreational vehicles on camping spaces. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect to water, sewage disposal, electric power, telephone and sometimes cable television.</td>
</tr>
<tr>
<td>Recycling center</td>
<td>“Recycling center” means a facility where discarded household products, such as aluminum and tin cans, glass, paper, plastic and other similar products are deposited, packed and stored for future reprocessing.</td>
</tr>
<tr>
<td>Refuse landfill</td>
<td>“Refuse landfill” means an area devoted to the disposal of refuse, including incineration, reduction, or disposal of ashes, garbage, combustible or noncombustible refuse, offal or dead animals. This definition shall include municipal solid waste landfills, inert waste disposal sites, and demolition waste disposal sites as those terms are defined by Washington Administrative Code.</td>
</tr>
<tr>
<td>Registered design professional</td>
<td>“Registered design professional” means an individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state.</td>
</tr>
<tr>
<td>Registered engineer</td>
<td>“Registered engineer” means an individual, licensed by the state to practice civil engineering.</td>
</tr>
<tr>
<td>Reserve strip</td>
<td>“Reserve strip” means a narrow strip of land located on the property of a proposed development permanently dedicated by the property owner to the county/city for the purpose of granting to the county/city the right to control the access of motor vehicles to and from the property.</td>
</tr>
<tr>
<td>Residential care facility</td>
<td>“Residential care facility” means a facility that is licensed to care for at least five functionally disabled persons.</td>
</tr>
<tr>
<td>Residential density</td>
<td>“Residential density” means the number of dwelling units per net acre of land. This term includes dwelling unit density.</td>
</tr>
<tr>
<td>Resource lands</td>
<td>“Resource lands” means those lands that are designated by the comprehensive plan as having long term commercial significance for the production of agricultural products, timber or the extraction of minerals.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>“Restaurant” means an establishment where food and beverages are prepared, cooked, served, and consumed primarily within the principal building.</td>
</tr>
<tr>
<td>Retail services</td>
<td>“Retail services” means uses providing services, as opposed to products to the general public. Examples are eating and drinking establishments, motels, real estate and financial offices and uses providing health education and social services.</td>
</tr>
<tr>
<td>Retail trade</td>
<td>“Retail trade” means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Lumberyards, office supply stores, nurseries, butcher shops, paint stores and similar uses shall be considered as retail trade establishments even though a portion of their business may be to contractors or other business establishments.</td>
</tr>
<tr>
<td>Retirement home</td>
<td>“Retirement home” means an establishment providing domestic care for elderly persons who are not in need of medical or nursing treatment except in the case of temporary illness. Such establishment may offer minimal convenience services, but focus on attracting elderly residents so as to provide a social support system among the residents. This definition does not include nursing, convalescent or rest homes, hospitals or sanitariums.</td>
</tr>
<tr>
<td>Reviewing Official</td>
<td>“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 provision of the Titles of Yakima County Code listed in Section 16B.01.020.</td>
</tr>
<tr>
<td>Rezone</td>
<td>“Rezone” means to change the zoning district classification of particular lots or parcel of land.</td>
</tr>
<tr>
<td>Right-of-way, public</td>
<td>“Right-of-way, public” means land deeded or dedicated to, or purchased by Yakima County for existing or future public pedestrian or vehicular access.</td>
</tr>
<tr>
<td>Road</td>
<td>“Road” means an open way for vehicles, persons and animals, especially one lying outside of an urban district, that is improved (and maintained) portions of a right-of-way, easements, dedications, or similar reservations, that provide vehicular circulation or principal means of...</td>
</tr>
</tbody>
</table>
access to abutting properties. The improvements may also include utilities, pedestrian walkways, open space and recreation areas, cut and fill slopes, and drainage. “Road” also means street.

<table>
<thead>
<tr>
<th>Road improvement district</th>
<th>“Road improvement district” means a special assessment district established in accordance with RCW 36.88 for the purpose of improving a road or roads for the benefit of adjacent to property owners.</th>
</tr>
</thead>
<tbody>
<tr>
<td>road, Local access</td>
<td>“Local access road” means a public road not designated as a principal arterial, minor arterial, or collector arterial by the County. The primary purpose of a local access road is to connect property along the local access road with the arterial street system.</td>
</tr>
<tr>
<td>road, Private</td>
<td>“Private road” means a road not designed, built, or maintained by Yakima County, the Washington State Department of Transportation or any other political subdivision of the state. This definition does not include driveways. (Also see the definition of “access easement.”)</td>
</tr>
<tr>
<td>road, Public</td>
<td>“Public road” means the physical improvement of the public right-of-way, including, but not limited to, surfacing, curbs, gutters and drainage facilities which is maintained and kept open by Yakima County or the State of Washington for public vehicular and pedestrian use.</td>
</tr>
<tr>
<td>Road, Yakima County System access</td>
<td>“Yakima County System access road” means a public road accepted into the County system and maintained by Yakima County for public use.</td>
</tr>
</tbody>
</table>

(19) “S” Definitions.

<table>
<thead>
<tr>
<th>Satellite Management Agency</th>
<th>“Satellite Management Agency” – means an individual, purveyor, or entity approved by DOH (pursuant to WAC 246-295) to provide ownership and/or management and operation services to water systems.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Satellite utility system</td>
<td>“Satellite utility system” means a public or privately owned community water or sewer system that is operated as independent system until it can be included as part of a larger system.</td>
</tr>
<tr>
<td>School</td>
<td>“School” means a structure and accessory facilities that prescribed courses are taught. This definition includes elementary, junior high or high schools and institutions of higher learning, but does not include commercial schools, nursery schools, kindergartens, or day nurseries, except when operated in conjunction with a public, private or parochial school.</td>
</tr>
<tr>
<td>school, Vocational</td>
<td>“Vocational school” means the commercial use of a structure or land for teaching arts, crafts, or trades.</td>
</tr>
<tr>
<td>Seasonal agricultural land use</td>
<td>“Seasonal agricultural land use” means outdoor crop production as used in the context of use of existing gravel roads in Section 19.23.060 and includes use of a related agricultural building such as a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, to be used only by the property owner or his or her agent in the conduct of farming the property. This definition excludes other types of commercial structures and activities, such as dairies, wineries with tasting rooms and agricultural tourist operations.</td>
</tr>
<tr>
<td>Second hand store</td>
<td>“Second hand store” means a retail business that primarily sells used goods such as clothing, household items, books, furniture, appliances and other merchandise not generally considered to be antiques. (See “Antique store”.)</td>
</tr>
<tr>
<td>Segregation</td>
<td>“Segregation” means any division of land undertaken by the County Assessor for taxation purposes. Such segregations may not constitute lots or parcels for development purposes.</td>
</tr>
<tr>
<td>Setback</td>
<td>“Setback” means the minimum horizontal distance required from the property line to the wall line of a building or structure, except where otherwise specified by this Title.</td>
</tr>
<tr>
<td>Setback, front</td>
<td>“Front setback” means the minimum horizontal distance measured perpendicularly from the centerline of the adjacent right-of-way to the nearest wall of the structure. Where there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline.</td>
</tr>
<tr>
<td>Setback, side and rear</td>
<td>“Side and rear setback” means the minimum horizontal distance measured perpendicularly from the nearest property line to the nearest wall of the structure. Except, that a side setback on a corner lot, along the adjacent right-of-way shall be measured perpendicularly from the centerline of the right-of-way. When there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline.</td>
</tr>
<tr>
<td>sewer system, Community</td>
<td>“Community sewer system” means small, self-contained sewage treatment facilities built to serve developed areas generally found outside public sewer service areas.</td>
</tr>
<tr>
<td>sewer system, Individual</td>
<td>“Individual sewer system” means a system designed and constructed on-site to dispose of sewage from one or two structures. Septic tank systems are the most common form of individual sewer system.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>sewer system, Regional</td>
<td>“Regional sewer system” means a sanitary sewer system operated by a municipality or special purpose district, including facilities to collect, transmit, store, treat or dispose of wastewater.</td>
</tr>
<tr>
<td>Short plat</td>
<td>“Short plat” means the map or representation of a short subdivision.</td>
</tr>
<tr>
<td>Short subdivision</td>
<td>“Short subdivision” means the division or re-division of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. However, the number of lots, tracts or parcels to be regulated as short subdivisions may be increased within Urban Growth Areas to maximum of nine, as authorized by RCW 58.17.020(6).</td>
</tr>
<tr>
<td>Sign</td>
<td>“Sign” means a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure (including, but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) that is used for visual communication (to announce, direct attention to, or advertise) to the public and visible to the public right-of-way.</td>
</tr>
<tr>
<td>sign, Abandoned</td>
<td>“Abandoned sign” means any sign located on property that is vacant and unoccupied for a period of six months or more, or any sign that pertains to any occupant, business or event unrelated to the present occupant or use. May include hazardous or dilapidated sign.</td>
</tr>
<tr>
<td>Sign area</td>
<td>“Sign area” means that area contained within one or more perimeters that enclose the entire sign cabinet, and a rectilinear shape encompassing individual letters with no background, but excluding any support or framing structure that does not contain a logo or other symbol which advertises or promotes merchandise, services, goods, or entertainment. For example: the sign area in Figure 8-1 is the sum of the areas of the sign faces “a”, “b” and “c”.</td>
</tr>
<tr>
<td>sign, Balloon</td>
<td>“Balloon sign” means one or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.</td>
</tr>
<tr>
<td>sign, Banner</td>
<td>“Banner” means any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges. National, state, local flags or any official flag at an institution or business will not be considered banners.</td>
</tr>
<tr>
<td>sign, Billboard</td>
<td>“Billboard, sign” means a structure for the permanent display of off-premise advertising that directs attention to a business, product, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.</td>
</tr>
<tr>
<td>Sign cabinet</td>
<td>“Sign cabinet” means the module or background containing the advertising message, but excluding sign supports, architectural framing or other decorative features, that contain no written or advertising copy.</td>
</tr>
<tr>
<td>sign, Canopy</td>
<td>“Canopy sign” means any sign that is part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.</td>
</tr>
<tr>
<td>sign, Changing message center</td>
<td>“Changing message center sign” means an electronically controlled sign where different automatic changing messages and/or images, are shown on the lamp bank. This definition includes product pricing, time and temperature displays. This definition does not include video signs.</td>
</tr>
<tr>
<td><strong>sign, Construction</strong></td>
<td>“Construction sign” means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and to show the design of the building or the purpose that the building is intended.</td>
</tr>
<tr>
<td>------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>sign, Directional</strong></td>
<td>See definitions for “Off-Premises direction sign” and “On-Premises direction sign”.</td>
</tr>
<tr>
<td><strong>sign, Flashing</strong></td>
<td>“Flashing sign” means an electric sign or a portion thereof (except: changing message center sign or video sign) that changes light intensity in a sudden tranitory burst, or switches on and off in a constant pattern in which more than one-third of the non-constant light source is off at any one time.</td>
</tr>
<tr>
<td><strong>sign, Freestanding</strong></td>
<td>“Freestanding sign” means any sign supported by one or more uprights, poles or braces in or upon the ground.</td>
</tr>
<tr>
<td><strong>sign, Freeway</strong></td>
<td>“Freeway sign” means an on-premises sign for certain businesses near Interstate Highway 82, in accordance with YCC 19.20.150.</td>
</tr>
<tr>
<td><strong>sign, Grand opening</strong></td>
<td>“Grand opening sign” means temporary signs, posters, banners, strings of lights, cluster of flags, balloons, searchlights used to announce the opening of a completely new enterprise or the opening of an enterprise under new management.</td>
</tr>
<tr>
<td><strong>sign, Hazardous</strong></td>
<td>“Hazardous Sign” means a sign that by reason of inadequate maintenance, dilapidation, or obsolescence creates a hazard to public health, safety or welfare.</td>
</tr>
<tr>
<td><strong>Sign height</strong></td>
<td>“Sign height” means the vertical distance measured from the grade below the sign or upper surface of the nearest street curb, whichever permits the greatest height, to the highest point of the sign.</td>
</tr>
<tr>
<td><strong>sign, Kiosk</strong></td>
<td>“Kiosk” means a system or display placed in a public place that enables consumers to have instant access to information and directions related to specific services and attractions.</td>
</tr>
<tr>
<td><strong>Sign manufacturing and assembly</strong></td>
<td>“Sign manufacturing and assembly” means the design, manufacturing and assembly of metal cased, thermo-formed, wooden, stone, neon, internally lit or electronic signs.</td>
</tr>
<tr>
<td><strong>sign, Monument</strong></td>
<td>“Monument sign” means a freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.</td>
</tr>
<tr>
<td><strong>sign, Off-Premises</strong></td>
<td>“Off-Premises sign” means a sign that advertises or promotes merchandise, services, goods, or entertainment that are sold, produced, manufactured or furnished at a place other than on the property on which said sign is located.</td>
</tr>
<tr>
<td><strong>sign, Off-Premises directional</strong></td>
<td>“Off-Premises directional sign” means an off-premises sign with directions to a particular business.</td>
</tr>
<tr>
<td><strong>sign, On-Premises</strong></td>
<td>“On-Premises sign” means a sign incidental to a lawful use of the premises on which it is located, advertising the business transacted, services rendered, goods sold or products produced on the premises or the name of the business, name of the person, firm or corporation occupying the premises.</td>
</tr>
<tr>
<td><strong>sign, On-Premises directional</strong></td>
<td>“On-Premises directional sign” means a sign directing pedestrian or vehicular traffic to parking, entrances, exits, service areas, or other on-site locations.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
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<td>--------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>“Special flood hazard area”</td>
<td>Means the land in the floodplain identified by the Federal Emergency Management Agency that is subject to a one percent or greater chance of flooding in any given year; commonly known as the one-hundred-year floodplain (base flood).</td>
</tr>
<tr>
<td>“Solid waste transfer station”</td>
<td>Means a permanent, fixed location for the disposal of solid waste and recyclable materials for transportation and temporary storage.</td>
</tr>
<tr>
<td>“Solid waste drop box site”</td>
<td>Means a location for the placement of a drop box facility for the disposal of solid waste and recyclable materials.</td>
</tr>
<tr>
<td>“Site plan”</td>
<td>Means a sketch drawn to scale showing the actual dimensions and shape of the lot to be built upon, the sizes and location of existing buildings on the lot, and the location and dimensions of the proposed building, structure or alteration. The site plan incorporates such additional factors as landscaping, drainage, and others as may be specified.</td>
</tr>
<tr>
<td>“Social card room”</td>
<td>Means a commercial facility or portion thereof, open to the general public, that house-banked social card games are played, as that term is defined by RCW 9.46.0282 (or as the same may be subsequently amended hereafter), or in which other activities occur that constitute gambling and are authorized by the Washington State Gambling Commission under RCW 9.46.070 (or as the same may be subsequently amended hereafter), to the extent that said activities include any gambling activity engaging in the use of, or associated with, slot machines (whether mechanical or electronic) or any gambling activity engaging in the use of, or associated with, any other electronic mechanism including video terminals.</td>
</tr>
<tr>
<td>“Solid waste”</td>
<td>Means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid materials that are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes, but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, wood waste, dangerous waste and problem wastes.</td>
</tr>
<tr>
<td>“Solid waste drop box site”</td>
<td>Means a location for the placement of a drop box facility for the disposal of solid waste and recyclable materials.</td>
</tr>
<tr>
<td>“Solid waste transfer station”</td>
<td>Means a permanent, fixed location for the disposal of solid waste and recyclable materials for transportation to a waste handling facility.</td>
</tr>
<tr>
<td>“Social card room”</td>
<td>Means a commercial facility or portion thereof, open to the general public, that house-banked social card games are played, as that term is defined by RCW 9.46.0282 (or as the same may be subsequently amended hereafter), or in which other activities occur that constitute gambling and are authorized by the Washington State Gambling Commission under RCW 9.46.070 (or as the same may be subsequently amended hereafter), to the extent that said activities include any gambling activity engaging in the use of, or associated with, slot machines (whether mechanical or electronic) or any gambling activity engaging in the use of, or associated with, any other electronic mechanism including video terminals.</td>
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<tr>
<td>Term</td>
<td>Definition</td>
</tr>
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<td>------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Specialty food store/food store, specialty</td>
<td>“Specialty food store/food store, specialty”. See “Delicatessen”.</td>
</tr>
<tr>
<td>standard, General</td>
<td>“General standard” means any standard not capable of precise numerical definition, but which expresses the policies of the community in this Title and which may be applied by the Reviewing Official during Type 1, Type 2 or Type 3 review.</td>
</tr>
<tr>
<td>standard, Specific</td>
<td>“Specific standard” means those numerical standards established in Chapters 19.10.</td>
</tr>
<tr>
<td>State Environmental Policy Act (SEPA)</td>
<td>“State Environmental Policy Act (SEPA)” – “SEPA” means the State Environmental Policy Act (Chapter 43.21C RCW), its implementing rules (Chapter 197-11 WAC), and the County’s SEPA procedures.</td>
</tr>
<tr>
<td>Stockpiling of Earthen materials</td>
<td>“Stockpiling of Earthen materials” means permanent and/or continuous use for storage of rock, gravel, rubble, sand or soil.</td>
</tr>
<tr>
<td>Storage facilities, bulk</td>
<td>“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 is not vehicle parking, automotive wrecking/dismantling yards 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.</td>
</tr>
<tr>
<td>Storage facilities, commercial</td>
<td>“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, unless use is automotive wrecking/dismantling.</td>
</tr>
<tr>
<td>Storage facilities, mini</td>
<td>“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, unless use is automotive wrecking/dismantling.</td>
</tr>
<tr>
<td>storage, Vehicle</td>
<td>“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 automotive wrecking/dismantling yards 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.</td>
</tr>
<tr>
<td>Streams</td>
<td>“Streams” means water contained within a channel, either perennial or intermittent, in which fish may spawn, reside, or through which they may pass. Streams include natural watercourses modified by man. They do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, canals, stormwater runoff facilities, or other artificial watercourses.</td>
</tr>
<tr>
<td>Street</td>
<td>“Street” means public or private road.</td>
</tr>
<tr>
<td>Street frontage</td>
<td>“Street frontage” means the length in feet of a property line or lot line bordering a public road or street. For corner lots each street-side property line shall be a separate street frontage. The frontage for a single use or development on two or more lots shall be the sum of the individual lot frontages.</td>
</tr>
<tr>
<td>Structural alterations</td>
<td>“Structural alterations” means:</td>
</tr>
<tr>
<td></td>
<td>(1) Any change in a major component or other supporting members of the structure, including foundations, bearing walls, beams, columns, floor or roof joists, girders, rafters; or</td>
</tr>
<tr>
<td></td>
<td>(2) Any change in the exterior lines or configuration of a structure if such changes result in the enlargement of the structure.</td>
</tr>
<tr>
<td>Structure</td>
<td>“Structure” means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, and as defined under Title 13.</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>Temporary structure</td>
<td>“Temporary structure” means a structure without foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.</td>
</tr>
<tr>
<td>Subdivider</td>
<td>“Subdivider” shall be defined as a person, including a corporate person, who undertakes to create, alter or expand a subdivision or short subdivision.</td>
</tr>
<tr>
<td>Subdivision</td>
<td>“Subdivision” is the division or re-division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.</td>
</tr>
<tr>
<td>Substantial completion</td>
<td>“Substantial completion” when referring to transportation facilities, means that all public or private facilities are constructed, functional and operational, even though they may not be fully completed nor provisionally accepted, including sewer and water systems, storm drainage facilities and street improvements (including construction of the initial lift of asphalt or other approved surfacing), but not necessarily including sidewalks, or electrical, gas, telephone or cable services; and that the project is in full compliance with the erosion control ordinance.</td>
</tr>
<tr>
<td>Substantial improvements</td>
<td>“Substantial improvements” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either: (1) Before the improvement or repair is started; or (2) Before the damage occurred to a structure that has been damaged and is being restored. For the purpose of this definition “substantial improvements” occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The total value of all improvements to an individual structure undertaken subsequent to October 1, 1995, the effective date of the amended Title 16A, shall be used to define “substantial improvements” for said structure. The term does not, however, include either: (1) Any project for improvement to a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to assure safe living conditions, or (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.</td>
</tr>
<tr>
<td>Swimming pool</td>
<td>“Swimming pool” means a contained body of water, used for swimming or bathing purposes, either above ground level or below ground level, with the depth of the container being more than eighteen (18) inches or they are being more than thirty-eight (38) square feet.</td>
</tr>
</tbody>
</table>

(20) “T” Definitions.

| Tasting room | “Tasting room” means a facility at which guests may sample and purchase alcoholic beverages and where retail sales of merchandise related to the products being tasted are sold. Level 1 food service may be offered, subject to Yakima Health District licensing, not to exceed the terms of the development authorization and zoning district. |
| Tavern | “Tavern” means an establishment operated primarily for the sale of wine and beer. |
| Technical equipment | “Technical equipment” means medical, dental, fire suppression, restaurant, etc. |
| Tent | “Tent” means a temporary structure, enclosure or shelter constructed of fabric or pliable material supported in any manner, except by air or the contents it protects. |
| Towing services | “Towing services” means a service to haul or tow vehicles for service, repair or temporary storage. Any facility except for wrecking yards, storing a vehicle as required under RCW 46.55. Hulk Haulers are not included under this definition. |
| Tract | “Tract” means land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, critical areas, surface water retention, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential dwelling construction. |
| Transient | “Transient” means any guest, resident, or other occupant to whom lodging and other services are furnished under a license to use real property for less than one month or less than thirty continuous days if the rental period does not begin on the first day of the month. An occupant remaining in continuous occupancy for thirty days or more is considered a nontransient upon the thirtieth day. An occupant who contracts in advance and does remain in continuous occupancy for the initial thirty days will be considered a nontransient from the start of the occupancy. (WAC 458-20-166(2)) |
| Transient accommodation | “Transient accommodations” means any facility such as a hotel, motel, condominium, resort or any other facility or place offering three or more lodging units to travelers and transient guests. |
Transmission lines | “Transmission lines” means 150 kV or greater electric voltage lines, carry the bulk transfer of electrical energy, from generating power plants (in this case, the energy resource facilities) to substations.

Transportation brokerage offices | “Transportation brokerage offices” means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo.

Travel agency | See definition for “Professional Business”.

Tree well | “Tree well” means an opening in the ground surrounding the base of the tree trunk not covered by sidewalk or paving.

(21) “U” Definitions.

| Unclassified collectors | “Unclassified collectors” means a collector street or road that is not part of the federally classified system.

| U-Pick | “U-Pick” means a (U-pick or pick your own) farm that is a type of farm where customers are allowed to harvest their own produce.

| Urban Area, FHWA | “Urban Area, FHWA” means that area designated urban by the Federal Highway Administration.

| Urban Growth Area | “Urban Growth Area” means that area where growth is expected to occur the next twenty years; and, based on studies to date, the area in which urban level public services can be most economically provided.

| Urban services | “Urban services” means and includes, but is not limited to public water or sewer lines, neighborhood parks, street lights, police and fire protection.

| Urbanizing | “Urbanizing” means to make urban in nature or character.

| Use | “Use” means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied or maintained together with any associated site improvements.

| use, Administrative | “Administrative use” means those uses set forth and defined in the text and tables of Chapter 19.31 of this Title and are generally permitted throughout the district. However, review by the Administrative Official is required in order to ensure compatibility with: the intent and character of the district, the provisions and standards of this Title, and the policies of the Comprehensive Plans.

| use, Conditional | “Conditional use” means those uses set forth and defined in the text and tables of Chapter 19.31 of this Title and are considered generally incompatible with adjacent and abutting property because of their size, emissions, traffic generation, neighborhood character or for other reasons. However, they may be compatible with other uses in the district if they are properly sited and designed. Conditional uses may be permitted by the Hearing Examiner when he determines, after holding a public hearing that the use complies with provisions and standards of this Title; and that difficulties related to the compatibility, the provisions of public services and the policies of the Comprehensive Plans have been adequately resolved.

| use, Existing or development | “Existing use or development” means a use or development legally existing or legally established prior to the effective date of this Title has been or would be classified under this Title as a permitted, administrative or conditional use in a particular district even though the use has not been through Type 1, 2, or 3 review and may or may not conform to the standards of this Title. This definition includes any existing permitted, administrative or conditional use with an approved modification under Chapter 19.35.

| use, Permitted | “Permitted use” means those uses set forth and defined in the text and tables of Subtitle 19.1 of this Title are considered compatible and are permitted on any site in the district provided district standards are met. The Administrative Official shall review permitted uses for compliance with the provisions and standards of this Title.

| use, Principal | “Principal use” means the primary or predominant use to which a structure, part of a structure, or lot is or may be devoted.

| use, Temporary | “Temporary use” means a use established under Section 19.18.480 for fixed period of time with the intent to discontinue such use upon the expiration of the time period.

| Utilities | “Utilities” means those businesses, institutions, or organizations which use pipes or conductors, in, under, above, or along streets, alleys or easements to provide a product or service to the
Utility services

“Utility services” means electric substations, gas metering stations, sewer lift stations, telephone and communications relay or switching stations, municipal/public water works (including pumping stations and reservoirs), power booster or conversion plants, and similar utility facilities, all with their necessary buildings, apparatus or appurtenances thereto. For purposes of this Title, “Utility Services” does not include linear transmission facilities, local transmission and collection lines, pipes, conductors, or utilities located underground. Utility services are not subject to the minimum lot size requirements of the zoning district in which they are located (except as required for domestic water, sewage disposal and soil percolation rates), provided that they meet all other requirements of the zoning district in which they are located.

Variance

“Variance” means a modification of the specific regulations of this Title in accordance with the terms of this Title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.

Veterinary clinic

See definition for “Animal clinic/hospital”.

Vision clearance triangle

“Vision clearance triangle” means a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorist entering or leaving the intersection.

Warehouse

“Warehouse” means a structure used for the storage of goods and materials. Does not include AG related materials.

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 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.

Wastewater spray field

“Wastewater spray field” means a field that is irrigated with wastewater or treated sewage. May include storage lagoons utilized solely for storing wastewater before spraying, but not other wastewater treatment facilities. The application of agricultural waste or treated sewage at agronomic rates for soil enhancement or fertilizer purposes is excluded from this definition. Excludes sprayfield for wastewater defined as hazardous pursuant to Chapter 70.105 RCW.

Water supply system, Area-wide public

“Area-wide public water supply system” means a large Group A public water system designed to expand and serve a broader geographic area.

Water system, public

“Water system, public” means any system subject to the State Board of Health Drinking Water Regulations, Chapter 246-290 WAC, providing piped water for human consumption including:

1. Any collection, treatment, storage or distribution facilities which are under the control of the purveyor and used primarily in connection with the system, and
2. Any collection or pretreatment storage facilities which are not under the control of the purveyor but are primarily used in connection with the system.

Group A public water system:

1. With 15 or more service connections, regardless of the number of people; or
2. Serving an average of twenty-five or more people per day for 60 days within a calendar year, regardless of the number of service connection.

Group B public water system: a public water system which is not a Group A water system. This would include a water system with fewer than 15 service connections and serving:

1. An average of fewer than 25 people for 60 or more days within a calendar year.
2. Any number of people for fewer than 60 days within a calendar year. Also see definition for “Community water supply system”.

Public water system excludes a system serving only one single-family residence or a system with four or fewer connections all of which serve residences on the same farm.

Water Users Association (WUA)

“Water Users Association (WUA)” means a group of water users who pool their financial, technical, material and human resources for the operation and maintenance of a water system. A WUA membership depends on one’s relationship to a water source, such as groundwater.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well</td>
<td>“Well” means a hole made to draw up fluids: a hole or shaft that is dug or drilled into the ground in order to obtain water, brine, petroleum, or natural gas; and/or a source of something: a source providing a freely and abundantly available supply of something.</td>
</tr>
<tr>
<td>Well control zone</td>
<td>“Well control zone” means a sanitary control area defined by WAC 246-291-125.</td>
</tr>
<tr>
<td>Wholesale trade</td>
<td>“Wholesale trade” means those uses primarily engaged in the sale of merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers.</td>
</tr>
<tr>
<td>Wind energy tower, personal</td>
<td>“Wind energy tower, personal” means a system designed as providing a source of electrical power to an existing or new building or facilities, wherein the power generated is used primarily for on-site consumption and generates 25kW or less. The system consists of a vertical or horizontal wind turbine and associated controls and may include a tower.</td>
</tr>
<tr>
<td>Winery</td>
<td>“Winery” means a facility where wine is processed and manufactured. A winery is specifically designed to include, at a minimum, two or more of the following: vineyards, crushing, fermentation, and barrel aging of wine. A winery may also include any of the following: barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include, but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of wine, employee day care, tours, tasting and sales rooms when they are accessory to the on-site production facility and, ancillary retail sales, picnic areas, and food service. Food service is limited by the type of Yakima Health District License, Agricultural Tourist Operation or commercial zoning district where the winery is located.</td>
</tr>
<tr>
<td>Wrecking yard</td>
<td>“Wrecking yard” means the place of business where motor vehicles or parts thereof are kept by a motor vehicle wrecker subject to State regulation (Chapter 46.80 RCW).</td>
</tr>
</tbody>
</table>

(24) “X” Definitions.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xeriscape</td>
<td>“Xeriscape” means landscaping characterized by the use of vegetation that is drought-tolerant or of low water use in character.</td>
</tr>
</tbody>
</table>

(25) “Y” Definitions.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yard</td>
<td>“Yard” means an open space, other than an enclosed court, on the same lot with the structure, unoccupied from the ground upward.</td>
</tr>
<tr>
<td>Yard, front</td>
<td>“Yard, front” means the open area extending along and parallel to the entire length of the front lot line and measured from the property line to the structure.</td>
</tr>
<tr>
<td>Yard, rear</td>
<td>“Yard, rear” means the open area at the rear of the structure extending the entire width of the lot and measured from the structure to the rear property line.</td>
</tr>
<tr>
<td>Yard sale</td>
<td>“Yard sale” means a temporary event for the surplussing of unwanted items as an accessory use to a residence or business, in which the event does not exceed 3 days in duration or occur more than 3 times per year.</td>
</tr>
</tbody>
</table>
than twice per calendar year. A yard sale is considered to be occurring whenever goods are on display with the clear intent for public viewing and purchase, and/or there is a sign that announces or publicizes a yard sale. The term “yard sale” includes garage sales, patio sales, estate sales, and moving sales. “Yard sales” do not include flea markets, junkyards, second hand stores, auction houses, and yard sale events not meeting the terms of this definition.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yard, side</td>
<td>“Yard, side” means an open area between the side wall line of the structure and the side line of the lot.</td>
</tr>
<tr>
<td>Yurt</td>
<td>“Yurt” means a typically circular, domed, portable tent.</td>
</tr>
</tbody>
</table>

(26) “Z” Definitions.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zero lot line</td>
<td>“Zero lot line” means the location of a dwelling on a lot in such a manner that one of the sides of the dwelling rests directly on a side lot line.</td>
</tr>
<tr>
<td>Zoning district</td>
<td>“Zoning district” means a mapped portion of the unincorporated territory of the County within which certain uses of land and structures are permitted and certain other uses of land and structures are prohibited, certain yards and other open spaces are required and specific lot areas established, all as set forth and specified in this Title. This definition also includes the terms “zone” and “use district”.</td>
</tr>
</tbody>
</table>
Chapter 19.10

GENERAL ZONING REQUIREMENTS

Sections:
19.10.010 Legislative Intent.
19.10.020 Zoning Classifications.
19.10.030 Minimum and Maximum Calculations.
19.10.040 General Development Regulations.

19.10.010 Legislative Intent.
The controls as set forth in Chapters 19.01 through 19.36 are deemed necessary in order to:

(1) Implement the Comprehensive Plan, enacted under the Washington State Growth Management Act.
(2) Encourage the most appropriate use of the land for commerce, industry and residences in districts where they are compatible with neighboring land uses.
(3) Protect the social and economic stability of resource lands (farm, forest and mineral), rural and unincorporated urban areas of the County.
(4) Assure the orderly development of such areas consistent with comprehensive plan policies.
(5) Provide for adequate privacy, light, air and view.
(6) Promote development within unincorporated areas coordinated with infrastructure and services, and minimizes the public and private costs to maintain.
(7) Reduce the time required for public review of proposed projects.
(8) Protect existing land uses and property values from adverse impacts of adjoining developments.
(9) Reduce traffic danger and congestion on roads and highways.
(10) Secure economy in local governmental expenditures.
(11) Encourage development in areas where adequate public services including water and sewer, police and fire protection, roads, and schools can be provided; and limit development, through density, zoning and other official controls, in areas where these facilities are not provided.
(12) Provide for urban growth, as defined in the adopted Comprehensive Plan, in designated Urban Growth Areas, where public utilities can be provided and planned residential densities are greater than four dwelling units per acre in order to:
   (a) Promote the efficient utilization of public water, sewer and public transportation systems; and
   (b) Promote the provision of public services at the lowest possible cost to the general public.
(13) Provide for rural development, as defined by RCW 36.70A.030(16), outside of Urban Growth Areas and designated resource lands at densities that do not lead to urban growth or necessitate extension of urban services.
(14) Reduce the threat to public safety resulting from:
   (a) The improper location of homes, farms and industry in a single area; and
   (b) The establishment of commercial areas along State highways and County arterials causing interference with traffic movement.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

19.10.020 Zoning Classifications.

(1) For this Title, the County is divided into zoning districts designated as shown in Table 19.10.020-1.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Map Symbol</th>
<th>Urban or Rural</th>
<th>Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESOURCE AND RURAL DISTRICTS (Chapter 19.11)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest Watershed and Agriculture</td>
<td>FW, AG</td>
<td>Rural</td>
<td>19.11.010</td>
</tr>
<tr>
<td>Mining</td>
<td>MIN</td>
<td>Rural</td>
<td>19.11.020</td>
</tr>
<tr>
<td>Rural Districts</td>
<td>R/ELDP-40, Rural-10/5</td>
<td>Rural</td>
<td>19.11.030</td>
</tr>
<tr>
<td>Rural Transitional District</td>
<td>RT</td>
<td>Rural</td>
<td>19.11.030</td>
</tr>
<tr>
<td>Rural Settlement District</td>
<td>RS</td>
<td>Rural</td>
<td>19.11.040</td>
</tr>
<tr>
<td>Highway/Tourist Commercial District</td>
<td>HTC</td>
<td>Both</td>
<td>19.11.040</td>
</tr>
<tr>
<td>Master Planned Resort District</td>
<td>MPR</td>
<td>Rural</td>
<td>19.11.050</td>
</tr>
<tr>
<td><strong>URBAN RESIDENTIAL DISTRICTS (Chapter 19.12)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suburban Residential</td>
<td>SR</td>
<td>Urban</td>
<td>19.12.010</td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td>R-1</td>
<td>Urban</td>
<td>19.12.010</td>
</tr>
<tr>
<td>Two-Family Residential</td>
<td>R-2</td>
<td>Urban</td>
<td>19.12.020</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>R-3</td>
<td>Urban</td>
<td>19.12.020</td>
</tr>
<tr>
<td><strong>BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS (Chapter 19.13)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Business</td>
<td>B-1</td>
<td>Urban</td>
<td>19.13.010</td>
</tr>
<tr>
<td>Local Business</td>
<td>B-2</td>
<td>Urban</td>
<td>19.13.010</td>
</tr>
<tr>
<td>Small Convenience Center</td>
<td>SCC</td>
<td>Urban</td>
<td>19.13.020</td>
</tr>
<tr>
<td>Large Convenience Center</td>
<td>LCC</td>
<td>Urban</td>
<td>19.13.020</td>
</tr>
<tr>
<td>General Commercial</td>
<td>GC</td>
<td>Urban</td>
<td>19.13.020</td>
</tr>
<tr>
<td>Highway/Tourist Commercial</td>
<td>HTC</td>
<td>Both</td>
<td>19.13.020</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>M-1</td>
<td>Urban</td>
<td>19.13.030</td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td>M-2</td>
<td>Urban</td>
<td>19.13.030</td>
</tr>
</tbody>
</table>
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Map Symbol</th>
<th>Urban or Rural</th>
<th>Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>OVERLAY DISTRICTS (Chapter 19.17)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport Safety Overlay</td>
<td>ASO</td>
<td>Both</td>
<td>19.17.030</td>
</tr>
<tr>
<td>Master Planned Development Overlay</td>
<td>MPDO</td>
<td>Urban</td>
<td>19.17.040</td>
</tr>
<tr>
<td>Greenway Overlay</td>
<td>GO</td>
<td>Both</td>
<td>19.17.050</td>
</tr>
</tbody>
</table>

(2) Map of Zoning Districts and Overlays – Adoption, Changes, Filing, and Replacement.

(a) Official Zoning Map. The zoning districts established by this Title are defined as shown on the official zoning map for the unincorporated portions of Yakima County. The official zoning map, with all the explanatory material thereon, is adopted by reference and declared to be a part of this Title. Any adopted overlay shall be displayed on the zoning map as identified by the adopted ordinance.

(b) Administrative Official Custodian. The official zoning map shall be in the Yakima County Planning Division in electronic form, and depicted in various formats and scales to the need. The Administrative Official shall be the custodian of the official zoning map.

(c) Map Amendments. Each amendment to the official zoning map shall be identified by the adopted ordinance and the date of adoption. The official zoning map maintained by the County shall be the final authority as to the current zoning status of land.

(d) District Boundary Changes. Any changes in the district boundaries established by this Title shall be made under this Title. The official zoning map shall be promptly changed after the amendment has been approved by the Board.

(e) Unauthorized Changes. No changes of any kind shall be made on the official zoning map, except in conformance with the procedures of this Title or for technical correction of scrivener’s errors by the Administrative Official. Any unauthorized change by any person shall be considered a violation of this Title and punishable under YCC Section 16B.11.050.

(f) Updates to Official Zoning Map. If the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board may, by ordinance, adopt a new official zoning map that shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment.

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

19.10.030 Minimum and Maximum Calculations.

(1) General Rule.

(a) When determining maximum standards for planning related calculations (including density, parking, setbacks, etc.), the final number in any calculation shall be rounded up to the nearest whole unit. If the required parking for a project were determined to be 15.37 spaces, 16 spaces would be required.

EXAMPLE: Table 19.22-2 requires one parking space for each 400 square feet of floor area for an office. If the applicant has 6,150 square feet of office space, divide by 400 and round the result up to the nearest whole unit.

\[
\frac{6,150 \text{ sq. ft.}}{400 \text{ sq. ft. per space}} = 15.37 \text{ spaces} \quad \text{Rounds up to:} \quad 16 \text{ spaces}
\]

(b) If two or more amounts must be added to figure a total, applicants shall add amounts accurate to two decimal places (hundredths) and round off only the total.
(c) The calculation methods prescribed in this Section shall not apply to engineering related calculations (surveying information, stormwater calculations, road construction information, etc.).

(2) Density Calculations. Density shall be calculated based upon the gross area of the site, including proposed and existing public road right-of-way.

(3) Lot Area Calculations. Lot area is the computed area within the lot lines.

(a) Within an Urban Growth Area, lot area excludes street and alley rights-of-way, and street tracts, whether such rights-of-way or tracts are public or private.

(b) Outside Urban Growth Areas, lot area includes on-site road easements, and one-half the width, or 30 feet, whichever is less, of abutting public rights-of-way for perimeter streets, excluding limited access state or interstate highways.

(c) Driveways serving only an individual lot are included in lot area calculations in all zones.

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

19.10.040 General Development Regulations.
The regulations set by this Title within Chapters 19.10 through 19.25 shall be minimum regulations and shall apply uniformly to each class or kind of development, structure or land in the zoning districts and situations indicated. Where text and tables conflict, the text shall govern. Administrative adjustment or variance of some basic development standards in this Title are authorized under Chapter 19.35.

(1) Conformity with All Regulations Required. Any development, structure or part thereof shall conform to all of the regulations specified in this Title for the situation and zoning district in which they are located in order to be authorized, erected, constructed, reconstructed, moved or structurally altered.

(2) Yards, Lots, Open Space and Off-Street Parking and Loading Spaces.

(a) Yards, Minimum Standards. Yards or lots created after the effective date of this Title shall meet at least the minimum requirements established by this Title and shall not be smaller than the minimum standards established in Chapters 19.10 through 19.18. The lot size, width, depth, shape and orientation shall be in accordance with the applicable zoning laws.

(i) Every lot created or modified shall not exceed a maximum 4:1 depth-to-width ratio, except where the zoning district regulations provide there is no minimum lot width or size for a particular use. For flag lots, the Building Official designates the front lot line to be used for depth-to-width calculations, and the calculation shall exclude the narrow strip of lot or easement.

(ii) Minimum lot size is the smallest lot size permitted in a particular zoning district or special standard when land is subdivided, short platted, re-subdivided, or when lot lines are adjusted. Exceptions to minimum lot sizes for specific uses are listed in the Allowable Land Use Table 19.14-1 in Chapter 19.14 and under special overlay zones in Chapter 19.17.

(iii) Minimum yard size is defined by required setbacks, plus any open space requirements.

(iv) Standard lot width is the minimum lot width permitted in a particular zoning district. The intent of this standard is to prevent irregularly shaped lots along rights-of-way and to control access.

(v) To preserve public safety by limiting neighboring accesses to a roadway and to realize efficient and appropriate use of land, access strips on flag lots shall be limited to:

(A) Maximum lengths of 150 feet, unless a fire apparatus access road turnaround is provided under YCC Title 13;
(B) Minimum widths of 20 feet if the narrow strip of lot serves only one lot, and 30 feet where an easement exists or is proposed; and

(C) Situations where there is no adjoining driveway.

(vi) Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.

(b) Shared Improvements. 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, except as allowed by Section 19.21.030 for consolidated perimeter plantings and Section 19.22.050 for shared parking areas.

(c) Existing Yards and Lots. No yard or lot existing at the time of the adoption of this Title shall be reduced in dimension or area below the minimum requirements in this Title.

(d) Steep Yards. If the elevation of a lot rises or falls more than four feet in the first 20 feet measured from the front lot line, the following provision shall apply: The required depth of the front yard shall be equal to the horizontal distance measured from the front lot line to where the average lot profile line intersects a horizontal line four feet above or below the front lot line, as determined by the Building Official, or as recommended by a geotechnical engineer’s study. See Figure 19.10.040-1, below.

Figure 19.10.040-1 Side view of required depth of front yard if elevation of a lot rises over four feet in the first 20 feet measured from the front lot line.

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

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

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

(6) Setbacks, Easements and Right-of-Way.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

(a) Setbacks. Chapters 19.11 through 19.18 list standard minimum setbacks for buildings or other structures and uses. Exceptions to certain setbacks are listed in Subsection 19.10.040(6)(b) below.

(i) Front and side setbacks from public roads other than alleys shall be measured from the planned centerline of a public road other than an alley, as designated by the County Engineer. However, where the planned or existing right-of-way exceeds 60 feet in width (as in the case of designated classified roads such as arterials and collectors shown on Tables 19.23.045-2 and 19.23.050-1), the minimum setback shall be 25 feet measured from the property line abutting the planned road right-of-way.

(ii) The front lot line shall be determined as described in the definitions in Section 19.01.070. Where the front lot line does not border a right-of-way or vehicular access easement, as is the case with flag lots the setback shall be 25 feet from the end of a driveway or the remainder of the front lot line, see Flag Lot definition 19.01.070.

(iii) Front and side setbacks outside Urban Growth Areas shall be a minimum of 50 feet from the planned centerlines of private roads and ten feet from private, shared driveways and public alleys measured from the edge of the access easement or right-of-way of such a road, driveway or alley, except garage and carport entrances that face the front setback, which are a minimum of 20 feet from the edge of the right-of-way or easement. Front and side setbacks vary as listed in Chapters 19.12 and 19.13 for Urban Growth Areas.

(iv) Rear setbacks from public and private roads shall be the same as the front yard setback requirement from public and private roads when the rear lot line abuts a right-of-way or vehicular access easement, provided the required rear setbacks shall not be less than the required setbacks from the property line.

(v) Where a road connection plan has been adopted, there shall be a structural setback of not less than the minimum front setbacks established in Chapters 19.11 through 19.13 from the planned center of the corridor, as designated by the County Engineer.

(vi) Garage and carport entrances that face a road other than an alley, and gates on private property that restrict vehicular access to a road other than an alley must be setback a minimum of 20 feet from the edge of the right-of-way or easement, where structural setbacks of less than 20 feet are otherwise allowed.

(b) Exceptions to Setback Requirements. The exceptions below do not apply to development envelopes for determining a buildable area or to landscape buffers.

(i) Exceptions to Front Setback Requirements.

(A) In residential zoning districts, where a turnaround easement is designated to be vacated upon future road extension and constitutes all or part of the front lot line, as opposed to setbacks from turnarounds designed to be permanent, front setbacks shall be a minimum of ten feet from the easement intended to be temporary for the dwelling and twenty feet for the associated garage.

(B) Setbacks from both streets on through lots shall be considered front setbacks. However, if one of the streets has restricted access, the setback from the property line abutting the restricted access street shall be 20 feet. Access is restricted to a street if any of the conditions below exist:

1. A plat contains a plat note that prohibits access to one of the abutting streets;
2. The road is determined to be a restricted access road, such as I-82, SR-12, SR-97, and other State routes; or
3. A covenant permanently restricting access to one of the abutting streets (with the County being a party to the recorded document) is recorded individually for a through lot.

(ii) Setbacks for Residential Accessory Structures. The minimum setback for residential accessory structures in all allowed districts shall be at least five feet from the side property line, five feet from the...
rear property line, and up to, but not within, the required front yard and applicable street setback, except garage and carport entrances must be set back at least 20 feet from any property line. Other structures, as determined by the Building Official, may be permitted in specified zones within a side or rear setback under Subsection 19.18.020(6).

(c) Access Easements and Right-of-way. No building, fence or structure, other than a gate permitted by the easement owner, shall be located within or encroach on any public or private access easement or road right-of-way.

(d) Other Easements. The applicant shall provide the easement grantee or owner’s written permission with the primary permit application for any structure proposed to be built or located on or in an easement other than an access easement.

(7) Vision Clearance Triangles at Intersections and Driveways.

(a) Intersections. All corner lots at controlled or uncontrolled public or private street intersections or railroads shall maintain for safety vision purposes a triangular area; one angle of the triangle shall be formed by the planned right-of-way edges adjacent to the street or railroad, under the planned right-of-way width required for the functional classification of the road, listed in Chapter 19.23. The sides of such triangle forming the corner angle shall be 30 feet in length measured along the sides of the aforementioned angle, as illustrated below. The third side of the triangle shall be a straight line connecting the last two mentioned points. Within the area comprising the triangle nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of two and one-half and ten feet above the centerline grades of intersecting streets and/or railroads. Landscaping meeting the height limits of this Section is encouraged within the vision clearance triangle. The Administrative Official may consider the landscaped triangle area as part of any landscape requirement if planted and continuously maintained by the property owner. The County Engineer may enforce the landscaping requirements and may require a larger area to be reserved for vision clearance at road intersections and railroad crossing where necessary to provide vision clearance.

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

Figure 19.10.040-2. Plan views of vision clearance triangles, within areas that must be clear between heights of 2.5 and 10.0 feet.

(8) Maximum Building Height.
(a) Maximum Building Height Determined by Zoning District. The maximum building height is intended to maintain building and structure heights compatible with the character and intent of the district. The height of buildings is measured in the manner defined in Section 19.01.070. The height of other structures not containing a roof is the vertical distance from the base of the structure to its highest point. Chapters 19.11 through 19.18 list the maximum building and structure heights.

(b) Exceptions. Height limitations shall generally not apply to accessory projections located at least 20 feet from any adjoining lot line and that are not intended for human occupancy or storage, such as steeples or spires on places of religious assembly, elevator shaft housings, heating/cooling or mechanical systems, water towers, chimneys, belfries, cupolas, domes, smoke-stacks, flagpoles, asphalt/concrete batch plants, grain elevators, cooling towers, solar energy systems, monuments, fire house towers, elevator shafts, or outdoor theater screens, except as limited within the Airport Safety Overlay, by Section 19.18.490 Towers, by a condition of permit approval or by the Shoreline Master Program.

(9) Fences, Walls and Recreational Screens.

(a) Fence and Wall Height. The following provisions 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:

(i) Fences and walls may be placed on or behind the property line.

(ii) Fence height shall include the fence and all attachments, including posts, barbed wire installed at the top of the fence, etc., but excluding ornaments 12 inches or less in height.

(iii) The maximum fence height shall be:

(A) Four feet within the required front yard setback area, and six feet behind the required setback, for all uses in the RT district and urban residential zones (SR, R-1, R-2, and R-3) and for allowed residential uses listed in Chapter 19.11 in the RS district. On corner lots, no fence exceeding four feet shall extend closer to either street than the required building setback line;

(B) Four feet within the required front yard setback area, and eight feet behind the required front setback in the SCC, LCC, GC, B-1, B-2, M-1, M-2, and HTC districts;

(C) The maximum fence height is not specified for nonresidential uses in the RS districts, or for any use in the AG, FW, MIN, R/ELDP-40 and R-10/5 districts; and

(D) No fence, hedge or wall exceeding two and one-half feet in height shall be placed in the vision clearance triangles established in this Section.

(iv) Fences exceeding the height limitations may be authorized for agricultural buffering of especially sensitive land uses, or required sitescreening, or through the administrative adjustment process of Chapter 19.35.

(v) All fences shall meet the height requirements under YCC Title 13.

(vi) No combination of a fence and retaining wall shall exceed a height of ten feet, measured from the lower elevation, except, existing retaining walls greater than ten feet in height at the time of adoption of this Title will be allowed a fence above the retaining wall consistent with Subsection (a)(iii) above.

(b) Recreational Screens. The height, materials and need for recreational screens, defined in Section 19.01.070, shall be evaluated by the Reviewing Official under Type 1 review when proposed based on the need, safety requirements, purpose of the applicable district, and relationship to residential and commercial properties and streets.

(10) Exterior Lighting. 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. See Figures 19.10.040-3 and 19.10.040-4 below.

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

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

(11) Floodplain Development. A pre-application meeting and a Flood Hazard Permit application is required for all new developments in floodplains in order to minimize and mitigate potential adverse impacts to property and infrastructure while reducing risks to public health and safety. Yakima County will utilize existing flood hazard data and mapping to assist applicants with the layout and design of their proposal. If the potential adverse impacts cannot be mitigated through the Flood Hazard Permit under YCC 16A.05, 16C.05 and 16D.05, a critical areas and shoreline permit will be required under Yakima County Critical Areas and Shoreline codes.

(12) Stormwater Requirements. This section is intended to ensure public and private development projects comply with the National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable. Stormwater quality and quantity 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.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).
Chapter 19.18

SPECIAL USES AND STANDARDS

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19.18.010 Legislative Intent.
This Chapter is intended to specify certain standards which, under special circumstances may apply to, or be required for approval of, a proposed development or modifications to development.

Accessory uses are customarily incidental and subordinate to the principal use of a structure or site. Therefore, new accessory uses may only be permitted when a principal use has been established. They must be: clearly secondary to, supportive of, and compatible with the principal use(s); consistent with the purpose of the zoning district; and comply with this Title. The land use category of an accessory use shall be the same as that of the principal use(s) as listed in Table 19.14-1, unless otherwise specified.

(1) Accessory Housing.

(a) Legislative Intent. The term “accessory housing units” as used in this section includes “accessory dwelling units” (ADUs) and “caretaker dwellings” as defined under YCC 19.01.070. Accessory housing that conforms to the standards in this Section shall not be counted toward the allowable density for the lot upon which it is located and shall be considered a residential use consistent with the comprehensive plan and zoning designation for the lot. The purpose of the accessory housing provisions is to: Provide homeowners with an opportunity for extra income, companionship and security;

(i) Better utilize existing infrastructure and community resources (sewer, water, roads, etc.);

(ii) Provide a housing type that allows flexibility to respond to changing needs and lifestyles;

(iii) Add to and diversify the supply of affordable housing;

(iv) Protect neighborhood character and stability by ensuring ADUs are compatible with surrounding land uses;

(v) Provide the opportunity for relatively independent living for the elderly or disabled with support from neighboring family or other care-giver, with a preference for attached or detached accessory dwelling units; and

(vi) Accommodate accessory residential quarters in commercial, industrial and mining zones.

(b) General Requirements.

(i) Off-street parking shall be provided as required in Chapter 19.22 for both the accessory housing unit and the primary residence on the lot they are intended to serve.

(ii) The accessory housing unit shall meet current standards of the residential, building, mechanical, electrical and energy codes as required for single-family dwellings.

(iii) The accessory housing unit shall have the same building setbacks as the primary structure.

(iv) A lot shall contain only one accessory housing unit.

(v) In all zones the primary residence and the accessory housing unit shall both be connected to a public water system as defined in Section 19.01.070, and within an Urban Growth Area, to a regional sewer system.

(vi) A lot containing an accessory housing unit shall not be subdivided, or otherwise segregated in ownership, in a way that separates the accessory dwelling unit and the primary residence on different lots. A covenant to which the County is a party shall be recorded with the County Auditor to preclude the separate sale or division of the accessory housing unit as a separate dwelling lot.

(c) Additional Standards for Accessory Dwelling Units. An accessory dwelling unit (ADU) is a permitted use, secondary to the primary use of a detached single-family dwelling, subject to all of the following conditions:
(i) ADUs shall not be allowed on parcels containing a common wall dwelling, zero lot line dwelling, duplex, multi-family dwelling, or a commercial or industrial structure/use.

(ii) The ADU and the primary residence shall share a common driveway unless the two units are allowed to access different roads.

(iii) A home business may be allowed, subject to Section 19.18.240, in either the ADU or the primary unit, but not both.

(iv) Size: The ADU’s floor area shall be comprised of not more than 1,000 square feet and shall not exceed the size of the primary structure. The floor plan for the ADU shall be submitted with the ADU application. Living area includes storage areas, mechanical rooms, and other interior residential spaces, but excludes the following areas from the overall gross building area:

(A) The thickness of the exterior walls; and

(B) Garage areas.

(v) Ownership:

(A) Either the primary home or the ADU must be occupied by one or more owner(s) of the property as a permanent and principal residence. The owner shall live in either the primary or accessory unit. The owner-occupant must live in the structure for over six months of each calendar year, but may absent up to three years due to job relocation, sabbatical leave, education or illness. The owner may receive rent for the owner-occupied unit.

(B) Owners of an ADU must sign and record with Yakima County an owner-occupancy covenant prior to issuance of a building permit.

(C) Temporary owner absence – If the Reviewing Official determines that the owner of the ADU has violated owner-occupancy requirements, the owner shall:

1. Reoccupy the ADU;

2. Submit evidence showing compliance with Subsection A above to obtain a waiver of this owner-occupancy requirement; or

3. Eliminate the ADU under either option in Subsection 19.18.020(1)(c)(vi) below.

(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.

(B) The front entrance to the ADU shall be designed to be clearly secondary to the primary residence main entrance from a right-of-way or access easement (utilizing elements such as landscaping, lattice work, architectural design, etc…).

(C) The ADU’s exterior walls shall be designed to be similar in color and building materials to the primary detached dwelling.
(D) Any exterior stairs shall be placed in the rear or side yard.

(E) The ADU and the primary dwelling unit will share a single sewer and water connection, unless the local sewer and/or water purveyor requires separate connections. Outside of Urban Growth Areas, the two dwellings may use separate on-site sewage disposal systems.

(vii) Elimination. The Reviewing Official retains the right with reasonable notice to withdraw occupancy approval if any of the requirements under Subsections (1)(b) and (c) of this Section are violated. If the County withdraws occupancy, the property owner may:

(A) If attached, merge the existing ADU to the single-family dwelling; or

(B) If detached, use the building for an approved use only or remove the structure from the premises.

(d) Additional Standards for Caretaker Dwellings. One caretaker dwelling for the occupancy of guards, watchmen, or property caretakers is permitted as an accessory use in the GC, M-1 and M-2, and MIN zoning districts. A caretaker dwelling is also permitted in the B-1, B-2, HTC districts when the dwelling is located within the structure used for the principal use. No other dwelling unit(s) shall be allowed on the same parcel.

(2) Accessory Residential Kitchens. Establishment of an accessory residential kitchen, as defined in Section 19.01.070, within or accessory to single-family residences shall be subject to the following:

(a) The accessory kitchen shall share the same water supply as the associated primary residential kitchen in the dwelling or on the same lot.

(b) A covenant shall be recorded in a form acceptable to the County stipulating the accessory residential kitchen is for incidental use associated with the primary single-family residence, and not for use as an additional dwelling unit on the property.

(c) Use of the accessory residential kitchen for any commercial purpose must be in compliance with the home business requirements of this Title and all applicable local and state regulations.

(3) Agricultural Buildings. Agricultural buildings shall not be used for human habitation, or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

(4) Cargo Containers and Trailers as Storage Units.

(a) Cargo containers and semi-truck trailers are allowed in all zoning districts during construction and as provided in Subsection (d) below. Cargo containers and/or semi-truck trailers shall be allowed as a permanent storage facility or other use within the AG, FW, MIN, SCC, LCC, GC, M-1 and M-2 zoning districts.

(b) Cargo containers and/or semi-truck trailers are allowed as an accessory use to a permitted business in the AG, FW, R/ELDP-40, R-10/5, SCC, LCC, GC, M-1 and M-2 zoning districts, provided:

(i) All refrigerated cargo containers or semi-truck trailers located outside of a designated loading dock or loading bay shall be greater than 200 feet from any existing residential zoning district;

(ii) Within Urban Growth Areas, the container is subject to site plan approval and sitescrreening Standard A Open Area Landscaping, or higher, as indicated in Chapter 19.21; and

(iii) Not more than one cargo container per lot shall be permitted in any allowed zone other than M-1 and M-2 except as provided in Subsection (d) below.

(iv) All cargo containers or semi-truck trailers must be fully painted so as to remove all original markings, labels or logos. All permitted signage placed on the cargo container or semi-truck trailer associated with the primary use must meet the sign requirements under Chapter 19.20.
(c) Cargo containers and/or semi-truck trailers may be used for donation of household goods in the SCC, LCC, GC, M-1 and M-2 zoning districts.

(d) Outside of urban residential zoning districts up to two cargo containers may be used for no longer than 6 months of temporary storage. Containers used for permanent storage must be incorporated as modular components of a single accessory garage or storage building when a design has been proposed for approval under YCC Title 13. The cargo containers must be fully incorporated into a building with a roof structure for weather protection pitched adequately for drainage and placed on a permanent foundation and painted as an integrated building.

(5) Garages.

(a) Outside Urban Growth Areas, RS and RT zoning districts, one freestanding garage or storage structure up to 600 square feet may be constructed without a dwelling on the same lot. Any commercial or residential use of the structure is limited to that allowed by the zoning district.

(b) Private garages greater than 600 square feet are permitted as an accessory use provided that in residential districts they are primarily used to store motor vehicles by the occupants of the residence. Private garages in all other zoning districts must be accessory to a lawful building or structure allowed within the zoning district. Where single-family residential uses are permitted outright, one freestanding garage may be constructed in advance of constructing the intended principal residence; provided, that:

(i) Building permits have been issued and are current for both the principal residence and the accessory garage;

(ii) The garage structure contains no habitable floors, except for accessory dwelling units;

(iii) The garage is used only by the property owner, not leased to others nor used for sales;

(iv) Storage is limited to household items typically associated with a single residence, or household equipment and materials being actively used in constructing the principal residence; and

(v) The garage complies with setbacks for garage and carport entrances, listed in Section 19.10.040.

(6) Garden Sheds, Gazebos and Play Houses within a Side or Rear Setback. In the side or rear setbacks within the SR, R-1, R-2, R-3, RT and RS districts a maximum of one garden shed, one gazebo and one play house, meeting all of the following requirements, may be permitted as an accessory use to an existing residential use.

(a) The structure contains no more than 200 square feet of floor area, with overhangs that do not exceed 16 inches;

(b) The structure, its eaves and other such associated projections are set back a minimum of two feet from property lines and applicable street setbacks are observed;

(c) The floor elevation is 18 inches or less in height;

(d) The structure is less than 12 feet in height; and

(e) Roof drainage is contained on site.

(7) Greenhouses. A greenhouse or hothouse may be allowed as an accessory structure to a dwelling; provided, there are no sales.

(8) Swimming Pools. Swimming pools (including those classified as Water Recreation Facilities and regulated by the Yakima Health District under WAC 246-260 and 262) are permitted as an accessory use to: dwellings, hotel/motels, overnight lodging facilities, boarding houses, retirement homes, and other residential uses, schools, and recreational facilities when all of the following provisions are met:

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(a) Setbacks.

(i) Front Yard. The swimming pool apron and pump house meet the required front yard setback.

(ii) Side and Rear Yard. The swimming pool and pump house are set back at least three feet from the property line. The swimming pool apron may extend up to the property line.

(iii) From an Easement. The swimming pool, apron, and pump house may extend up to, but shall not encroach upon, an easement.

(b) Fencing. The area around the pool must meet fencing requirements in YCC Title 13.

(c) Water Recreation Facilities. Public swimming pools (including private clubs) are also regulated as a water recreation facility by the Yakima Health District. All water recreation facilities shall:

(i) Comply with the rules and regulations under Chapter 246-260 WAC and/or Chapter 246-262 WAC, as now exist or are hereafter amended; and

(ii) Be approved and permitted by the Yakima Health District.

(9) Yard or Garage Sales. Yard or garage sales shall be permitted as an accessory use to a dwelling provided all of the following provisions are met:

(a) Only two yard or garage sales per dwelling unit, per year shall be allowed;

(b) Each yard or garage sale shall not exceed three days in duration.

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

19.18.030 Adult Entertainment Facilities.

(1) Scope of Restrictions. All adult entertainment facilities and uses listed in Subsection (2)(b) and (c) of this Section shall comply with the requirements of this Section. The purpose and intent of requiring standards for adult entertainment facilities and listed uses is to mitigate the adverse secondary effects caused by such facilities and to maintain compatibility with other land uses and services permitted within the County. The standards established in this Section shall not be construed to restrict or prohibit the following activities or products: (i) plays, operas, musicals, or other dramatic works that are not obscene; (ii) classes, seminars, or lectures which are held for a serious scientific or educational purpose that are not obscene; and (iii) exhibitions, performances, expressions, or dances that are not obscene.

(2) Separation Requirements. Adult entertainment facilities shall be permitted as indicated in the applicable zoning district land use table only if the following separation requirements are met:

(a) No adult entertainment facility shall be located closer than 800 feet to any residential zoning district including, but not limited to, the R-1, R-2, R-3, SR, RT, Rural-10/5 and RS zoning districts designated in this Title. This separation requirement applies whether such residential zoning district is located within or outside the city limits of any adjacent city or zoning jurisdiction.

(b) No adult entertainment facility shall be located closer than 800 feet to any of the following uses or community entranceways, and no use listed in this Subsection shall be located closer than 800 feet to any adult entertainment facility, whether or not such use or entranceway is located within or outside the city limits of any adjacent city:

(i) Any public park;

(ii) Any public library;

(iii) Any public or private nursery school or preschool;
(iv) Any public or private primary or secondary school;

(v) Any licensed day care;

(vi) Any community youth center;

(vii) Any church or other house of worship;

(viii) Any multifamily residential use in the B-1, B-2, SCC, LCC, or GC zoning districts;

(ix) Any other adult entertainment facility;

(x) Any establishment selling alcoholic beverages for consumption on premises.

(xi) Any entranceway to the community, including rights-of-way of State highways (SR 12, SR 22, SR 24, SR 223, SR 241, SR 97, SR 821, SR 823, I-82), and the intersection of two streets nearest any entranceway or gateway to the community identified in any adopted neighborhood plan, whether such entranceway is located within or outside the city limits of any adjacent city or zoning jurisdiction.

(c) No adult entertainment facility shall be located closer than 400 feet to any legally established, nonconforming dwelling, whether such dwelling is located within or outside the corporate boundaries of any adjacent city or town.

(3) Measurement.

(a) The 800 foot buffer required by this Section shall be measured by extending a straight line from the nearest point on the property line of the lot containing the proposed adult entertainment facility to the nearest point on the boundary lines of the zoning districts, parcels containing uses, and the right-of-way of entranceways listed in Subsection (2) of this Section.

(b) The 400 foot buffer required by Subsection (2)(c) of this Section shall be measured by extending a straight line from the nearest point on the edge of the improved area of the adult entertainment facility use, such as a parking area or structure other than a sign, to the nearest part of a structure containing a single-family dwelling.

(4) Variance. The separation requirements of Subsection (2) of this Section may only be reduced through the provisions of Chapter 19.35.

(5) Signage. Signage of adult entertainment facilities shall comply with Chapter 19.20, with the following specific conditions: Each adult business use shall be allowed one on-premises sign, in addition to the entrance sign required by YCC Subsection 5.06.200(10), if applicable, which shall be limited to displaying the name of the establishment, the street address, the days and hours of operation, restrictions on the age of persons that may be admitted to the building and the non-specific identification of the nature of the stock-in-trade or entertainment offered therein (e.g., “adult entertainment,” “adult films”). Nowhere on the signage or on the building visible to outside passersby shall appear any verbiage, insignias, pictures, drawings or other descriptions suggestive of sexual acts or actions, or which represent the sexually oriented material and/or performances of the adult entertainment use.

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


(1) Personal Use. Private landing strips and heliports used for personal or restricted use may be permitted upon approval in accordance with Table 19.14-1 only in the AG, FW, Rural-10/5, R/ELDP-40, RT and Commercial and Industrial zoning districts.

(2) Public Use. Private landing strips and heliports used for public use may be permitted upon approval in accordance with Table 19.14-1 only in the AG, FW, Rural-10/5, and R/ELDP-40 zoning districts.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

19.18.050 Agriculturally Related Industry Lots.
Agriculturally related industry lots may only be created or expanded within the Agriculture zoning district and may only be enlarged by the terms of this section. These lots must meet the following requirements:

(1) Generally. The lot containing the agriculturally related industry may be approvable under Chapter 19.34, provided the proposal is also consistent with this section and other applicable standards of this Title.

(2) Covenant Limiting Uses to Ag Related Industry. A covenant or plat note must be recorded as a condition of final approval stating that the use of the agriculturally related industry lot is limited to agriculturally related industry uses.

(3) Minimum Lot Size. The minimum lot size is one acre and the maximum lot size shall be drawn to encompass only the area required for existing or proposed facilities with actively approved building permits as evidenced by the building plans, or by a site plan for the agriculturally related industry use(s) of the lot, approved in conjunction with a land use or subdivision application.

(4) Enlargement. Any enlargement of the agriculturally related industry lot shall be designed so as not to interfere with, and to support the continuation of, the overall agricultural use of the surrounding area.

(5) Residential Uses. The balance of the agriculturally related industry lot may not be divided for residential purposes while in the Agriculture zoning district. The agriculturally related industry lot shall not be converted into a residential lot while zoned Agriculture. A plat note stating such will be required on the final plat if the subdivision process is utilized. When an agriculturally related industry lot is created by the boundary line adjustment process, a covenant stating such will be required.

(6) Existing Residences or New Caretaker Dwellings. Existing residence or new caretaker dwellings may be located on a new agriculturally related industry lot but may not be segregated by boundary line adjustment or division from the agricultural industrial use as long as the lot is zoned Agriculture.

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

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

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

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

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

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

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

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

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

(4) Agricultural Tourist Operation – Retail.

(a) Ancillary Entertainment/Special Events. Indoor event facilities shall be no larger than 1,500 square feet.
(b) Food Service. The sale of food that is incidental or accessory to a permitted use or value-added food items produced from agricultural products grown on the applicant’s farm may be provided. Food service may
include sales of ancillary prepackaged foods or beverages that are not prepared on the premises for on-site consumption. Food service in the Retail ATO is subject to Yakima Health District licensing requirements and no permanent commercial kitchen is permitted. Food service shall only be served by licensed food vendors and shall be restricted to the events.

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

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

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

(b) Food Service. Food service in the Retail ATO is subject to Yakima Health District licensing requirements and no permanent commercial kitchen is permitted. Food service shall only be served by licensed food vendors and shall be restricted to the events.

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

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

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

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

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

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

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

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

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

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

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

(iii) The facilities and permanent parking shall be located and designed so they will not interfere with agricultural operations on the site of the proposed use or on nearby properties.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(4) Fencing. Fencing adequate to contain the animals shall be provided and maintained.

(5) Maximum Number of Animals.

(a) The maximum number of animals that may be kept on the site at any time of the year in the Urban Growth Areas, RT and RS districts shall be the number of animals as follows:

(i) Large domestic farm animals, such as cows, horses, mules, donkeys, llamas, camels, and buffalo must maintain a standard of not more than one animal per each acre;

(ii) Small domestic farm animals, such as alpacas, sheep, miniature horses and goats – not more than three per acre. Goats, including pygmy, dwarf and miniature goats may be kept as small animals, provided male goats are neutered;

(iii) Swine on a parcel at least five acres in size: one barrow (over four months of age) is allowed per each acre, or, not more than two breeding animals per each five acres, except in the Urban Growth Areas where swine are not permitted, other than one potbellied pig;

(iv) Not more than 20 domestic poultry are allowed per acre; roosters and peafowl are not permitted;

(v) Not more than 25 fur-bearing animals allowed per acre; or

(vi) Nursing domestic animal offspring may be kept until weaned without violating the limitations of this Section.

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

19.18.110 Bed and Breakfast Inns (B&B).

Bed and breakfast inns, as defined in Section 19.01.070, shall be subject to the following requirements:

(1) Located within Residence. Bed and breakfast inns may only be permitted within the zoning districts when established within an existing single-family residence.

(2) Outside Appearance. Bed and breakfast inns shall be operated so as not to give the appearance of being a business. The inn shall not infringe upon the rights of neighboring residents to have peaceful occupancy of their homes. Minimal outward modifications of the structure or grounds may be made only if such changes are compatible with the character of the area or the neighborhood.

(3) Owner/Manager Occupied. Bed and breakfast inns may be occupied and operated by the owner or by a hired manager. No additional dwelling shall be placed on the same lot as the bed and breakfast inn.

(4) Meals. Meals shall only be served to guests taking lodging in the inn. Restaurants may be allowed where specified by the zoning district.

(5) Number of Guest Rooms. The number of guest rooms shall not exceed five or the number specified in the Allowable Land Use Table 19.14-1 in Chapter 19.14, whichever is less.

(6) Parking. One off-street parking space per guest room shall be provided. The front yard area shall not be used for off-street parking for bed and breakfast guests unless the parking area is screened and found to be compatible with the neighborhood.

(7) Signs. One non-illuminated or externally illuminated sign not to exceed the maximum size allowed within the zoning district in which located and bearing only the name of the inn and/or the operator shall be permitted.

(8) Special Events. The Reviewing Official may authorize use of the bed and breakfast inn for special events such as receptions and group meetings based upon:

(a) The maximum capacity of the indoor meeting facilities within the inn as established in YCC Title 13;
(b) Access and availability of adequate off-street parking facilities;

(c) Public health considerations;

(d) Compatibility with the surrounding neighborhood; and

(e) In residential zones (RS, RT, R-1, R-2, R-3), the number of such events shall not exceed 12 per year. The Reviewing Official may consider additional events subject to the approval of an administrative adjustment under Section 19.35.020.

(9) Retail Sales. Sales of items promoting the inn may be allowed as an accessory use. Other commercial uses, such as gift stores, art galleries or the like, may be allowed under separate application only.

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

19.18.120 Building and Trade Contractors.

Building and trade contractors abutting areas outside of a commercial or industrial zoning district shall store all materials indoors; provided the Reviewing Official may consider limited outdoor storage of materials and vehicles when adequately screened or otherwise isolated from neighboring properties. The type of contractor, supplies, equipment and the number of employees will affect compatibility. Heavy equipment contractors are listed as a separate use in the applicable zoning district land use table.

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

19.18.130 Campgrounds and Recreational Vehicle Parks.

(1) Legislative Intent. This Section is intended:

(a) To implement various goals and policies of Yakima County’s adopted Comprehensive Plan(s) and Regional Shoreline Master Program, including land use, community facilities and services, environment, economic development, and housing, relative to unincorporated areas of Yakima County, under authority of RCW 36.70A and responsibility to adopt official land use controls under RCW 36.70.640 and shorelines regulations under Chapter 90.58 RCW.

(b) To ensure the public health, safety and welfare of campgrounds and recreational vehicle parks within Yakima County land use jurisdiction, through the application of the health regulations adopted under authority and responsibility granted the Yakima Health District under RCW 70.05.070.

(c) To ensure the public health, safety and welfare of campgrounds and recreational vehicle parks within Yakima County land use jurisdiction, through applying the Building and Fire Safety regulations adopted under authority and responsibility granted to the Building Official and the Yakima County Fire Marshal under YCC Title 13 under RCW Chapter 19.27.

(d) To provide, under authority in RCW 58.17.035 and 58.17.040(5), for a Binding Site Plan method of land subdivision in unincorporated Yakima County for purposes of lease of commercial property where camping units are permitted to be placed upon the land.

(e) To provide for the creation of new and expansion or modification of existing campgrounds and recreational vehicle parks in unincorporated areas of Yakima County that meet the needs and protect the interests of users and adjacent landowners.

(f) To assure the compatibility of recreational vehicle parks and campgrounds in the unincorporated areas of Yakima County with adjacent and nearby land uses by establishing development standards, while providing for flexible designs.

(2) Applicability.

(a) Any person who proposes to establish, construct, alter, expand or modify a campground or recreational vehicle park in unincorporated Yakima County shall comply with the requirements of this Chapter.
(b) For any proposal to expand a pre-existing campground or recreational vehicle park within Yakima County land use jurisdiction, only the new or expanded portion of the development shall be required to meet the standards and requirements of this chapter, unless there is a public health or public safety issue involved in the existing development; in which case upgrades of existing park or campground development may be required as part of the preliminary site plan review process.

(c) Any person who proposes to continue operation of an existing campground or recreational vehicle park anywhere in Yakima County shall obtain an annual operating permit from the Building and Fire Safety Division under YCC Title 13. No land area may be created, sold or leased for overnight occupancy of two or more camping units in unincorporated Yakima County, except in conformance with this Section.

(3) Exceptions. The following do not require separate approval under this Section; provided that such uses otherwise comply with Yakima County Code:

(a) Day use areas, with appropriate sanitary facilities are provided as required by the Yakima Health District.

(b) Recreational vehicle parking normally accessory to a residence or approved location.

(c) Recreational vehicle storage areas permitted as an accessory use to an approved principal use provided the area set aside for this purpose is subject to land use and environmental requirements attendant to the underlying land use decision.

(d) A single recreational vehicle approved for occupancy for the care of a terminally ill person under Section 19.18.480 as it now exists or is amended.

(e) A single recreational vehicle located on a lot under the same ownership as the recreational vehicle, for not more than 30 days for temporary use under Section 19.18.480.

(f) Multiple camping or recreational vehicles may be located on a lot for temporary accommodation accessory to an approved recreational use (such as a livestock event facility, off-road recreational vehicle facility, or similar use). See Section 19.18.135.

(g) Campgrounds and recreational vehicle parks associated with and integral to an approved Master Planned Resort are subject to the standards of this section unless equivalent or better standards are proposed in the Resort Development Plan of the Master Planned Resort.

(4) Health Standards Applicable Countywide. All recreational vehicle parks and campgrounds shall comply with all health standards for campgrounds and RV parks as required by the Yakima Health District, WAC 246-290 or WAC 246-291 or as amended, and as administered by the Yakima County Building Official under YCC Title 13. All proposed water supply and sewage disposal sites must be depicted on the final site plan.

(a) Solid Waste. No person shall dispose of or discard sewage, gray water, or other waste materials onto the ground. All storage, collection, and disposal of solid waste in the campground or recreational vehicle park shall be in conformance with the minimum functional standards set forth by the Washington State Department of Ecology and administered by the Yakima Health District.

(i) Approved solid waste containers shall be placed within 200 feet of each camping space;

(ii) Solid waste collection areas having more than one container shall require screening with a sight-obscuring fence or Standard C sitescreening as provided in Chapters 19.21; and

(iii) All solid waste containers shall have covers that prevent access by birds and other animals and minimize the creation of nuisances from odors and fugitive materials.

(5) Minimum Land Use and Site Design Standards. Each campground or recreational vehicle park shall meet Chapter 19.10 and the following standards:
(a) Size. The minimum area for a recreational vehicle park shall be two acres. The minimum area for a campground shall be one acre.

(b) Camping Space Standards. Standards for camping unit spaces within recreational vehicle parks and campgrounds shall be as follows:

(i) Width. The minimum space width shall be 20 feet.

(ii) Use.

(A) No more than three camping units shall occupy any individual space in a campground.

(B) Only one recreational vehicle shall occupy an individual space at any time, though a camping space may be occupied by one recreational vehicle and one or two tents.

(C) No decks, porches, outdoor storage, or other exterior additions shall be attached to a recreational vehicle or constructed or erected on a camping space; provided, however, that an awning designed as part of and permanently attached to a recreational vehicle shall be allowed.

(D) Wheels and tires shall not be removed from any recreational vehicle, nor shall skirting be allowed.

(iii) Nothing in this Subsection shall conflict with YCC Title 13 accessibility requirements, where applicable, for access to an individual recreational vehicle.

(c) Grading and Surfacing. All camping spaces shall be designed to provide drainage to a stormwater treatment area. Cinder, gravel, or comparable non-dust-creating, semi-permeable, all weather surfaces of a size approved by the Reviewing Official shall be provided for all recreational vehicle pad areas.

(i) Fences and Walls. No fence or wall shall be erected between camping unit spaces, except a retaining wall or a guardrail meeting YCC Title 13 requirements may be installed for safety purposes;

(ii) Space Identification Numbers. Camping space numbers at least four inches in height shall identify each space and shall remain readily identifiable while in use;

(iii) Design. Each camping space shall be designed and constructed at such elevation, distance, and angle regarding its access to provide for safe and efficient placement and removal of camping units; and

(iv) Setbacks. The setback for camping spaces from any public road or private road right-of-way exterior to the campground or recreational vehicle park shall be 25 feet from the edge of the right-of-way or road easement, or 60 feet from the road centerline, whichever is greater. Natural and landscape vegetation shall be retained and maintained along exterior property lines and within exterior setback areas of the campground or recreational vehicle park to the maximum extent possible. Other setback standards are as listed in Table 19.18.130-1 below.

<table>
<thead>
<tr>
<th>Table 19.18.130-1. Minimum Setback Standards</th>
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<tbody>
<tr>
<td>Setback (feet)</td>
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<tr>
<td>Camping site boundary to exterior side or rear property line</td>
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<tr>
<td>Distance between camping unit or awning to camping unit or awning on an adjacent space</td>
</tr>
<tr>
<td>Distance for camping unit from travel surface of interior roads</td>
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<tr>
<td>Cabin or tent cabin setback from interior roads</td>
</tr>
<tr>
<td>Distance between fire pit and exterior property line</td>
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</table>
No camping unit shall be placed or parked within a required setback area. Uses in setback areas shall be restricted to underground utility lines, exterior boundary fences, or security posts, and landscape vegetation; provided, a towed passenger vehicle, other than a recreational vehicle, may be parked within an internal front yard setback area required for an individual camping unit space. Fences, utility lines, or landscape vegetation located within a setback area, if permitted, shall not interfere with access and driving sight distances.

(d) Exterior Fencing or Buffering. A campground and/or RV Park which abuts a residence either to the side or rear exterior boundary shall comply with the sitescreening standards of Chapter 19.21. Fences shall be no less than six feet in height, and shall be sight obscuring (Standard C) as provided in Chapter 19.21 and shall conform to YCC Title 13. Any such fence shall be installed prior to operation of the campground or recreational vehicle park. Any fence shall be neutral in color and blend with the surrounding area. The fencing requirement may be waived if the campground or recreational vehicle park owner is also the owner of the contiguous residence.

(e) Roads. The road system, both within and adjacent to the proposed campground or recreational vehicle park, shall be designed to meet the requirements of the County Fire Marshal and the County Engineer.

(f) Drainage. Drainage facilities shall be designed by a registered engineer to provide no measurable increase in the rate of stormwater runoff into the receiving drainage for a 25 year storm event, consistent with YCC Chapter 12.10.

(g) Parking. A campground or recreational vehicle park shall meet the following parking standards:

(i) There shall be no on-street parking.

(ii) There shall be no parking permitted within required exterior front, side or rear yard setbacks.

(iii) A campground or recreational vehicle park and its associated buildings, structures, and uses shall provide off-street parking for passenger vehicles and recreational vehicles under Chapter 19.22. In addition to the parking spaces required, one or more disabled parking spaces shall be provided in locations convenient to origins and destinations. Guest parking spaces shall be provided at a ratio of one parking space per eight camping spaces. Any towed passenger vehicle shall be parked within the boundary of the camping space, or when a recreational vehicle fully occupies the camping space such passenger vehicle shall be parked in a guest parking space. Guest parking spaces shall be grouped and distributed evenly throughout the campground or recreational vehicle park.

(h) Density.

(i) For campgrounds without sanitary sewer service, the maximum density of a campground or recreational vehicle park shall be based on consideration of the capacity of the soils to handle on-site sewage disposal as determined by the Yakima Health District, consistent with applicable requirements of Chapter 246-272A WAC; provided, however, that such density must be found to be compatible with surrounding land uses and consistent with the County’s Comprehensive Plan.

(ii) Campgrounds served with on-site sewage disposal shall have a maximum density of six units per gross acre unless a higher density, not to exceed ten units per gross acre, is approved by the Yakima Health District.

(iii) For recreational vehicle parks or campgrounds with an approved sanitary sewer connection to each camping space, the density shall not exceed 20 camping spaces per gross acre; provided such density is consistent with site development standards of this Title and other applicable regulations and meets environmental policies of the County.

(i) Electrical and Other Utility Connections. Electrical hookups may be provided to each camping space in a developed campground or recreational vehicle park. If provided, the minimum amperage shall be specified by
the Washington Department of Labor and Industries (L&I). Other services, such as television and telephone cable service, may be permitted. All electrical and other connections shall be:

(i) In compliance with applicable local and state codes; and

(ii) In close proximity to the user.

(j) Lighting. All security or safety lighting shall be designed as provided in Section 19.10.040 so as to limit illumination to the campground or recreational vehicle park, without interfering with the motoring public on adjacent roads.

(k) Fire Protection. Fire safety precautions for campgrounds and recreational vehicle parks shall be provided as required by the International Fire Code (IFC) and International Wildland Urban Interface Code (IWUIC), and YCC Title 13.

(l) Caretaker’s Residence. One caretaker’s residence and/or office facility for the owner or operator of the campground or recreational vehicle park may be allowed. A manufactured home can be utilized as the caretaker’s residence, however no other manufactured homes shall be occupied, stored, or parked in a campground or recreational vehicle park. No manufactured home unit shall be used for commercial use, assembly of people, or accessory use within a campground or recreational vehicle park.

(m) Accessory Uses. Laundry, assembly, or commercial accessory or service uses may be allowed in a developed campground or recreational vehicle park provided, each structure meets building code standards. The appropriateness of all proposed accessory uses and their compatibility with adjacent land uses will be considered as part of the site plan review. Such accessory uses are restricted in their use to occupants of the campground or recreational vehicle park. Each accessory use or structure shall be accessible by improved pedestrian path convenient to occupants of the park or campground. Any manufactured coach used for laundry, assembly or commercial use shall be a commercial coach.

(n) Water Recreation Facilities. All water recreation facilities shall:

(i) Comply with the rules and regulations under Chapter 246-260 WAC and/or Chapter 246-262 WAC, as now exists or are amended;

(ii) Be approved and permitted by the Yakima Health District; and

(iii) Meet the pool barrier requirements of YCC Title 13.

(o) Exterior Boundary Survey. Exterior boundaries and all road centerlines shall be surveyed and monumented by a surveyor licensed in the State of Washington.

(p) Open Space and Recreation. A minimum 15% of the total site area within the campground or recreational vehicle park shall be set aside as community open space as defined in Section 19.01.070. The minimum area may be reduced to ten percent of the total site area where the campground is developed in conjunction with a master planned resort.

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

19.18.135 Camping Accessory to Approved Recreational Uses.
Multiple camping or recreational vehicles may be located on a lot for temporary accommodation accessory to an approved recreational use (such as a livestock event facility, off-road recreational vehicle facility, or similar use), provided:

(1) Usage Area. The area for such use is shown on the site plan submitted with the primary application and approved in the underlying land use;

(2) Parking. Sufficient parking area is provided both for the accommodation use and the primary land use;
(3) Land Use Rules. The area set aside for this purpose is subject to land-use and environmental requirements attendant to the underlying land-use decision;

(4) Residential Buffer. Locations designated for recreational vehicles are separated from the nearest existing dwelling on any adjacent lot by a minimum distance of 300 feet, or by other equivalent mitigation, in order to mitigate noise created by generators used for electric power;

(5) Temporary. It is temporary and directly related to a specific event held at that facility;

(6) Access. Access is appropriate, internal pedestrian and vehicular circulation is safe, and physical access to the site is determined to be acceptable by the Reviewing Official;

(7) Stormwater. Stormwater is addressed on the site plan as per YCC Chapter 12.10 and appropriate provisions are made;

(8) Density. The number of units does not exceed that permitted with the underlying land use decision;

(9) Self-contained. The camping unit or recreational vehicle is self-contained (no hook-ups);

(10) Duration of Occupancy. Limited to no more than four consecutive nights and no more than 30 nights in any 12 month period;

(11) Unattended RVs. The RVs are not left unattended beyond the specific event associated with the recreational use; and

(12) Operating Permits. Annual operating licenses or permits as required by the Yakima County Fire Marshal, the Building Official and/or the Yakima Health District are secured as provided in YCC 19.34.081.

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

19.18.140 Cemetery Plots.

Cemetery and cemetery plots are subject to development standards in this Title and must meet state standards and other requirements in this Title, including a minimum setback for any cemetery plot from the centerline of rights-of-way as set forth in Chapters 19.11, 19.12 and 19.13. Other applicable setback State laws may apply.

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

19.18.150 Community Open Space Requirements.

The following provisions shall apply whenever community open space is proposed by the developer, or when required by a Reviewing Official under Type 2 or 3 Review, as a condition of approval, or when qualifying for a smaller minimum lot area when within the SR, R-1, R-2, R-3 or RS zoning districts.

(1) Uses. The community open space may be used for recreation, shoreline access, landscaping, visual noise or land use buffer, drainage control, trails or pathways, shallow retention ponds, low-impact development purposes, or other uses approved by the Reviewing Official during project review. Uses authorized for the community open space shall be appropriate with the use, size and density of the proposed development and the natural features of the site.

(2) Improvements. Community open space shall be improved for its intended use, but community open space containing critical areas or other natural features may be left unimproved. All structures and improvements permitted in the community open space must be appropriate with the authorized use and natural features of the community open space. Community open space may be used only for those uses specified in the approved final site plan.

(3) Shared Outdoor Recreation Areas for Multifamily Residential Uses.

(a) Any provided outdoor recreation space shall be usable for the shared or common use of all residents.
Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

(b) The required recreation space may include a combination of both outdoor and indoor public, common and private space.

(c) Design of managed public and common outdoor recreation spaces and pedestrian accessways should provide for easy surveillance from multiple units in order to contribute to greater public safety.

(d) All public and common outdoor recreation spaces shall equal one acre of recreation area for every 100 dwelling units, prorated for the number of dwellings proposed, exclusive of the 200 square feet per dwelling of outdoor living area required by Subsection 19.12.020(2)(e)(ii). This can be achieved through smaller multiple recreational areas if the cumulative percentage equals the required minimum amount.

(e) The boundaries of public areas, such as streets or public gathering places, semi-public areas, such as transition areas between streets and dwelling units and private outdoor areas shall be clearly defined so a person can readily determine where the public space ends and the private space begins, such as by using one or more of the following:

   (i) A deck, patio, low wall, fence or other suitable structures;

   (ii) Landscaping, such as a hedge or draping vine on a trellis or arbor;

   (iii) A change in the texture of the path material;

   (iv) Signs; or

   (v) Substantial natural features, such as a drainageway or tree grove.

(4) Location. The location, shape, size and character of the open space shall be suitable for the type of project. Generally, community open space shall be located:

   (a) Next to other open space areas;

   (b) To buffer the proposed development from neighboring developments; and

   (c) To provide access to recreation facilities or link recreational facilities with sidewalks or paths.

(5) Retention and Maintenance. The final site plan shall include a provision, approved by the Reviewing Official, assuring the permanent retention and maintenance of the community open space. Such assurance may be in the form of restrictive covenants, dedication of open space to the public where such dedication will be accepted by the legislative body, a homeowner’s association, or any other method approved by the Reviewing Official. All legal documents to carry out this requirement shall be approved by the jurisdictional legal authority. The document shall identify a responsible individual or entity, such as a homeowners’ association, for maintenance and upkeep of the dedicated community open space. The document shall contain a provision vesting the County with the right to enforce the permanent retention and maintenance of the community open space and providing that, if community open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan, and program, the County may at its option cause necessary maintenance to be performed and assess the costs to the owners of the property within the project. A document shall also provide for the collection of such costs by lien and/or direct civil action.

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

19.18.170Reserved.
(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.18.180 Drive-Through Facilities.
(1) Review Required. Review under this Section is required in recognition of the potential impacts of drive-through uses on adjoining residential uses and transportation systems. Any commercial use having a drive-through service window or booth is subject to the additional elements of review required in Subsection (2) of this Section for impacts on adjoining residential uses and the transportation system.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
19.18.210  Farm Labor Housing and Farm Dwellings.
Farm labor housing consists of temporary worker housing, farm labor dwellings and shelters, and accessory farm
dwellings. They are regulated as follows:

(1) State-Licensed Temporary Worker Housing. Temporary Worker Housing, defined in RCW 70.114A.020.
This type of farm labor housing is developed to comply with the temporary worker housing requirements of RCW
70.114A and is subject to siting and licensing issued by the Washington Department of Health for on-site temporary
worker housing. This also includes cherry harvest temporary labor camps regulated under Chapter 70.114A RCW.

(2) Second Farm Dwellings and Farm Labor Shelters and Centers. Farm dwelling(s) for farm employees,
laborers, and their families, not for temporary seasonal housing subject to RCW Chapter 70.114A are subject to the
following:

   (a) Occupants. The dwelling units are used exclusively to house persons employed or otherwise actively
       participating in the farm and their family members.

   (b) Regulatory Compliance Required. The facilities shall conform to zoning, building and health
       regulations.

   (c) Access, Water Supply and Sewage Disposal. The location for the units will be reviewed to evaluate
       access, public safety considerations, and provisions for potable water and sewage disposal, with preference
       given to community systems.

   (d) Siting. The units shall be sited with consideration to minimizing negative effects on agricultural
       productivity of the site and adjoining farm operations, and minimizing effects on residences on neighboring
       properties.

   (e) Covenant Required. A covenant shall be recorded in a form acceptable to the County, stipulating the
       second farm dwelling or farm labor shelters/center are exclusively for use by farm employees, laborers and
       their family members.

   (f) Second Farm Dwelling. A second farm dwelling for a farm employee and family members, in addition to
       the primary single-family residence, shall be located on a lot at least 20 acres in size or one-half quarter-quarter
       section, including public right-of-way, that is primarily in active agricultural use.

   (g) Farm Labor Shelters and Centers.
       (i) Ownership. Farm Labor Shelters and Centers shall be owned and maintained by the owner or
           operator of an agricultural operation which evidences the need for farm laborers; or by an established
           non-profit organization, housing authority, growers co-op, or other corporate entity with a binding
           commitment to long-term maintenance and operation of the shelters/center; and

       (ii) Annual Inspection. Farm Labor Shelter and Center facilities are subject to an annual inspection for
           compliance with this Section.

(3) Farm Labor Complexes. Farm labor complexes unrelated to the adjoining farming operations may be allowed
as conditional uses in agricultural resource areas. These developments may provide either temporary or permanent
housing, and may include farm labor camps, shelters, recreational vehicle parks, and facilities needed to serve the
residents, including child care, recreation, etc. These facilities must meet or exceed all County design and
development standards. Concerns of neighboring property owners and proposed management structures shall be
given substantial weight in determining whether such complexes are appropriate.

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

19.18.220  Reserved.
(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).
19.18.230 Historic Landmark.
(1) Historic Landmark Allowable Use Permits as defined in Section 19.01.070 are authorized by the Comprehensive Plan and this Title to ensure increased protection and provide for a variety of allowable uses for historic landmarks that will encourage rehabilitation and continued preservation of the unique qualities of these nonrenewable resources.

(a) Permits. The County may authorize a Historic Landmark Allowable Use Permit where it has been determined that a more intensive use, not listed in the zoning district under permitted, administrative or conditional use, will encourage and facilitate the rehabilitation and preservation of the historic landmark.

(b) Qualified Uses. To qualify as a historic landmark and be eligible for this permit, the property shall be:

(i) Eligible for placement or on the National Register of Historic Places; or

(ii) Recognized as being of historic significance by the Washington State Department of Archeology and Historical Preservation (DAHP); or,

(iii) Have local historic significance within Yakima County as documented by a qualified historian or the DAHP.

(c) Additional Requirements for Applications. Type 2 or 3 applications shall be accompanied by:

(i) A statement of the landmark’s historic significance.

(ii) A description of the physical appearance and condition of the landmark.

(iii) A statement of need.

(iv) Plans and specifications drawn to scale, showing the actual shape and dimensions of the lot to be used.

(v) The sizes, shapes, dimensions and locations on the lot of all existing and any known previous structures.

(vi) The historic, present, and intended use of each structure.

(vii) The existing landscape and landscape features.

(viii) The relationship of the property to the surrounding area.

(ix) Black and white, 8 x 10 inch photographs of the exterior of the building, locations of required exterior alterations, and an explanation describing where the work is to be performed.

(x) Proposed interior alterations required for the allowable use shall be shown on floor plans and specifications drawn to scale, showing the shape, size and dimensions of all interior spaces.

(xi) Black and white 8 x 10 inch photographs of the interior architectural features, which shall show significant architectural features; a general feeling of the spaces; locations of required interior alterations with an explanation describing where the work is to be performed, and such other information as is needed to determine conformance with the comprehensive plan and this ordinance.

(d) Criteria for Approval. To approve a Historic Landmark Allowable Use Permit, the County must find all of the following:

(i) That the permit would be in conformance with the Comprehensive Plan.

(ii) That the existing zoning district’s permitted uses do not allow the proposed use.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(A) 30% of the floor area of the home and garage in Urban Growth Areas and RT and RS zones; or

(B) 30% of the floor area of the home, garage and accessory structure outside of Urban Growth Areas and RT and RS zones. The outward appearance and scale of any accessory structure shall be secondary and subordinate to the primary use of the property and the purpose of the zoning district.

(d) Outdoor Storage Prohibited. There shall be no outside storage of materials, supplies, or display of goods or equipment of any kind related to the home business, except:

(i) One commercial vehicle as it pertains to a minor home business; or

(ii) Employee parking and one commercial vehicle as it pertains to a major home business.

(e) Location and Number of Parking Spaces. Any need for any customer parking created by the home business, and for any employees if a major home business, shall be provided in a location so as to preserve the property’s residential character, including on or off-street, or in a location other than the required front yard setback, as approved by the Reviewing Official; provided, that a home business shall not be approved if it generates a need for additional parking spaces, exclusive of those necessary to serve other land uses on site, for customers (and/or employees) in excess of:

(i) Two additional parking spaces for a minor home business; or

(ii) Two additional parking spaces for a major home business within Urban Growth Areas and RT and RS zones; or

(iii) Four additional parking spaces for a major home business outside of Urban Growth Areas and RT and RS zones.

(f) Exterior Appearance, Emissions and Character. There shall be no exterior evidence of the major or minor home business, other than a permitted sign and allowed vehicles for deliveries, employees (if a major home business), and customers, that would cause the premises to differ from its residential character: e.g., outward physical appearance, including commercial accessibility; lighting; the generation/emission of noise, fumes, or vibrations as determined by the Reviewing Official using normal senses and from any lot line; create visible or audible interference in radio or television reception or cause fluctuations in line voltage outside the home business. Photos of the home’s full exterior appearance shall be submitted with each home business application to document the home’s appearance prior to establishment of a home business.

(g) Water and Sewer Use. The home business shall not increase water or sewer use so the combined total use for the dwelling and home business is significantly more than the average for residences in the neighborhood.

(h) Restricted Hours for Deliveries. No deliveries or customers, by motor vehicle, shall occur between the hours of 8:00 p.m. and 7:00 a.m.

(i) Sign Area. Signage shall be limited to one nameplate of up to two square feet in the Urban Growth Area, RT, and RS zones, and up to eight square feet in other zones.

(j) Business Not Transferable to Future Property Owners. Approval of a home business shall benefit only the individuals making the application and shall not be transferable to future property owners. Further continuation of the home business shall be subject to new review upon property transfer.

(3) Minor Home Businesses Not Subject to Review. Minor home businesses that are limited to those of a home office character (typified by uses similar to an accountant, tax preparer, business administration) are not subject to Type 1 Review if they meet the standards listed in Subsection (2) above.

(4) Uses Not Permitted as Home Businesses. The following uses, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home businesses, interfere with or impair the use and value of adjoining properties, or violate the restriction of no exterior evidence (e.g.,
outward physical appearance; outside storage of materials, supplies or vehicles; generate noise, dust, fumes, odors, electrical interference, vibrations, excessive traffic, etc.). Therefore, the uses listed below shall not be permitted as home businesses:

(a) Adult entertainment facilities;
(b) Beauty salons and barber shops with more than one chair;
(c) Boarding or lodging houses;
(d) Churches;
(e) Construction contractors other than for home business administration under Subsection (3) above;
(f) Dry cleaning;
(g) Equipment rental businesses;
(h) Gift shops, craft stores, second hand stores, antique stores;
(i) Home businesses prohibited by covenants, conditions and restrictions (CC&Rs);
(j) Kennel, veterinary clinic; or hospital;
(k) Large item repair, including stoves, refrigerators, washers and dryers, etc.;
(l) Motor vehicle, trailer or boat maintenance, repair, detailing, painting, electronics installation and body shops;
(m) Overnight lodging facilities;
(n) Private clubs;
(o) Restaurants, taverns;
(p) Towing services;
(q) Trucking businesses or storage, except for the parking or storage of one commercial vehicle and trailer used solely by the owner/operator residing on the premises; provided that no refrigerator trucks shall be allowed;
(r) Uses using or storing highly explosive or combustible materials on the premises (not including ammunition associated with gunsmithing);
(s) Veterinary clinic; and
(t) Vehicle sign painting (except for airbrushing and applying decals).

(5) Uses Not Permitted as Home Businesses in Urban Growth Areas, RT, or RS Zones. In addition to the uses listed above, the following uses have characteristics that would impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses listed below shall not be permitted as home businesses within Urban Growth Areas or areas zoned Rural Transitional or Rural Settlement:

(a) Cabinet making, wood furniture repair and refinishing, woodworking or carpentry shops;
(b) Health salons, spas, gymnasiums, martial arts schools, dance studios, aerobic exercise studios;
(c) Machine and sheet metal shops;
(d) Taxidermist;
(e) Upholstering; and
(f) Firearms sales, except orders by mail, and/or gunsmiths.

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

19.18.250 Kennels.
(1) Legislative Intent. This Section provides such standards to allow the location of commercial and foster shelter kennels within Yakima County land use jurisdiction. These standards apply to all zones that allow commercial and foster shelter kennels.

(2) Applicability. This Section applies to commercial and foster shelter kennel facilities for more than six dogs. Kennels defined by YCC Subsection 8.36.020(12), including commercial and foster shelter kennels for more than six dogs, and hobby kennels for ten or fewer adult dogs, are subject to an additional kennel license required by Yakima County Sheriff – Animal Control. All kennels of whatever size shall be operated in compliance with Yakima County Code public nuisance and noise codes.

(3) Standards Applicable to Commercial and Foster Shelter Kennels.
   (a) The applicant/owner demonstrates compliance with all applicable dimensional standards of federal, state and local statutes (RCW 16.52.310, YCC Chapter 8.36) including public nuisance YCC Chapter 6.20 and noise codes (YCC Chapter 6.28).
   (b) The structures and outside runs or areas, when allowed, housing the animals shall be at least 200 feet from any dwelling (other than the dwelling of the owner) and more than fifty feet from any property line.
   (c) Outside runs or areas, where permitted, are enclosed by a solid fence or wall that will abate noise and area landscaped to a Standard C visual screen as set forth in Chapter 19.21.
   (d) In the B-2 and GC zones adjacent to residential uses and districts (RT, SR, R-1, R-2, R-3), animals are to be continuously within a soundproof building.
   (e) Indoor sleeping areas are to be provided for animals within a completely enclosed structure during the hours of 9:00 pm to 7:00 am.

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

19.18.260 Linear Transmission Facilities.
(1) Legislative Intent. This Chapter establishes standards and criteria for development and expansion of linear transmission facilities and accessory uses. The purpose is to achieve a predictable, but sensitive permitting process that effectively and efficiently addresses project impacts. Specifically, these standards and criteria are provided to:
   (a) Assure that each linear transmission facility project will be subjected to individualized review and the imposition of conditions will be based on site specific information;
   (b) Ensure uniform, coordinated development of linear transmission facility operations and to ensure the general health, welfare and safety of the residents that may be located within the impact areas of the operations developed under these standards.

(2) Applicability. Linear transmission facility operations are subject to the requirements of this Section in addition to the requirements of the zoning districts and other provisions of this Title.

(3) Application Requirements. In addition to the required application contents specified for Type 2 applications in Title 16B and Chapter 19.30, the applicant shall submit a supplement to the SEPA environmental checklist and other documents as follows:

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

(a) SEPA Checklist Requirements. The supplemental checklist shall (in addition to being consistent with the SEPA Checklist required under YCC Chapter 16.04) provide analysis of impacts to elements of the environment, as noted in the SEPA Checklist required by YCC Chapter 16.04 and WAC Chapter 197-11 and explain the mitigation proposed to minimize those impacts. Site specific studies, including but not limited to, impacts to habitat/wildlife (including avian impacts), a road impact assessment, cultural resource impacts, and a grading and stormwater management plan, complying with state best management practices stormwater quality standards, shall be attached to the supplemental checklist. All terrestrial habitat, critical area assessments, and cultural resource studies required shall be conducted within identified study corridors of sufficient width and dimension to enable comprehensive environmental assessment while allowing flexibility in the final layout.

(b) Site Plan Requirements. The supplemental checklist shall include sufficient information, including a preliminary site plan, to adequately describe the proposal and its impacts, including but not limited to, information on the total square footage of buildings to be constructed, probable sources/quantities of aggregate to be used in construction, the maximum height and number of transmission towers (etc.), expected noise generation levels, the length and width of new roads and the length of power lines, sources of water (for dust suppression, concrete batch plant, etc.) and transportation impacts. Survey corridor locations shall be described and included on the site plan.

(c) SEPA Checklist if EIS Has Been Prepared. Where the applicant is required to prepare an Environmental Impact Statement (EIS), the supplemental checklist may not be required, as this information may be provided as part of the EIS.

(d) EIS Documentation. If an EIS has been prepared under NEPA, the applicant shall document the sufficiency of that EIS’s compliance with the requirements of this Title and YCC Chapter 16.04. Nothing in this Section shall preclude the SEPA Responsible Official from requiring additional studies or supplemental documentation to describe or mitigate potentially significant adverse environmental impacts.

(e) Determination of Application Completeness. An application for review under this Chapter shall not be deemed complete until the identified reports are provided. Upon a clear showing by the applicant that a study is not applicable or is unnecessary, the Administrative Official/SEPA Responsible Official may waive specific application requirements. Such a determination shall be documented in writing in the project file.

(4) Review Process for Linear Transmission Facilities. The review process for linear transmission facilities shall be as listed in the Allowable Land Use Table 19.14-1 in Chapter 19.14 and as follows:

(a) Pre-application Conference Required. A pre-application conference as described in YCC Title 16B is required prior to applying for linear transmission facilities. Pre-application conferences for linear transmission facilities are required prior to the community meeting described in Subsection 19.18.260(4)(b) below. The submittal requirements for pre-application conferences shall include a site plan of the entire project, a written narrative describing the proposal, draft environmental checklist, other information as specified by the Administrative Official, and any additional information that the applicant wishes to provide.

(b) Community Meeting Required.

(i) Prior to application submittal for linear transmission facilities, the applicant shall conduct a community meeting to discuss the proposal to ensure that potential applicants pursue early and effective citizen participation in conjunction with their proposal, giving the project proponent the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood and ensure that the citizens and property owners of the area have an adequate opportunity to learn about the proposal that may affect them and to work with project proponents to resolve concerns at an early stage of the application process. The community meeting may be combined with other required public meetings. The community meeting shall meet the following requirements:

(A) Notice of the community meeting shall be provided by the applicant by first-class mail or postcard and shall include the date, time and location of the community meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.
(B) The notice shall be provided at a minimum to property owners of real property, as listed on the most current Yakima County Assessor’s records, located 660 feet from each side of the exterior limits of the Linear Transmission Facility, to interested or affected public agencies with jurisdiction, to affected Indian tribes, to cities and towns affected by the proposal, and to the Yakima County Planning Division.

(C) The notice for linear transmission facility proposals must be placed as a display ad in the Yakima Herald-Republic.

(D) The notice shall be postmarked ten to fourteen days prior to the community meeting.

(E) The community meeting shall be held within the geographic boundary of Yakima County.

(F) The community meeting shall be held anytime between the hours of 5:30 and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.

(G) The community meeting agenda shall cover the following items: 1. introduction of community meeting organizer (i.e., developer, property owner, etc.); 2. description of proposed project; 3. list of permits that are anticipated for the project; 4. description of how comments made at the community meeting are used; 5. provide meeting attendees with the County’s contact information; and 6. provide a sign-up sheet for attendees.

(ii) The applicant shall provide to the Planning Division a written summary of the community meeting prior to application submittal. The summary shall include:

(A) A copy of the mailed and published notice of the community meeting with a mailing list of property owners notified.

(B) Who attended the meeting (list of persons and their addresses).

(C) A summary of concerns, issues, and problems expressed during the meeting.

(D) A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.

(E) A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting.

(iii) The applicant shall post online and send electronically the summary of the community meeting to those who attended the community meeting, signed in and provided a legible email address and provide Yakima County with proof of the web posting and a list of email recipients. Attendees without email access may request the summary of the meeting by mail.

(c) Type 2 Review. Review of applications for linear transmission facilities shall be according to the procedures for Type 2 review as provided by Section 19.30.030 and YCC Section 16B.03.030 and:

(i) Following a pre-application conference and a community meeting the applicant may apply under this Chapter and this code.

(ii) Notice of the proposal shall be sent to all property owners located 660 feet from either side of the exterior limits of the Linear Transmission Facility.

(iii) Type 2 review of an application may be conducted with SEPA. The Administrative Official shall require necessary safeguards, conditions and SEPA mitigation to ensure the project complies with the Comprehensive Plan policy, this Title and other regulations.

(d) Micro-siting. Actual final locations of all applicable linear facilities shall be established during the micro-siting process, occurring after project permit approval and prior to or during actual construction. During
the micro-siting process (when the final, exact locations of the applicable facilities and other project elements and equipment are determined) the applicant shall provide information regarding several technical and engineering factors, including, as applicable:

(i) Limitations imposed by the terrain, feasibility of access, setbacks (internally established or based on permit requirements),

(ii) Geotechnical considerations (subsurface conditions),

(iii) Environmental restrictions (avoidance of sensitive habitat),

(iv) Inadvertent Discovery Plan, under Subsection 19.18.260(7)(i) below,

(v) On-site Health and Safety Plan and Spill Prevention/Emergency Cleanup Plan, under Subsection 19.18.260(7)(l) below,

(vi) Road Impact Assessment, under Subsection 19.18.260(7)(m) below,

(vii) Cultural/archaeological restrictions,

(viii) Telecommunications constraints (line of sight microwave paths),

(ix) FAA requirements, and

(x) Other site-specific studies as determined by the Administrative Official.

The Administrative Official shall review final project lay-out prior to construction activities occurring. If the linear transmission facility extends beyond the initial corridors approved in the preliminary approval, before completing review, the Administrative Official shall provide at least two weeks’ notice to parties who have requested notice regarding the project. The lay-out must be consistent with the permit conditions and all other applicable County requirements.

(e) Minor Revisions. The Administrative Official may approve minor revisions, as defined in Section 19.01.070, to the Type 2 decision text or project area. Minor revisions include adding property to a project which does not realign the corridor or increase the permitted project area by ten percent. A survey may be required to confirm the acreage. Any minor revision that involves expansion or realignment of the project area, which may impact wildlife/habitat values shall include WDFW consultation.

(f) Final Operational Layout Review Required.

(i) It is the affirmative duty of a project permit holder and the land owner to comply with any safeguards and conditions made a part of the terms under which approving a project permit was granted as authorized by this Title.

(ii) The Administrative Official shall review final linear facility operational layouts prior to issuance of building permits to ensure compliance with permit conditions. When the safeguards and conditions of the project permit have been met within the timeframe specified by the decision and any subsequent extension authorized by this Title, the Administrative Official shall issue a letter documenting operational layout review compliance.

(iii) No development permit may be issued without a final operational layout review issued by the Administrative Official, which may include by reference or otherwise, any terms and conditions of approval for the project with any approved final site plan. No linear transmission facility shall be entitled to a development permit until and unless the Administrative Official approves a final site plan. The final operational layout review is not a building or development permit and does not by itself authorize the construction or occupancy of any use or structure.

(5) Review Criteria.
(a) The Reviewing Official shall only approve applications for linear transmission facilities that meet all of the following criteria. Linear transmission facilities shall:

(i) Be designed to serve a broader community or regional area or to increase reliability or capacity to customers;

(ii) Accommodate the anticipated type and level of traffic for the construction and maintenance of the linear transmission facility project by ensuring state and local transportation systems and private access and service road(s) are adequate;

(iii) Be compatible with existing or planned land use patterns in the area;

(iv) Demonstrate the need for the location proposed to the satisfaction of the Administrative Official, including a full accounting of alternative locations and sites;

(v) Certify compliance with all Federal Energy Regulatory Commission (FERC) requirements and the National Electrical Safety Code (NESC) requirements;

(vi) Comply with the requirements of Subsection 19.18.260(7), Basic Standards of Operation; and

(vii) Incorporate measures identified through environmental review to mitigate impacts as follows:

(A) The applicant shall evaluate the physical, economic and aesthetic impacts of such facilities and measures, to mitigate these impacts provided and implemented;

(B) Incorporate project specific mitigation measures and conditions to mitigate adverse project impacts. The conditions and mitigation measures shall be based on site specific studies provided by the applicant and other relevant environmental review;

(C) Conditions shall be designed to address each element of the environment discussed in the supplement to the environmental checklist (or EIS), including but not limited to, surface/groundwater; plants; habitat/wildlife (including avian impacts); cultural resources; health and safety; and traffic/transportation.

(6) Lot size/Right of Way. Minimum lot size or right of way for establishing a linear transmission facility operation shall be sufficient to demonstrate the following:

(a) The linear transmission facilities shown on the site plan and allowed by this Chapter may be accommodated on the lot, or contiguous lots;

(b) The applicant shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the linear transmission facility;

(c) Sufficient right of way is acquired to accommodate the linear transmission facility to maintain minimum National Electrical Safety Code (NESC) and Federal Energy Regulatory Commission (FERC) clearances;

(d) Where practical and feasible, developers should use common/adjacent transmission easements and facilities.

(7) Basic Standards of Operation. All linear transmission facilities authorized by this Chapter must conform to the following standards:

(a) Site Plan. Linear transmission facility operations shall be conducted under an approved site plan as indicated in the application requirements in Subsection 19.18.260(3) above and conditions of permit approval. The site plan shall indicate the following:

(i) Existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
(ii) The location of proposed transmission towers, underground and overhead conductors (including the depth of underground conductors), access roads (including width), substations and accessory structures;

(iii) Excluded areas resulting from critical area buffers or other setbacks and other requirements of local, state or federal law that may impact the proposal;

(iv) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the County to accommodate construction vehicles, equipment or other deliveries, caused by construction of the linear transmission facility operation;

(v) Engineering and design information concerning construction of the facility and its foundation;

(vi) Anticipated construction schedule; and

(vii) Description of operations, including anticipated regular and unscheduled maintenance.

(b) Responsible Party. The owner and operator of the facilities shall be held responsible for compliance with this Title. The owner and operator of the facilities shall be required to maintain in the County’s file a designated agent residing within Washington State to receive notice in compliance matters and to address complaints.

(c) Water Quality. Linear transmission facility operations shall be operated in compliance with all local, state and federal water quality regulations.

(d) Air Quality. Linear transmission facility operations shall be operated in compliance with all local, state and federal air quality regulations.

(i) Re-vegetate any disturbed areas not permanently occupied by the project features;

(ii) Maintain a water truck on-site during construction for dust suppression;

(iii) Control, to the greatest extent practicable, the emission of gases or matter odorous at any point beyond the property line of the use emitting the odor shall be controlled to the greatest extent practicable, as may be usual and customary for the specific use or industry; and

(iv) Comply with the Washington State Department of Ecology or Yakima Regional Clean Air Agency requirements.

(e) Noise.

(i) Maintain sound levels at project boundaries under the maximum levels for the adjacent receiving properties based on the receiving properties’ environmental designation for noise abatement per WAC 173-60; and

(ii) Comply with applicable state and federal noise control regulations and YCC Title 6.28.

(f) Vegetation and Wildlife.

(i) Limit construction disturbance by flagging the limits of construction and conduct ongoing environmental monitoring during construction to assure that flagged areas are avoided;

(ii) Projects located within agricultural areas must develop and utilize a reseeding/restoration and weed management plan in consultation with the Washington State or Yakima County Noxious Weed Control Board during construction of the project; and

(iii) Overhead collector lines and transmission lines (defined in Section 19.01.070) should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC)
recommendations for raptor protection on power lines (including minimum conductor spacing and the use of anti-perch guards).

(g) Critical Areas and Shorelines. Structural foundations and towers shall be designed under National Electrical Safety Code (NESC), YCC Title 16C and, as applicable, YCC Title 16D.

(h) Water Resources. Water availability shall be demonstrated as needed for the project. For all projects, water required for onsite use shall be obtained under state and local requirements.

(i) Cultural Resources.

(i) Complete a cultural resource survey of areas of the project site that will be disturbed temporarily or permanently. The cultural resource survey shall be submitted to the County Planning Division and the Washington State Department of Archaeology and Historic Preservation for review at least sixty days prior to any kind of land disturbing activities;

(ii) During construction, flag and avoid cultural resources, and monitor construction activities to ensure all cultural properties are avoided;

(iii) An approved Inadvertent Discovery Plan (IDP) shall be prepared for each project. The IDP will outline the procedures to be followed in the case of inadvertent archaeological finds and/or human remains. The IDP shall include training for construction workers on the need to avoid cultural properties and procedures to follow if previously unidentified cultural properties, including Indian graves, are encountered during construction; and

(iv) If any previously unidentified cultural resource properties are encountered during construction, cease construction activities in the immediate vicinity of the site pending evaluation by a professional archeologist and consultation with the County Planning Division and the Washington State Department of Archaeology and Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery.

(j) Setbacks.

(i) Linear transmission facilities shall observe the minimum setbacks allowed through the National Electrical Safety Code (NESC) and the Federal Energy Regulatory Commission (FERC). Additional setback distance may be required for addressing public safety or based upon other project impacts, as determined by the Reviewing Official as a result of the environmental review. Substations, transformers, and other components of linear transmission facilities shall be subject to greater setbacks as determined necessary to provide compatibility with existing uses.

(ii) Especially Sensitive Land Uses shall observe the following minimum setbacks.

(A) Construction or expansion of Especially Sensitive Land Uses shall be setback a minimum of 25 feet from the edge of the linear transmission facility easement.

(B) Additional setback distance may be required for Especially Sensitive Land Uses to address public safety or based upon project impacts, as determined by the Reviewing Official as a result of the application review.

(iii) The Administrative Official may reduce the setback due to site-specific conditions and an applicant’s demonstration that the purpose of this Section will be met.

(iv) If the Administrative Official reduces the setback, the following applies:

(A) The setback shall be a minimum of 30 feet from the nearest linear transmission facility and shall comply with applicable National Electrical Safety Code (NESC) and Federal Energy Regulatory Commission (FERC) setback requirements.
(B) The setback shall be measured from the nearest edge of the linear transmission facility.

(C) Applicants shall show the location of a linear transmission facility and setbacks on site plans and subdivision plats.

(v) Setback Protection. Setbacks shall be identified and protected during construction of Especially Sensitive Land Uses by placement of a temporary barricade and on-site notices. Barricades and on-site notices are subject to review by the Building Official.

(vi) As a condition of any relief granted under this Section, the applicant shall be required to record a declarative covenant notifying all subsequent purchasers that a lesser setback from the linear transmission facility has been approved and of any and all conditions placed on the grant of relief.

(k) Height Limits. Height limits are not set for utility towers and transmission lines. However, the County may place reasonable limitations on height (or impose other alternative mitigation) to mitigate impacts to existing uses or if necessary to address impacts to public safety.

(l) Public Safety.

(i) The applicant shall develop and maintain an On-Site Health and Safety Plan that informs and trains employees and others on site what to do in case of emergencies, including the locations of fire extinguishers and nearby hospitals, telephone numbers for emergency responders, first aid techniques, and other safety procedures and information.

(ii) For projects in which hazardous substances are stored or used, a Spill Prevention and Emergency Cleanup Plan will be designed to assist on-site workers with accidental releases. Any large spill will require emergency response through the local fire department or designated contractor.

(iii) Signs warning of electrical dangers with emergency contact numbers (e.g. phone numbers of emergency responders) must be posted in compliance with all applicable standards.

(m) Roads.

(i) When required, a Road Impact Assessment shall be prepared by an independent qualified consultant selected by Yakima County and paid for by the applicant for roads to be used by the project. The Assessment shall include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning (i.e. traffic volumes, weights, frequency, time of year of use, etc.); the Plan shall include an assessment of existing road conditions (e.g. pavement width, intersection designs, subgrade condition, surface conditions, existing traffic use/volumes). The Assessment should also address project-related developments of new surface aggregate mines and batch plants necessary for road construction.

(ii) A Road Haul Agreement addressing impacts to county-maintained roads may be prepared in consultation with the County Engineer and approved prior to preliminary approval.

(n) Requirements for Land Use Compatibility within Liquid or Gas Pipeline Corridors.

(i) Especially Sensitive Land Uses. New and expanded Especially Sensitive Land Uses, proposed for location within 500 feet of a liquid or gas pipeline corridor shall at a minimum be designed by a qualified design professional to avoid increasing the level of risk if a pipeline failure occurs, and where feasible, reduce the risk compared to the existing development (see Section 19.18.205).

(ii) Other Development. Applicants for the following types of new or expanded development in Urban Growth Areas, RT and RS zoning districts shall use appropriate mitigation measures to help reduce adverse public safety impacts if a pipeline failure occurs:

(A) Commercial or industrial.
(B) Especially Sensitive Land Uses proposed for locations not covered by Subsection 19.18.260(7)(n)(i) above.

(C) Other use developments as required by the Administrative Official that, because of proximity to a liquid or gas pipeline corridor, pose a safety concern due to characteristics of the occupants, development, or site.

(iii) Mitigation measures intended to reduce risk and minimize impact if a pipeline failure occurs, include but are not limited to:

(A) Site and building design techniques such as maximizing the distance between new or expanded development and anticipated flow paths for leaking hazardous materials and controlling ignition sources.

(B) Emergency procedures such as emergency plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond if a problem occurs.

1. Applicants shall consult with the Fire Marshal regarding the level of emergency planning and procedures appropriate for the proposed development. Based on the nature, occupancy, or location of a proposed development, the Yakima County Fire Marshal may require emergency plans and procedures for any occupancy classifications.

2. Emergency plans and procedures shall be consistent with the Yakima County Fire Code and shall be approved by the Yakima County Fire Marshal.

(8) Compliance with Project Conditions.

(a) Compliance with project conditions and code requirements is required.

(b) A written request may be filed with the Administrative Official prior to the expiration date for extension of the time specified in the project permit as set forth in YCC Section 16B.07.050 and Chapter 19.30.

(c) A request to transfer a linear transmission facility development authorization to a new permit holder requires confirmation of compliance with project conditions, and may require re-execution of agreements or other documents entered into during and after project permitting to address impacts or related issues.

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

19.18.270 Manufactured Homes Regulated for Purposes of Siting as Site-Built Homes.
Manufactured homes that comply with the following five requirements may be sited in the same manner, and subject to the same conditions, as a site-built home, notwithstanding any other requirements of this Title as authorized by RCW 36.01.225. The manufactured home shall be:

(1) A new manufactured home not been previously titled to a retail purchaser and is not a “used mobile home” as defined in RCW 82.45.032(2);

(2) Set upon a permanent foundation (same as pit set), as specified by Yakima County, and the space from the bottom of the home to the ground is enclosed by concrete, approved concrete product, or other product with equivalent compatibility approved by the Building Official, which can either be load bearing or decorative;

(3) In compliance with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;

(4) Thermally equivalent to the state energy code; and

(5) In compliance with all other requirements for a designated manufactured home as defined by RCW 35.63.160.
19.18.280 Manufactured/Mobile Home Park Standards.

(1) Legislative Intent. This Section establishes standards and criteria for development and expansion of mobile/manufactured home parks within Yakima County. These standards are provided to ensure uniform, coordinated development of mobile/manufactured home parks and to ensure the general health, welfare and safety of the occupants of mobile/manufactured homes that may be located within a park developed under these standards.

(2) Approval Process. Proposed new or expanded mobile/manufactured home parks shall be subject to Type 2 binding site plan review under Chapter 19.34 and a Type 2 or higher review as indicated for the Allowable Land Use Table 19.14-1 in Chapter 19.14.

(3) Development Standards. All mobile/manufactured home parks shall be developed in compliance with the underlying zoning district and shall comply with this Section. The density of a park or park expansion shall not exceed the density of the underlying zoning district. All required site improvements shall be installed prior to placement of units in the park. Additional site improvements may be required by the Reviewing Official.

(a) Minimum Space Size and Width. The minimum space size and width for a mobile/manufactured home park exclusive of streets shall meet the lot size, lot width and all other standards for detached single-family dwellings, as indicated in Chapters 19.11 through 19.13 of this Title, as if the spaces were lots. Space size may be reduced with the provision of improvements in accordance with the following:

(i) Provision of Recreational Areas. Space size requirements of the underlying district may be reduced by a maximum of ten percent with the provision of a developed recreational area for use by the residents. The area shall be suitable for active recreation and shall consist of a minimum of ten percent of the park area and shall be exclusive of the play area requirement under Subsection 19.18.280(4)(m)(i) below.

(ii) Provision of Sidewalks. Space size requirements of the underlying district may be reduced by a maximum of ten percent with the provision of sidewalks a minimum of four feet in width, serving at least one side of each street and all recreational areas with access to the street providing access to the development.

(iii) Provision of Curbs, Gutters and Sidewalks. Space size requirements of the underlying district may be reduced by a maximum of ten percent with the provision of curbs, gutters and sidewalks on both sides of the street.

(iv) Cumulative Space Size Reduction. Space size may be reduced up to 20% with the provision of any combination of items in Subsections (3)(a)(i) through (iii) of this Section.

(b) Street Connectivity. If determined by the County Engineer that the internal street design for the proposed mobile/manufactured home park would restrict or eliminate future county road connections he/she may require that the park’s proposed internal streets be designed and constructed to allow for future street connectivity under the connectivity requirements of Chapter 19.23.

(c) Internal Street Paving. A minimum of 24 feet of paved internal street shall be required for access to each unit, paved under Chapter 19.23.

(d) Off-Street Parking. Two paved off-street parking spaces shall be provided for each unit under this Title and Chapter 19.22. Garages or carports, if provided shall be setback a minimum of 18 feet from the edge of the street or back of structure, sidewalks or pedestrian walkways.

(e) Street Lighting. A street light shall be provided at each street intersection within the park.

(f) Right-of-Way Dedication and Frontage Improvements. Appropriate provisions for right-of-way dedication and right-of-way improvements adjacent to the park shall be made, including street paving, sidewalks, curbs, gutters, and street lighting. Improvements shall be installed prior to placement of units in the park, unless an appropriate bond or instrument acceptable to the County is provided to guarantee installation of improvements. All other development standards of this Title or regulations adopted by County, City or State,
when applicable, (e.g. Chapter 19.23) shall be met, except when installation of permanent improvements would likely result in unnecessary future public cost; in which case the developer may be required to place a proportional share of funds in escrow to be applied to the future improvements.

(g) Street Signs and Internal Directional Signs. All streets within the park shall be named utilizing street signs consistent with Yakima County standards. Internal directional signs indicating unit/space numbers shall be placed on all street intersections within the park.

(h) Utilities. All utilities, including irrigation and domestic water and sewer, shall be installed prior to placement of units in the park. All utilities, including electrical distribution, telephone, and cable TV, shall be installed underground. The internal water system shall include fire hydrants located at the direction of the Fire Marshal.

(i) Minimum Unit Separation. Units shall be separated by a minimum of ten feet, measured from the furthest extremity of each unit, including stairways.

(j) Perimeter Site-Screening and Landscaping. The perimeter of a park shall be site-screened with a Standard C Visual Screen under Chapter 19.21 or a six-foot-high, decorative fence in combination with a minimum a ten-foot-wide landscape strip adjacent to the street side of the fence and within the park consisting of a combination of shrubs, trees and groundcover. The Reviewing Official may require a higher screening standard as needed to resolve land-use compatibility questions or issues of record. Trees shall be planted no more than thirty feet apart.

(k) Stormwater Drainage. All stormwater drainage shall be retained on site, and a drainage plan shall be approved by the County.

(l) Dumpsters/Solid Waste Containers. Dumpsters and solid waste containers shall be provided for common use.

(m) Play Area Requirement.

(i) Each unit shall provide a play area for children contained within the unit’s space, consisting of a minimum size of 600 square feet and a minimum width of 15 feet.

(ii) For developments that provide a common recreational area of a minimum of 400 square feet per unit, each space shall provide a minimum of 200 square feet of outdoor living area per unit.

4 Maintenance of Common Areas, Landscaping and Open Space/Recreational Areas. All common areas and facilities, including streets, walkways, utilities, landscaping, storage areas, open space and recreational areas, shall be continuously maintained in good condition by the park owner or designated homeowner’s association. An irrigation system shall be installed for maintenance of landscaping and recreational/open space areas that would normally require irrigation.

5 Development under Planned Development Provisions of this Title. Development of a manufactured/mobile home park may be accomplished under the planned development provisions of this Title.

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

19.18.290 Manufactured/Mobile Home Placement.

1 Legislative Intent. These provisions are intended to assure the siting of manufactured/mobile homes is compatible with surrounding residential uses and preserves the general character and integrity of urban and rural neighborhoods. In addition to the specific regulations within each use district of this Title, the following regulations shall apply to placing all manufactured homes and mobile homes:

2 General Requirements for Mobile Homes and Manufactured Homes Not Meeting Section 19.18.270. All mobile and manufactured homes, other than designated manufactured homes meeting Section 19.18.270, shall:

(a) Have permanent steps or inclined plains affixed to all entrances;
(b) Maintain a minimum crawl space of 18 inches under the entire unit;

(c) Have permanent skirting or sidewalls installed to enclose all areas between the lower edge of the outside walls and the ground;

(d) Be placed and anchored per the manufacturer’s installation instructions or per the design of a professional engineer or architect licensed in Washington (WAC 296-150M-610 (1)(C));

(e) Have the tow tongue and axles removed.

(3) Siting Requirements Outside Manufactured Home Parks. Manufactured homes shall also be required to meet the four siting requirements listed below, unless the home is being located in a manufactured/mobile home park:

(a) Roof slope shall be not less than a two-foot rise for each 12 feet of horizontal run.

(b) Roofing materials shall be compatible in appearance with surrounding site-built homes, and consistent with fire safety standards.

(c) Siding materials shall be wood, masonite, or other material compatible with surrounding site-built homes.

(d) Pit Set. Except in floodplains, manufactured homes shall be “pit set”, with the bottom of the floor joist or frame no more than 12 inches above finished grade. The pit shall be of sufficient depth to accommodate an 18 inch clearance below the frame of the unit with crawl space access located near utility connections.

(4) Replacement of a Nonconforming Mobile Home on an Individual Lot with a Manufactured Home.

(a) A nonconforming mobile home, not within a mobile/manufactured home park, may only be replaced with a manufactured home. Replacement of a nonconforming mobile home with another mobile home is not allowed under this Title.

(b) Type 1 review shall be used to replace a nonconforming mobile home with a manufactured home.

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


(1) Legislative Intent. To assure public safety and compatibility with the general character and integrity of the district.

(2) Standards. Modular, non-residential structures, manufactured with the intent of being transported to a fixed site and built under YCC Title 13, may be allowed in all districts, subject to compliance with other standards of the district and the following:

(a) Documentation showing proof that the Washington State Department of Labor and Industries has inspected and approved the structure as a commercial coach (RCW 43.22.340);

(b) May not be used for single-family dwelling;

(c) Does not constitute a cargo container.

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

19.18.310 Mining.

Mining can occur in areas zoned Mining (MIN) or as a use in the Allowable Land Use Table 19.14-1 in Chapter 19.14.

(1) Submittal. An application for review under this Section shall follow the requirements of Chapter 19.30.
(2) Notification. When establishing a MIN zone or the review of a Type 1, 2 or 3 mining use or mining site/operations plan, the notice of the proposal shall be sent to agencies with expertise or jurisdiction, to property owners within one-half mile of the property, or any contiguous properties under the same mining operation, and to owners adjacent to any private access roads that would serve as haul roads in the manner provided in YCC Section 16B.05.030.

(3) Review Criteria. The establishment of this zoning district or the review of a Type 1, 2 or 3 mining use or mining site/operations plan shall consider the following:

(a) Confirmed presence of large volumes of high-quality, mineral resource deposits that will sustain an operation over a long term.

(b) Adequacy of state and local transportation systems, and private access and haul road(s), to accommodate heavy equipment and truck traffic.

(c) Compatibility with existing or planned land use patterns in the area.

(d) Presence of fish and wildlife habitat, hydrologically related critical areas.

(e) Impacts to air and water quality.

(f) Impacts identified through environmental review.

(g) Proximity to major transportation corridors and market areas.

(h) The requirements in Subsection 19.18.310(4) Basic Standards of Operation.

(4) Basic Standards of Operation. All mining operations must conform to the following standards; except as otherwise noted. Subsection 19.18.310(7) below shall be the process for revising the operational standards:

(a) Site Plan. Mining site/operations shall be conducted under an approved site plan and conditions of permit approval. The site plan shall indicate the location of all mining activities, including excavation, processing, stockpiling, batching, product manufacturing and sales areas, equipment maintenance and storage areas, and any excluded areas resulting from setbacks and other requirements of local, state or federal law.

(b) Responsible Party. The landowner and operator shall be held jointly responsible for compliance with this Title. If a permit is required for the activity, the landowner and operator shall be required to provide to the County a written designation of an agent residing within the County to receive notice in compliance matters.

(c) Visual Impact.

(i) Existing trees and other vegetation adjacent to any public park, residence, or Rural 5/10, RS, RT or urban residential zoning district shall be preserved for a minimum width of 25 feet.

(ii) If topography, existing trees or other vegetation cannot screen the site, the Reviewing Official may require additional screening in the form of a fence, wall, berm, or vegetation. Berms may be removed when authorized as part of a final reclamation plan.

(d) Water Quality. Mining site/operations shall be operated in compliance with all local, state and federal water quality regulations. The Reviewing Official may require from the operator/owner a detailed hydrological report and frequent groundwater monitoring to address any questions of compliance with these regulations. If any gravel mining operation causes the water quality of any domestic water supply to fail to meet the drinking water quality standards of WAC 246-290, as amended, the mine owner shall remedy the effect of the operation on the water supply through monetary payment to the water system owner, the provision of treatment methods and devices approved by the State Department of Health, or other correction of the specific water quality problem. This mitigation shall be approved by the Health District and the State Department of Health.
To preserve water quality, the Reviewing Official shall determine the minimum horizontal distance to be maintained between an excavation and any well used as a potable water supply in existence at the time of permit application. Location of wells in relation to the mine and groundwater flow direction and depth of excavation shall be considered in these determinations.

(e) Air Quality. Mining site/operations shall be operated in compliance with all local, state and federal air quality regulations.

(f) Setbacks. Each mining site/operation shall observe the following minimum setbacks, except where the operation is lawfully preexisting and encroachment within the prescribed setbacks has already occurred. However, further encroachment shall only be permitted by revision under Subsection 19.18.310(7) below.

(i) No extraction or removal of aggregate/minerals shall occur within 25 feet of any exterior property line abutting a public or private road.

(ii) Mineral processing and batching, and manufacturing and fabricating plants shall not occur within 500 feet of an existing residence not on the subject property or under the same ownership, or within 25 feet of any exterior property line, unless the adjacent property is also zoned Mining.

(iii) Mineral extraction shall not occur within 200 feet of an existing residence not on the subject property or under the same ownership, or within 25 feet of any exterior property line, unless the adjacent property is also zoned Mining.

(g) Landscaping and Screening. A berm around the perimeter of the site is required unless the operator can demonstrate that one is not necessary to mitigate noise and visual impacts. The side slopes of the berm shall not exceed 1.5:1 ratio. Berms shall be at least eight feet in height. The approval authority may reduce the required berm height below eight feet if resulting noise impacts will not exceed the applicable standard and any resulting visual impacts will be consistent with the purposes of this Chapter. Berms shall be planted and erosion control measures shall be taken as may be approved by the approval authority. Planting and berms shall begin at a point not closer to a street than the ultimate right-of-way line. The Reviewing Official may require additional planting under Chapter 19.21. The Reviewing Official shall consider site conditions, proximity to residential uses, and existing views from neighboring properties, in setting specific conditions for landscaping, screening and berming, including increased berm height.

(h) Hours of Operation.

(i) The MIN zoning district is typically not subject to restrictions on hours of operation, except as established through SEPA review.

(ii) The standard hours of operation for blasting shall be: 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding New Year’s Day, the Fourth of July, Labor Day, Thanksgiving and Christmas Day. Longer hours of operation for blasting may be requested at the time of initial application or later through the revision process of Subsection 19.18.310(7) below.

If there are residences located within one-half mile of the site, a property owner notification plan must be developed by the operator and filed with the Planning Division before blasting can occur. The operator/property owner shall be responsible for implementation of the blasting notification plan.

(iii) The hours of operation for mining activities located outside of the Mining zoning district shall be as follows:

(A) Equipment and vehicle maintenance and administrative activities – No restrictions on hours of operation;

(B) Mineral batching (defined in Section 19.01.070) – 6:00 a.m. to 6:00 p.m., daily;
(C) Excavation, hauling mineral products offsite, and mineral processing – 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. None on New Year’s Day, the Fourth of July, Labor Day, Thanksgiving and Christmas Day;

(iv) Longer hours of operation may be requested: at the time of initial application; under the revision process of Subsection 19.18.310(7) below; or through the processes of Subsections (A) and (B) below:

(A) The Reviewing Official may authorize an exemption from the standard operating hours for sites that are isolated, either due to remoteness or location surrounded by other resource, commercial or industrial land uses that effectively buffer the mining operations. Notice of requested exemptions from the standard hours of operation must be provided to property owners within one-half mile of the site, and to owners adjacent to private access roads that would serve as haul roads. A request for a public hearing may be made within 14 calendar days of mailing the notice. If no request for a public hearing is made, the operating hours can be changed. The County may, at any time, require resumption of standard operating hours for good cause as determined by the Reviewing Official, subject to appeal as provided in YCC Title 16B. If a request is made for a public hearing, the exemption request shall be considered by the Hearing Examiner at a public hearing. The scope of the hearing shall be restricted to the exemption request, unless a specific violation of operational standards or conditions of approval is documented by the County. Approving the exemption can be made contingent upon compliance with standards and conditions.

(B) The Reviewing Official may approve extended hours of operation beyond the established operating hours for short durations (not to exceed a consecutive four-week period) without a public hearing for a project directly related to public health, safety or welfare or for an emergency situation.

(i) Slopes and Grading. Excavations, both above and below water level, shall be maintained in an operationally and environmentally safe condition by complying with standards established by the Department of Natural Resources.

(j) Land Reclamation. A land owner or an operator of a mining site/operation shall, in advance of any extraction of materials, prepare and submit a reclamation plan under the requirements of the Department of Natural Resources (DNR), or to the satisfaction of the Reviewing Official using DNR standards if the site is not subject to a DNR permit. Reclamation must return the land to a state compatible with the land uses identified by the Comprehensive Plan, or conform to stipulated environmental mitigation. Sites to be operated for more than five years shall conduct phased or segmented reclamation, unless determined to be unfeasible by DNR and the Reviewing Official.

(k) Nuisance Mitigation. Uses within this zoning district shall be maintained and operated consistent with the purpose of this Title and the Comprehensive Plan. The owner/operator shall be required to take reasonable steps to ensure public health, safety, and welfare through installation of fencing and locked gates, advance notice to adjacent properties of blasting, and other measures necessary to mitigate nuisance hazards.

(l) Setbacks. Setbacks from right-of-way, adjoining residences, and exterior property lines as set forth in this Section and Chapters 19.10 and 19.11 shall be excluded from applications, except as necessary to provide for access to the site or as part of final reclamation.

(m) Control of Vibration. No ground vibration caused by blasting or machinery shall exceed the limits established by state regulations. Further regulations may be required to mitigate impact on adjoining properties.

(n) Stockpiles. Stockpiles shall not exceed 100 feet in height as measured from ground level before excavation, and shall be set back twice the height of the stockpile from the edge of the nearest property boundary as measured from the center of the stockpile. The Reviewing Official shall consider all reasonable measures, including additional stockpile setbacks to prevent any materials or wastes deposited upon any stockpile from being washed, blown or otherwise transferred off the site by normal causes or forces. Stockpiles must also adhere to the requirements of YCC Titles 16C and 16D. The Reviewing Official may require the operator to provide a survey by a registered land surveyor certifying the height of any stockpiles on the site at any time requested, to ensure compliance with this Section.
(o) Other. The use shall comply with all other applicable rules, standards, or statutes governing such uses, including federal, state and local environmental protection requirements, and State law.

(5) Inspections.

(a) Initial Inspection. For applications filed after the effective date of this Chapter, the operator shall provide access to the site for inspections to ensure compliance with this Chapter. The Reviewing Official may authorize a reasonable fee for such inspections. The operator will submit to either an inspection or, at the option of the Reviewing Official, a conference before commencing the extraction of mineral resources. The inspection or conference shall be based on conditions and standards ordered by the approval authority to be complied with before the operations commence.

(b) Annual Inspection. Aggregate mines, whether in existence on the effective date of this Chapter or subsequently permitted, shall be inspected annually for compliance with this Chapter. The Planning Division, in consultation with Corporate Counsel, shall establish in writing a program and schedule under which such inspections shall be carried out. This program shall prioritize inspections concerning fuel and petroleum products storage, spill prevention, spill occurrence and water pollution prevention.

(6) Temporary Mining.

(a) Duration. Temporary mining site/operations, mineral batching and processing are limited to 18 months or less in duration.

(b) When Permitted. Temporary mining, batching and processing may be permitted only when necessary to provide mineral products to a specific project, or when the temporary mining, batching and processing is for the purpose of preparing a property for an approved use that necessitates removal of the mineral resources. Temporary mining, batching and processing may only be permitted outside of areas designated mineral resource when there are no existing sites that are practicable to provide mineral products to a specific project.

(c) Exemptions from Certain Standards. Temporary mining, batching and processing shall be exempt from the setbacks of Subsection 19.18.310(4)(f)(ii) above when it is for the purpose of preparing a property for an approved use that necessitates removal of the mineral resources.

(d) Long Term Mining. Mining site/operations, batching and processing that will continue for more than 18 months may only be permitted in those areas designated as Mineral Resource by the Comprehensive Plan, or in the RS, SR, M-1, and M-2 zoning districts under the Allowable Land Use Table 19.14-1 in Chapter 19.14.

(e) Extensions. An extension of the 18 month time limit may be authorized by the Reviewing Official for good cause (e.g. unexpected delays in completing a contracted job, or obtaining a rezone to Mining). The extension of time shall not exceed two consecutive six-month periods.

(f) Emergency Exemptions.

(i) The Reviewing Official may permit the immediate initiation of a temporary mining operation ordinarily requiring a Type 2 or 3 use permit if necessary to prevent eminent and potentially serious damage to property or threat to human life. The exemption shall be in writing;

(ii) For mining sites located within a critical area, the Reviewing Official may authorize an emergency operation only when the owner or operator has filed a request for an emergency exemption under the Critical Areas Ordinance, and affected state agencies have issued necessary permits and/or have attested to the urgency of the situation and provided assurances to Yakima County they will issue said permits;

(iii) Emergency exemptions authorized by this Section shall meet the operation standards of Subsection 19.18.310(4) above. The Reviewing Official may (in writing) revise the operation standards for good cause. An operation approved under this Section shall cease once the threat to human life and property is no longer serious or imminent, and shall not exceed 90 days, upon which the site shall be reclaimed. Failure to reclaim the property shall constitute a violation of this Title.
(7) Revision of Standards. The standards of Subsection 19.18.310(4) above may be revised under Type 2 review, only if the Reviewing Official finds that the revised standards are consistent with protecting public health, safety, and welfare, as expressed in Section 19.11.020, Subsection 19.18.310(3) above, the Comprehensive Plan and relevant state or federal law. Notification of proposed revision of standards shall be given to agencies with expertise or jurisdiction, to property owners within one-half mile of the site, and to owners adjacent to private access roads that would serve as haul roads. Revision of the 500 foot and 200 foot setbacks of Subsection 19.18.310(4)(f)(ii) and (iii) may be authorized when measures are used to mitigate the impacts to neighboring residences that would occur as the result of the reduced setbacks. Such measures may include, but are not limited to: use of vegetation, natural topography, berms, or other screening materials; installation of noise deflectors and dampening devices; placement of equipment within buildings or below ground level; and implementation of other best management practices.

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

19.18.320 Mini Storage Facilities.
(1) Mini storage facilities, as defined in Section 19.01.070, shall be subject to the following minimum requirements:

(a) Location. The site is contiguous to a designated urban arterial or rural collector road, although access may or may not be directly onto such arterial or collector, as determined through the review process;

(b) Site screening and Landscaping. Site screening and landscaping consistent with the requirements of Chapter 19.21 shall be provided along all street frontages with any combination of lawn, flowers, trees, shrubs and ground cover. Along all other property lines a six-foot-high, decorative fence or wall with Standard A open area landscaping shall be installed and maintained, provided that where doors face adjacent residential areas the fence or wall shall be solid and view-obscuring;

(c) Outdoor Storage. Any outdoor storage area shall be enclosed with a six-foot-high, view-obscuring fence and/or vegetative site screening that will achieve a height of not less than six feet within three years, or the standards of Chapter 19.21, whichever are greater;

(d) Hardsurfacing Required. All access, travel surface and loading areas, building aprons shall be paved. Where appropriate other areas not covered by structures or landscaping shall be hard-surfaced;

(e) Signs. One unlighted on-premises sign identifying the storage warehouses shall be permitted. The sign shall not exceed 15 feet in height nor 40 square feet in area, or the standards of the zoning district, whichever is less;

(f) Building Heights. Building shall not exceed 18 feet;

(g) Lighting. All exterior lighting shall meet the standards of Section 19.10.040(10);

(h) Compatibility. The Reviewing Official may require exterior modifications of structures, including use of architectural features or details, materials for siding and roofing, fencing, reduction of building mass and numbers of units when necessary to assure compatibility with adjoining residential zoning districts;

(i) Outdoor Storage. Recreational vehicles may be stored outside in the GC, M-1 and M-2 districts when appropriate site screening is provided.

(2) Use of the facility shall be limited to the storage of excess personal property. No garage sales, servicing or repair of vehicles or appliances, commercial business or other similar activities shall be conducted on the premises.

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

The first floor of mixed (residential and commercial) use along the street frontage must be used for commercial uses. The dwelling units may be located above the first floor or to the back of the building. Also, the proposal must be served with a public water supply.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

(a) Access Restrictions. There shall be no direct entrance to or exit from such use on any rural major collectors or urban principal arterials, or state routes, unless determined to be acceptable by the Washington State Department of Transportation or the County Engineer, as appropriate.

(b) Access Improvements. Access to such uses shall be only from full width roads, which shall be paved or surfaced under the County Engineer’s specifications.

(2) Parking areas for permanent outdoor amusements shall be paved if within an Urban Growth Area, Rural Settlement or Rural Transitional zoning districts, or in other zoning districts when determined necessary by the Reviewing Official to eliminate dust or mud. Unpaved parking areas shall be surfaced with crushed rock.

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

19.18.390 Residential Uses.

(1) Only one of the following residential uses may be permitted per lot, except as otherwise allowed by this Title and only in the zones indicated. The residential uses are:

(a) Single-family dwelling;

(b) Double-wide or larger manufactured home, not in a mobile/manufactured home park;

(c) Single-wide manufactured home, not in a mobile/manufactured home park;

(d) Two-family dwelling;

(e) Single family detached dwelling, zero lot line;

(f) Single-family attached dwelling (common wall); and

(g) Dwelling for occupancy by guards, watchmen, caretakers or owners of a non-residential permitted use.

(2) In addition to a single-family dwelling, other than a zero lot line or common wall attached dwelling, an accessory dwelling unit may be permitted per lot, subject to 19.18.020.

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

19.18.405 Separation Requirements for Certain Uses.

No convenience store, liquor store, tavern, bar, car wash, automotive service station, or fuel and oil distributor shall hereafter be erected or located within 150 feet of any school, park, playground, hospital, church or any of the urban residential zones. Such existing uses, otherwise conforming in this zoning district, shall not be considered nonconforming, but are considered vested to their existing location as though these standards do not apply.

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

19.18.410 Service Stations, Automotive.

(1) Legislative Intent. This Section establishes special site design standards for new service stations and other retail uses supplying motor fuel. These standards are intended to assure these uses are compatible with adjoining residential districts and the character of the district in which they are located.

(2) Fifty-Foot Setback from Residential Districts Required. Each pump island shall be setback at least 50 feet from the zoning district boundary of all adjoining residential districts. Other permitted structures shall comply with the setback provisions established in Chapters 19.11 through 19.18.

(3) Storage and Display of Vehicles Prohibited. No area of any service station or other retail use selling gasoline shall be used for the storage, display, sale or leasing of any new or used vehicle.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).
19.18.430 Social Card Rooms.
In zones where allowed, no social card room shall be permitted within 500 feet of any public school, private school (meeting the requirements for private schools under Title 28A RCW, church or park, as measured according to RCW 66.24.010(9)) or as the same may be hereafter amended.

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

19.18.440 Solid Waste Handling and Disposal Sites.
(1) Legislative Intent. This Section is intended to:

(a) Provide methods of solid waste disposal, which are calculated to make the most economical and efficient use of land where solid waste disposal either occurs or has occurred;

(b) Provide for the protection and preservation of land uses that might be adversely impacted by solid waste handling and/or disposal;

(c) Ensure that solid waste handling, disposal sites and/or facilities will not constitute nuisances to other land uses, especially residential neighborhoods;

(d) Ensure that premises utilized for solid waste handling and/or disposal are appropriately and timely reclaimed.

(e) Ensure that solid waste handling, disposal sites and/or facilities are consistent with the Solid and Moderate Risk Waste Management Plan and in compliance with all applicable Solid Waste Interlocal Agreements between Yakima County and all incorporated cities and towns.

(2) Applicability.

(a) Permit Required. Solid waste handling and disposal sites including, but not limited to, transfer stations, solid waste disposal sites, sanitary landfills, and limited purpose landfill disposal sites shall not be maintained, established, substantially altered, expanded, or improved until the person operating such site has obtained a project permit as provided in the Allowable Land Use Table 19.14-1 in Chapter 19.14.

(b) Exemptions. The following solid waste activities shall be exempt from any permit requirements of this Section:

(i) Solid waste activities with a total capacity of 250 cubic yards or less of inert wastes; provided, that such activities are consistent with WAC 173-350-410, grading and filling requirements in YCC Title 13 have been reviewed, and that such activities are not located within residential zoning districts.

(ii) Solid waste recycling and reclamation activities not conducted on the same site as an accessory to a solid waste disposal operation provided, that such recycling and reclamation activities shall be subject to the use regulation of this Section.

(3) Public Notice.

(a) Notice of hearing mailed under YCC Title 16B shall be sent to owners of property within 1,000 feet of the proposed use.

(b) The Solid Waste Advisory Commission shall be deemed a party of record in proceedings to obtain the conditional use permit required by this Section.

(4) Information Requirements. In addition to the requirements of Chapter 19.31 and the application procedures in YCC Title 16B, application for a conditional use permit shall include the following information:

(a) A statement and plan detailing the proposed reclamation of the site, particularly as reclamation will relate to the compatibility of the site as reclaimed with existing and anticipated land uses and zoning; and
(b) Any geological or other studies which are deemed necessary to determine the appropriateness of the land for the use proposed.

(5) Permit Criteria. Use or the location may be permitted only if a project permit is granted as provided by this Section. The use and its location may be allowed subject to the following:

(a) Findings. Before such approval shall be given, the Reviewing Official shall find:

(i) The proposed facility is designed, located, and proposed to be operated so the public health, safety, and welfare will be protected.

(ii) That the use will not prevent the orderly and reasonable use and development of surrounding properties or of properties in adjacent zones.

(iii) That all public or private utilities necessary for the use are available, and that the roads serving the use are adequate to accommodate the type and extent of vehicular traffic.

(iv) That the reclamation plan submitted by the applicant for the proposed use, and any expansion demonstrates that the site as reclaimed may be utilized for uses permitted within the zoning district in which it is located.

(v) That the proposed use is consistent with the goals and objectives of the Comprehensive Plan and any solid waste management plans, and the proposed facility is necessary to accommodate the waste needs of the area.

(b) Review Criteria. In making such findings, the Reviewing Official shall consider the following criteria, based on evidence submitted by the applicant:

(i) The negative effect that the location of the proposed use may have upon vehicular traffic congestion to public streets or highways;

(ii) The availability of adequate and proper public or private facilities for the treatment, removal, or discharge of sewage, refuse, or other effluent (whether liquid, solid, gaseous, or otherwise) that may be caused or created by or as a result of the use;

(iii) Whether the use, or materials incidental thereto or produced, may give off obnoxious gases, odors, smoke, or soot;

(iv) Whether the use will cause disturbing or unwanted dust, light, vibration, or noise emissions;

(v) Whether the operations will cause undue interference with the public’s typical use of recreational facilities by the public, if existing, or if proposed by the County or by other competent governmental agency;

(vi) The necessity for suitably surfaced off-street parking facilities incidental to the use, and whether such space is reasonably adequate and appropriate; and can be furnished by the owner of the property or abutting the site;

(vii) Whether the plot area is sufficient, appropriate, and adequate for the use and the reasonably anticipated operation and expansion;

(viii) Whether the use to be operated is at least 1,000 feet from a church, school, theater, recreational area, or other place of public assembly;

(ix) Whether a hazard to life, limb, or property, because of conditions created or which may be created by reason or as a result of the use, and what measures would mitigate any such hazards;
(x) What restrictions should or should not be imposed to secure the purposes of this Section and to protect the public and surrounding property owners; and

(xi) The extent to which any of the criteria contained herein does not apply.

(6) Ownership. No permit shall be issued for a premise, except with written consent of the owner or owners. Permission to engage in the use is granted to only the permit applicant or the permit applicant’s transferee. Permits shall be transferable, unless the approval specifies otherwise; provided, that the transferee submits proof that the performance bond or other security required under Section 19.30.130 remains in effect. Transferees shall engage in the use authorized by the permit only to the extent authorized by this Section and the permit itself.

(7) Restrictions upon Operations. Reasonable restrictions upon operations may be imposed that are calculated to secure the purposes of this Section, the Comprehensive Plan and this Title. Such restrictions may relate to any activity anticipated from the use proposed. Examples would be: hours of operation, traffic volume, types of materials processed, volumes of materials handled, setbacks, etc.

(8) Future Use of Premises.

(a) Land Use and Zoning. The future use of the premises may be limited, as a condition of granting the project permit to ensure those uses of the property to be effectuated when the use concluded will be consistent with the character of the land and surrounding existing and permitted land uses and zoning. After the conclusion of the conditional use, the property owner or occupier will be entitled to engage in any appropriate uses allowable in the zoning district in which the use was located.

(b) Future Reclamation or Landfill Closure. A binding plan of future reclamation of the land shall be required, which shall be consistent with any other required reclamation plan, such as for the Washington Department of Ecology, Department of Health, Department of Natural Resources or other State agency.

(c) Future Development. A binding plan of future development of land consistent with the Yakima County Solid Waste Management Plan may be required.

(d) Change in Zoning. If the nature of the use is such that other land uses allowed in the zoning district in which the property is located would no longer be suitable land uses when the use is concluded a change in zoning to a designation that would more clearly reflect the appropriate land uses may be considered or may be required as a condition of permit approval as a prerequisite which must be accomplished before the permit may be issued.

(9) Permit Period – Renewals – Reviews. Permit periods may vary. However, the Reviewing Official shall specify either a date upon which a permit expires, or the occurrence of an event upon which the permit expires. The permit period shall be of sufficient duration to ensure the completion of the use for which the permit is required. No permit shall be granted for a period of time in excess of 20 years. Extension normally available for other types of project permits through YCC Section 16B.07.050 is not available to solid waste handling and disposal site permits. Renewals of such permits shall be processed as new applications.

(10) Performance Bonds. Performance bonds or other security acceptable to the County in an amount deemed satisfactory to the Administrative Official, in consultation with the County Engineer, to cover the costs of ensuring compliance with this Title and the terms and conditions of any permit issued, including required reclamation, shall be required as a condition of permit approval. (See Section 19.30.130).

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

19.18.460 Aggregate Stockpiling.

Aggregate stockpiling or storing recycled asphalt or concrete shall only be permitted within floodplains and other hydrologically related critical areas, when authorized by an appropriate critical area/shoreline permit (See YCC Titles 16A, 16C and 16D).

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).
19.18.480 Temporary Use Permits.
The Building Official may issue temporary use permits for the following uses:

(1) Major Construction Projects. Temporary structures and associated site improvements for housing equipment or containing supervisory offices for major construction projects may be erected and maintained during the progress of such construction projects. Provided, that such temporary structures may not be maintained for a period exceeding one year. The Building Official may extend this period for one additional year if a valid active permit is maintained according to a firm schedule and the project does not constitute or cause a nuisance or violation of County code. A site plan showing the location, size and type of structure must be submitted at the time of application for a Temporary Use Permit.

(2) Construction of a Permanent Dwelling on the Same Lot. Temporary placement of a camping or recreational vehicle to provide temporary housing while constructing a permanent dwelling on the same lot; provided, that the property owner has an active residential building permit. Such temporary use may not be maintained for a period exceeding three years. The temporary use shall be removed from the property within 30 days of occupancy of the permanent dwelling.

(3) Temporary Caregiver Housing. Temporary placement of a camping or recreational vehicle adjacent to an existing residence to provide temporary housing for a caregiver for not more than six months for the care of a terminally ill relative. The medical condition must be documented by a physician or osteopath that the person is in hospice care.

(4) Other. Other temporary uses not requiring a building permit, if allowed within the zoning district, are subject to review for adequacy of such factors as access, traffic, noise, land use compatibility, public health and safety. Such permits shall be renewed annually.

(5) All recreational vehicles approved for temporary use under this section shall meet the following standards:

   (i) It is placed on a lot under the same ownership as the recreational vehicle;

   (ii) The recreational vehicle is an independent, self-contained unit;

   (iii) There is no permanent residential unit on the subject lot;

   (iv) No decks, porches, outdoor storage, skirting or other exterior additions are attached to the recreational vehicle or constructed or erected on a camping space; except for an awning designed as part of and permanently attached to the recreational vehicle; and

   (v) Wheels and tires are not removed from the recreational vehicle.

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

19.18.490 Towers.
The following provisions shall govern the placement of towers (amateur radio, communication, anemometers and personal wind energy) and support structures as defined in Section 19.01.070.

(1) Towers and support structures that are located in zoning districts with height limitations are subject to the following levels of review [35 ft.: FW, Rural-10/5, RT, SR, R-1, R-2, B-1, B-2, SCC; forty-five ft.: RS, HTC, 50 ft.: R-3, LCC, M-1]:

   (a) Type 1 Review. Towers that are under the height restriction of the zoning district, are self-supporting and have a two-foot or less radius from the center axis of the base of the tower, and have antennae, rotors and other attachments with a diameter of nine feet or less, shall be subject to Type 1 review.

   (b) Type 2 Review. Towers that are above the height restrictions of the zoning district or are not self-supporting or have a two-foot or greater radius from the axis of the base of the tower, and have antennae, rotors and other attachments with a diameter of greater than nine feet, and the height of the tower is 70 feet or less, shall be subject to Type 2 review.
(c) Type 3 Review. Towers within a zoning district that has a specific height standard and do not qualify for a Type 1 or Type 2 are subject to Type 3 review.

(2) Towers and support structures that are located in zoning districts without height limitations are subject to the following levels of review (R/ELDP-40, AG, MIN, M-1 or M-2):

(a) Type 1 Review. Towers that are self-supporting, have a two foot or less radius from the center axis of the base of the tower, and have antennae, rotors and other attachments with a diameter of nine feet or less, and the height of the tower is seventy feet or less, shall be subject to Type 1 review.

(b) Type 2 Review. Towers that are not self-supporting or two feet or greater radius from the center axis of the base of the tower, or have antennae, rotors and other attachments with a diameter of greater than nine feet, and the height of the tower or support is 70 feet or greater, shall be subject to Type 2 review.

(c) Type 3 Review. Towers that are 100 feet or greater in height shall be subject to Type 3 review.

(3) Co-location. Proposed to co-locate on existing towers, buildings, structures and facilities without an increase in height and have antennae, rotors and other attachments with a diameter of less than nine feet, the tower shall be subject to Type 1 review. Towers with an increase of less than ten percent of the tower height are subject to a Type 1 modification if a higher threshold of review is not exceeded.

(4) Setbacks. All towers and items affixed thereto, guy wires, or supports shall meet the setback standards of the zoning district in which they are located. Greater setbacks may be required by the Reviewing Official.

(5) Airport Safety Overlay. All towers and items affixed thereto, guy wires, or supports shall adhere to the requirements of the Airport Safety Overlay (ASO), when applicable.

(6) Temporary Towers. Towers located in R/ELDP-40, AG, MIN, M-1 and M-2 and qualify as a Type 3 use, but will be removed within three years, are considered temporary in nature and may be reviewed as a Type 2 use by the Reviewing Official. An extension of one year may be requested by the applicant. No more than two extensions will be granted by the Reviewing Official.

(7) Visual Compatibility. With consideration to engineering and structural requirements, towers shall be subject to the following visual compatibility standards:

(a) Location. Towers, rotors/turbines and antenna should reflect the visual characteristics of the structure to which it is attached, or the surrounding environment in which it is placed. This should be achieved through the use of colors and materials, as appropriate. When located on structures such as buildings or water towers, the placement of the antenna or rotor/turbine on the structure should reflect the following order of priority to minimize visual impact:

(i) A location close as possible to the center of the structure;

(ii) Along the outer edges or side-mounted; provided, that in this instance, additional means, such as screens, should be considered and may be required on a case-by-case basis; and

(iii) When located on the outer edge or side-mounted, be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.

(b) Design. To the extent that there is no conflict with the color and lighting requirements of the Federal Communications Commission and the Federal Aviation Administration for aircraft safety purposes, transmission support structures shall be designed to blend in with existing surroundings to the extent feasible. This should be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed transmission support structure from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.
(c) Modifications. The requirements of Subsection 19.18.490(4) may be modified by the Reviewing Official to achieve greater levels of screening than that which would be available by using the stated setback during the review process.

(8) Towers no Longer Operational. Towers and support structures shall be removed within a year of ceasing use or operation. Antenna shall be removed from support structures within one hundred eighty days after the antenna is no longer operational.

(9) Personal Wind Energy Towers. Turbines on personal wind energy towers shall be designed, installed and operated so that noise generated by the system shall not exceed fifty decibels (50dba) measured from the nearest property line, except during short term events such as utility outages and severe wind storms.

(10) Proximity to Roadways. Towers will be located not nearer than 50 feet from an edge of right-of-way or easement of a public or private road.

(11) Limit of Towers Per Parcel. No more than one tower, array, or rotor/turbine per parcel in residential districts (SR, RT, RS, R-1, R-2, R-3), and no more than two towers, arrays, or rotors/turbines per parcel in all other zoning districts shall be permitted.

(12) Equipment Storage. Support structures and towers may include an equipment enclosure, structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.18.510 Zero Lot Line Development.

(1) Legislative Intent. Zero lot line development for single-family dwellings may be permitted in order to: promote efficient land use, permit a more energy efficient arrangement of structures, protect environmentally sensitive areas, or provide more usable private or community open space.

(2) Review Levels. Review required for zero lot line developments in subdivisions and short subdivisions approved after the effective date of this Title may be approved by Type 2 review. Zero lot line development may also be approved on lots created before the effective date of this Title by Type 3 review. A site plan meeting the requirements of Section 19.30.060 shall be prepared for all zero lot line development.

(3) Development Standards. All zero lot line developments shall comply with the standards of Tables 19.12.010-1, 19.12.020-1, the provisions of this Title and the following requirements; provided, that where these standards conflict with the standards established in other Sections of this Title, these standards shall apply.

(4) Dwelling Unit Setbacks.

(a) Interior Side Yard Setback Standard. The dwelling unit may be placed on one interior side property line (a zero setback). The setback standard from the other side property line shall be ten feet. No structures except for patios, pools, fences, walls and other similar elements are permitted within the required setback area.

(b) Rear Yard Setback Standard. The rear yard setback standard is ten feet.

(c) Front and Street-Side Setback Standards. Front and street-side setback standards shall be those shown on Table 19.12.010-2 or Table 19.12.020-2, as applicable for the zoning district.

(5) Accessory Building Setbacks. Accessory buildings and structures shall observe the setback requirements for the main dwelling unit.

(6) Maximum Lot Coverage. The total lot coverage on a lot shall not exceed the district requirements established in Chapters 19.11 through 19.13.
(7) **Platting Requirements.** Each dwelling shall be located on its own individual platted lot. The plat shall show the zero lot lines and the related easements.

(8) **Openings Prohibited on the Zero Lot Line Side.** There shall be no windows, doors, air conditioning units, or any other type of openings in the wall along the zero lot line, except when such a wall abuts permanent open spaces or a public or private right-of-way.

(9) **Maintenance and Drainage Easements.** A perpetual maintenance, eaves overhang and drainage easement at least five feet wide shall be provided on the lot adjacent to the zero lot line property line, which, except for walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title on the property. Eaves, but no other part of any structure, may protrude across a side lot line, and such protrusion shall not exceed 18 inches. Water runoff from the dwelling placed on the lot is limited to the easement area.

(10) **Community Open Space and Maintenance Facilities.** Any community open space provided shall comply with Section 19.18.150.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).
Chapter 19.23

TRANSPORTATION AND CIRCULATION

Sections:
19.23.010 Legislative Intent.
19.23.020 Applicability.
19.23.030 General Requirements.
19.23.040 Public Roads.
19.23.045 Public Road Standards.
19.23.050 Private Roads.
19.23.060 Private Shared Driveways.
19.23.070 Transportation Concurrency Management System.

19.23.010 Legislative Intent.
(1) Generally. This Chapter establishes general requirements and development standards for public roads, private roads and private shared driveways in order to:

   (a) Ensure that road design and road improvements are consistent with, and implement goals and policies of, the comprehensive plan and this Chapter;

   (b) Provide safe transportation systems for all users;

   (c) Promote a transportation system that maximizes vehicular route options, provides efficient travel for emergency vehicles, effectively carries vehicular traffic, and minimizes congestion points;

   (d) Provide sustainable infrastructure that meets engineering standards to assure a durable, low-maintenance facility with a minimum 20 year life span;

   (e) Provide sound engineering-based design options for public and private roads and other facilities to ensure public safety;

   (f) Provide a transportation system consistent with community development, public safety, and natural resource protection goals and policies;

   (g) Ensure public safety for ordinary and emergency vehicles and reduce adverse impacts to public and private property by designing transportation infrastructure to facilitate passage of and not impede or impound flood waters;

   (h) Ensure that transportation facilities serving land development projects are public, except in limited situations where private roads and private shared driveways are allowed by this Chapter;

   (i) Require urban design standards within Urban Growth Areas and Rural Settlements and those areas within the Federal Highway Administration (FHWA) Urban Area;

   (j) Ensure that adequate public transportation infrastructure is made available concurrent with development;

   (k) Encourage use of and incorporate low-impact design and Context Sensitive Solutions design principles for public and private transportation facilities;

   (l) Provide adequate front structural setbacks to accommodate future widening of arterials and collectors; and,

   (m) Designate and protect future arterial, collector and local street corridors consistent with the adopted street grid system under this Chapter.

(2) Public Roads. Roads should be generally public rather than private.
(3) Connectivity. This Section encourages the creation of a highly connected transportation system within and between Yakima County and its cities and towns to:

(a) Increase efficiency of delivering transportation-related public service such as school bus service, postal delivery, etc.;
(b) Ensure adequate ingress and egress from multiple routes for emergency responders and occupants;
(c) Preserve classified collector/arterial road system capacity and minimize congestion points to better serve regional long-distance travel needs;
(d) Connect neighborhoods to each other and to destinations, such as schools, parks, shopping, libraries, and post offices, among others;
(e) Minimize vehicle miles traveled and travel time to improve air quality and mitigate the effects of auto emissions on the health of residents;
(f) Provide choices for drivers, bicyclists, transit users and pedestrians; and
(g) Provide opportunities for residents to increase their level of physical activity each day by creating walking and biking friendly neighborhoods with adequate connections to destinations.

(4) Private Roads. This Chapter is intended to require the use of AASHTO guidelines to protect public safety and welfare by establishing standards for private roads based on sound engineering principles and to differentiate them from public roads.

(5) Private Shared Driveways.

(a) The intent of this Chapter is to provide standards and review criteria for differentiating between private roads and private shared driveways serving four or fewer lots or units.
(b) It is further intended to avoid locating driveway approaches to public roads to create a hazard to pedestrians or motorists, or invite or compel illegal or unsafe traffic movements.
(c) The safety, quality and lifespan of the private shared driveway is assured for the long-term benefit of future property owners and occupants of the proposed development.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.23.020 Applicability.
This Chapter applies to all proposed developments within unincorporated Yakima County.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.23.030 General Requirements.
The requirements listed below apply to all public and private transportation facilities.

(1) Road Design. The arrangement, character, extent, width, grade and location of all roads shall be consistent with and implement Yakima County comprehensive plans and the standards of this Chapter. These road attributes shall be considered in their relation to existing and planned roads, to topographical conditions, critical areas and special flood hazard areas, to public convenience and safety, and to the proposed uses of the land to be served by such roads.

(a) Roads must be designed for a minimum 20 year lifespan.
(b) All roads shall be designed using the highest practical design speed (min. 25 miles per hour), provided that roads that may be extended should have a higher design speed.

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(c) Design speed may be reduced based on terrain.

(d) The design must accommodate two-way traffic, except when authorized through a design modification under Section 19.35.040.

(2) Right of Way. Right-of-way adjacent to and within all development must be dedicated and improved consistent with the requirements of this Chapter.

(3) New Roads – Yakima Training Center. New roads shall not be closer than three hundred feet at their closest point to the Yakima Training Center perimeter as required by Comprehensive Plan policy.

(4) Local Access Roads. Local access roads may include curvilinear design, chicanes and other traffic calming measures to discourage their use by cut-through traffic while meeting connectivity standards under Subsection 19.23.040(3)(d).

(5) Separation of Through and Local Traffic. Where any development abuts or contains an existing or proposed arterial or collector road, the Reviewing Official may require reverse frontage, or such other condition determined necessary to protect residential properties and to afford separation of through and local traffic.

(6) Roads Adjacent to Railroads and Limited Access Highways. Where any development borders on or contains a railroad right-of-way or limited access highway right-of-way, the Reviewing Official may require a road approximately parallel to and on each side of such right-of-way to provide connectivity to the adjacent area and a buffer to mitigate for noise and/or vibrations between especially sensitive land uses and the transportation facility. The parallel required road shall be located at a distance suitable for the appropriate use of the intervening land, such as for parks in residential districts and appropriate permitted nonresidential uses in other districts. Such distances shall also be designed with due regard for the requirements of approach grades and future grade separations.

(7) Parallel Roads – Stormwater. The Reviewing Official may require a parallel road in connection with a stormwater easement or drainage right-of-way that separates the easement or drainage right-of-way from the developed lots.

(8) Design in Flood Hazard Areas. Roads in special flood hazard areas are subject to review to ensure that the design will be analyzed for flood effects and mitigation. Such roads may alternatively be constructed with the top of the finished road at existing grade where the County Engineer and Fire Marshal determine the roads are not needed for flood ingress and egress because there are safe and suitable alternative routes that meet YCC Title 13 International Fire Code requirements. Where practicable, roads should be designed to facilitate passage of and not impede flood waters.

(9) Roadway Submittal Requirements.

(a) Road Plans and Specifications. Detailed plans and specifications for proposed public and private road improvements shall be prepared by a professional engineer and submitted for approval after the preliminary plat, short plat, binding site plan or other development authorization has been approved.

(b) Drainage Plans. Drainage plans, where required by YCC Chapter 12.10, shall be prepared by a professional engineer.

(c) Road Naming. Road naming and site addressing shall be in conformance with YCC Chapter 13.26. Application may be made prior to the public hearing on the preliminary plat.

(10) Pedestrian and Bicycle Circulation.

(a) On-road bicycle facilities and sidewalks should be provided in accordance with this Chapter, the published County standard plans and the Yakima County Comprehensive Plan.

(b) Development shall consider the trail connections indicated in the Yakima County Trails Plan and Comprehensive Plans and seek opportunities to make non-motorized connections to other existing and planned trails.
(c) Trails and other facilities specified in this Section should be built to guidelines identified in the AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities off-road and shared-use paths design standards.

(d) Off-road pedestrian or bicycle facilities, when located outside a public road right-of-way, shall be located within a designated tract or easement. Provisions shall be made for their perpetual maintenance and operation.

(e) Off-road mid-block pathways within or between development(s), if provided, should:
   (i) Be a minimum of 8 feet wide within an easement, tract or right-of-way;
   (ii) Be straight as possible; and
   (iii) Provide 6 feet of clearance on both sides of the pathway in order to ensure good visibility, way finding, and surveillance, taking into consideration the guidelines found in the Crime Prevention Through Environmental Design (CPTED) Handbook.

(11) Design Modifications. The road standards of this Chapter may be modified as listed in Section 19.35.040 and Table 19.35.040-1.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.23.040 Public Roads.

(1) Required. New roads proposed as part of a development application shall be publically owned and maintained by the County or one of its cities, except as provided in Subsection 19.23.050.

(2) Public Road Improvements.

(a) New Roads. New roads shall be constructed to County public road standards adopted by resolution of the Board of Yakima County Commissioners. All road improvements shall be completed as a single project. Right-of-way for all public roads shall be dedicated to the public free from any physical or legal encumbrances. The right-of-way width shall be as established in Tables 19.23.045-1 and 19.23.045-2.

(b) Existing Classified Roads.

(i) Frontage Improvements Required. Where a proposed development is served by a nonstandard public collector or arterial classified road, the road must be improved to the current adopted County Road standards along the entire frontage of the property. Frontage improvements will be constructed concurrently with development or proportional financial contributions will be made at the time of final development approval. Proportional financial contributions will not be considered for those frontage improvements necessary for safe and efficient traffic operations upon completion of the development, as determined by the County Engineer.

(ii) Off-site Improvements Required. Off-site road improvements are required to mitigate impacts to the general transportation network resulting from the proposed development, that have been identified through SEPA and concurrency reviews. Off-site road improvements will be constructed concurrently with the development or proportional financial contributions will be made at time of final development approval. Proportional financial contributions will not be considered for those Off-site improvements necessary for safe and efficient traffic operations upon completion of the development, as determined by the County Engineer.

(c) Urban Access Roads.

(i) Frontage Improvements Required.

(A) Paved. Where a development is served by a nonstandard paved urban access road the road must be improved to the current adopted County road standard along the entire frontage of the property. A
financial contribution, in lieu of frontage improvements may be proposed for consideration by the County Engineer.

(B) Gravel. Where a development is served by a gravel urban access road, the roadway shall be improved to the current adopted County road standards along the entire frontage of the property and to the nearest county road intersection measured along the primary travel route to the property. No design modification for surface type will be granted. Frontage improvements will not be required for the following permits: Agricultural buildings not including agriculturally related industry; single family residential or duplex; building improvements or changes of use that do not cause transportation impacts; grading; lot line adjustments; Comp. Plan amendments; Shoreline; accessory dwelling units; personal wireless services facility; and proposals for facade improvements, re-roofing or signage.

(ii) Off-site Improvements. Off-site improvements, other than identified in Subsection 19.23.040(2)(c)(i) will only be required if a significant deficiency affecting roadway capacity or safety has been identified by the County Engineer.

(d) Rural Access Roads.

(i) Frontage Improvements Required.

(A) Paved. Where a development is served by a nonstandard paved rural access road, the road must be improved to the current adopted County Road standard along the entire frontage of the property. A financial contribution, in lieu of frontage improvements may be proposed for consideration by the County Engineer. Within the RT, R-10/5, R/ELDP-40 and FW zones, and for residential or agricultural seasonal development within the AG zone, no frontage improvements will be required if the County Engineer determines that the road is adequate to serve the development.

(B) Gravel. Where development is served by a gravel rural access road, the roadway shall be improved to current adopted County road standards along the entire frontage of the property. A financial contribution, in lieu of frontage improvements, may be proposed for consideration by the County Engineer. No design modification for surface type will be granted. Frontage improvements will not be required for the following permits: Agricultural buildings not including agriculturally related industry; single family residential or duplex; building improvements or changes of use that do not cause transportation impacts; grading; lot line adjustments; Comp. Plan amendments; Shoreline; accessory dwelling units; personal wireless services facility; and proposals for facade improvements, re-roofing or signage.

(ii) Off-site Improvements. Off-site improvements will only be required if a significant deficiency affecting roadway capacity or safety has been identified by the County Engineer.

(3) Connectivity.

(a) Relationship to Other Adopted Plans and Ordinances. New development or redevelopments shall incorporate design and evaluation of vehicular, bicycle, and pedestrian circulation systems that conform to comprehensive plans and trails plans adopted by cities, towns and Yakima County and shall meet connectivity requirements to those developments.

(b) General Connection Requirements. The arrangement of roads in any development shall, when applicable:

(i) Provide for the continuation or appropriate projection of existing roads and corridors in surrounding areas; or

(ii) Conform to the comprehensive plan or to a neighborhood plan adopted by the Board of County Commissioners to meet a situation where topographical or other conditions make continuance or conformance to existing classified roads impractical.

(iii) Provide or accommodate multiple direct connections in the local street system.
(iv) Be extended by the developer to and through the proposed development.

(4) Street Grid System. The proposed development shall provide or accommodate a street grid system according to adopted comprehensive plan and as follows:

(a) Within any Urban Growth Area or RS zoning district: Development shall provide a local street system connection to each property at intervals not to exceed the block lengths in Subsection 19.23.060(1)(h), and be consistent with the designated arterial and collector corridors.

(b) Outside Urban Growth Areas and the RS zoning district: The local street grid system shall generally follow corridors along section and half-section lines, considering terrain and other land characteristics in Subsection 19.23.030(3)(a) above, and be spaced at intervals not to exceed one-half mile along each boundary that abuts potentially developable land in zones other than the AG and FW zones.

(c) In all zones:

(i) The proposed development shall be consistent with the arterial and collector corridor or alignment designated by Yakima County on a map or in an adopted plan or comprehensive plan element, or has been identified through early assistance as necessary to provide a higher functional classification.

(ii) Where there is no existing road to connect to, the property owner shall, in lieu of improvements to a local street stubbed to the boundary of the development, establish an easement 60 feet in width in the location or locations specified by this Section.

(iii) Appropriate structural setbacks shall also be provided to ensure future development does not encroach on designated street or road corridors.

(iv) The developer shall also provide an irrevocable offer to dedicate said easement for road construction purposes when the municipality exercises its option to facilitate the connectivity provisions of the legislative intent of this Chapter.

(5) Intersections. In general intersection of a collector street with an arterial street should be provided at an interval of approximately 1,300 feet or one-quarter mile along arterial streets. An intersection of a local street with a collector street should be provided at an interval approximately 660 feet. Alternative intersection intervals may be determined by the corridors designated by adopted comprehensive plan, adopted transportation plan or the presumed street grid system outlined in Subsection (e) above. Developments must provide for any such intersection(s) that occur within their project application area.

(a) Centerlines of opposing roads shall be directly aligned at road intersections, or offset at least 165 feet from each other to ensure efficient intersection operation.

(b) Roads shall be laid out to intersect as nearly as possible at right angles and no road shall intersect any other road at less than 85 degrees.

(c) Proposed intersections of private roads, access easements or dedicated right-of-way with a public road shall be designed to appropriate standards as determined by the County Engineer.

(6) Right-of-Way. Right-of-way for public roads shall be dedicated to the public free from any physical or legal encumbrances. The right-of-way width shall be as established in Tables 19.23.040-1 and 19.23.040-2. Design modifications to this standard may only be granted under the design modification criteria of Section 19.35.040 and when drawings are submitted by a professional engineer, which substantiate, to the satisfaction of the County Engineer, that all improvements can be accommodated within the proposed reduced width.

(7) Half Roads. Half roads that do not include the construction of the full traveled way cross section are prohibited.

(8) Non-Through Roads.
(a) Permanent, non-through roads may only be granted by the Administrative Official if findings document that:

(i) There is no conflict with the connectivity standards of Subsection 19.23.030(3)(c) because through-roads in all directions meet the local street grid system intervals; or

(ii) The proposal meets design modification criteria of Section 19.35.040 and the connectivity modification criteria in Subsection 19.23.030(3)(g).

(b) In Urban Growth Areas and the Rural Settlement zoning district, permanent non-through roads, shall not be longer than 500 feet as measured from the nearest intersection of road centerlines to the farthest extent of the road surface. Design modifications of this standard to allow a length greater than 500 feet may be granted under the design modification criteria of Section 19.35.040.

(c) Non-through roads that meet the connectivity provisions of this Chapter shall be provided at the closed end with a turnaround in conformance with the YCC Title 13 International Fire Code. When a project is phased, each phase must be provided with turnarounds. The turnarounds shall be temporary and abandoned when the road is extended. Lots shall be configured to accommodate the future road extension.

(9) Road Grades. Road grades shall be determined using AASHTO guidelines in consideration of functional classification, terrain and design speed, not to exceed 12%. Grades for private roads and private, shared driveways shall comply with YCC Title 13 for fire apparatus access road requirements.

(10) Blocks.

(a) The lengths, widths and shapes of blocks shall be determined with due regard to:

(i) Provision of adequate building sites suitable to the type of use contemplated;

(ii) Needs for convenient access, circulation, control and safety of road traffic;

(iii) Limitations and opportunities of topography including floodplains.

(b) Block lengths in the local street system within the RS, SR, R-1, R-2, R-3, B-1, B-2, SCC, LCC, GC, M-1 and M-2 districts shall not exceed 1000 feet. Length shall be measured between intersections of through roads for blocks adjacent to streets or along other fixed boundaries where there are no streets. Design modifications of this standard may only be approved when the road design modification requirements of Section 19.35.040 are met and when:

(i) The maximum permitted increase in block length is based on the determination of the Reviewing Official of the requested road design modification; and

(ii) The development is restricted to residential land uses with densities of seven dwellings per acre or less.

(11) Signalization. The County Engineer may require signalization or limited movement at intersections where warranted by existing or future traffic volumes to coordinate land use and transportation.

(12) Alleys.

(a) Alleys or other provisions for service access shall be provided in commercial and industrial districts for off-road loading, unloading and parking, and/or fire and emergency services adequate for the uses proposed.

(b) Alleys may be provided in residential developments to facilitate alternative design and development styles.
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(c) Where approved, the minimum width of an alley right-of-way in industrial or commercial areas shall be 30 feet. The minimum width of an alley right-of-way in a residential development shall be 20 feet. In both cases the width of the travel way shall not be less than ten feet.

(d) Alleys shall intersect with the public street at intervals consistent with the block length established for the development.

(e) Dead-end alleys are prohibited.

(Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.23.045 Public Road Standards.

(1) Urban. Public roads in Urban Growth Areas, the RS and HTC zoning districts, and areas of the RT zoning district within the Federal Highway Administration’s Urban Area shall conform to adopted comprehensive plans, the standards in Table 19.23.045-1 or the standard plans approved by the County Engineer, whichever is greater.

<table>
<thead>
<tr>
<th>Street Class</th>
<th>Item</th>
<th>Urban Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial</td>
<td>Right of Way Width(4)</td>
<td>80' min.</td>
</tr>
<tr>
<td></td>
<td>Number of Lanes</td>
<td>4 or 5, determined by Plan (3)</td>
</tr>
<tr>
<td></td>
<td>Street surface width</td>
<td>determined by Plan</td>
</tr>
<tr>
<td></td>
<td>Lane width – exterior</td>
<td>14’</td>
</tr>
<tr>
<td></td>
<td>Lane width – interior</td>
<td>11’</td>
</tr>
<tr>
<td></td>
<td>Turn lane</td>
<td>11’</td>
</tr>
<tr>
<td></td>
<td>Sidewalks(3)</td>
<td>7’</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>Right of Way Width(4)</td>
<td>80' min.</td>
</tr>
<tr>
<td></td>
<td>Number of Lanes</td>
<td>3 or 4, determined by Plan</td>
</tr>
<tr>
<td></td>
<td>Street surface width</td>
<td>determined by Plan</td>
</tr>
<tr>
<td></td>
<td>Lane width – exterior</td>
<td>14’</td>
</tr>
<tr>
<td></td>
<td>Lane width – interior</td>
<td>11’</td>
</tr>
<tr>
<td></td>
<td>Turn lane</td>
<td>11’</td>
</tr>
<tr>
<td></td>
<td>Sidewalks(3)</td>
<td>7’</td>
</tr>
<tr>
<td>Collector Arterial</td>
<td>Right of Way Width(4)</td>
<td>70' min.</td>
</tr>
<tr>
<td></td>
<td>Number of Lanes</td>
<td>2, 3 or 4, determined by Plan</td>
</tr>
<tr>
<td></td>
<td>Street surface width</td>
<td>min. 35’</td>
</tr>
<tr>
<td></td>
<td>Lane width – exterior</td>
<td>12’ or 14’</td>
</tr>
<tr>
<td></td>
<td>Lane width – interior</td>
<td>11’</td>
</tr>
<tr>
<td></td>
<td>Turn lane</td>
<td>11’</td>
</tr>
<tr>
<td></td>
<td>Sidewalks(3)</td>
<td>7’</td>
</tr>
<tr>
<td>Local Streets(2)</td>
<td>Right of Way Width(4)</td>
<td>60' min.</td>
</tr>
</tbody>
</table>

(Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).
Street Class | Item | Urban Standard
---|---|---
 | Number of Lanes | 2
 | Street surface width (no on-street parking) | 28’
 | Street surface width (with parking) | 32’
 | Lane width | 10’ to 12’
 | sidewalks(3), where required by 19.23.060(4)(b) | 5’

**Bike Lanes**

Comprehensive plans determine if a bike lane is required. A shared lane (14’ outside lane) may be appropriate in some cases. No bike lanes are required on local streets.

**Multi-use Trail/Pathway**

As required by AASHTO design guidelines (refer to Section 19.23.040 for pedestrian facilities outside of public right-of-way).

Notes:

1. Determined by Plan = To be determined by adopted comprehensive plans as defined in this Title.
2. Local streets in areas of the RT Zoning district that are within the Federal Highway Administration’s Urban Area may conform to the modified standard for Rural Access (09) ADT < 1000 roads listed in Table 19.23.040-2.
3. Sidewalks located three or more feet behind the backs of curbs shall be a minimum of four feet wide for all urban roadway classifications.
4. Right-of-way shall be sufficient to contain the entire roadway including surface, drainage, slopes and utilities.

(a) **Road Curbing.**

(i) All public through roads and roads that will be through roads shall be constructed with barrier curbs. Such barrier curbs may utilize low-impact design for stormwater where approved by the County Engineer.

(ii) Public roads approved to be permanent, non-through roads may use low-impact design curbs constructed with either rolled mountable curbs or barrier curbs at the developer’s preference.

(iii) The curb radii at all intersections and interior corners shall be constructed with barrier curbs from the property lines of the corner lots.

(b) **Sidewalks and Other Pedestrian Facilities.**

(i) Sidewalks shall be constructed as provided in Table 19.23.040-1 and this Subsection. See Section 19.23.030(10) for construction of separated pedestrian facilities.

(ii) All sidewalks shall be constructed to a minimum depth consistent with Yakima County road standards.

(iii) A note shall be placed on the final document indicating that developers shall replace all cracked or damaged sidewalks during construction of buildings and road improvements in a timely fashion at no cost to the public. The property owner is responsible for snow and ice removal, maintenance and repair of sidewalks in such fashion on local access roads.

(iv) Yakima County has a tiered sidewalk program for local streets:

(A) Sidewalks are required on both sides of a local access street, unless the entire street will never serve more than 30 lots or housing units, whichever is greater.

(B) Sidewalks are required on one side of streets serving up to 30 housing units or lots, based upon maximum density allowed by zoning, that have no potential to be extended under connectivity standards.
(C) No sidewalk if a permanent non-through street serves less than ten homes (or units).

(D) The location of sidewalks when only provided on one side of the street shall be on that side of the street that provides logical and continuous connections, as determined by the Reviewing Official.

(E) As an alternative to the above sidewalks, the County may approve a separated multi-use trail along local access streets, as provided in Section 19.23.030(10).

(c) Street Lighting. Street lights approved by the County Engineer shall be constructed at all intersections and at the ends of all cul-de-sacs. Additional street lights shall be constructed between intersections based on roadway classification.

(d) Surfacing. Hard surfacing for public streets shall be provided in Urban Growth Areas, in the RS, HTC zones and areas in the Rural Transitional zone within the designated FHWA Urban Area, as determined by standard plans approved by the County Engineer.

(2) Rural. Public roads outside Urban Growth Areas, outside the RS and HTC zoning districts, and areas of the RT zoning district outside the Federal Highway Administration’s Urban Area shall conform to Yakima County Comprehensive Plans or the requirements in Table 19.23.040-2, whichever is greater.

<table>
<thead>
<tr>
<th>Roadway Classification</th>
<th>Feature</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Major Collector (07) ADT &gt;2000</td>
<td>Right-of-Way Width</td>
<td>70' min.</td>
</tr>
<tr>
<td>Rural Minor Collector (08) ADT &gt;2000</td>
<td>Number of Lanes</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Lane Width</td>
<td>12'</td>
</tr>
<tr>
<td></td>
<td>Shoulder Width</td>
<td>8'</td>
</tr>
<tr>
<td>Rural Major Collector (07) ADT 1000 to 2000</td>
<td>Right-of-Way Width</td>
<td>70' min.</td>
</tr>
<tr>
<td>Rural Minor Collector (08) ADT 1000 to 2000</td>
<td>Number of Lanes</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Lane Width</td>
<td>12'</td>
</tr>
<tr>
<td></td>
<td>Shoulder Width</td>
<td>5'</td>
</tr>
<tr>
<td>Rural Access (09) ADT &gt; 1000</td>
<td>Right-of-Way Width</td>
<td>60' min.</td>
</tr>
<tr>
<td></td>
<td>Number of Lanes</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Lane Width</td>
<td>12'</td>
</tr>
<tr>
<td></td>
<td>Shoulder Width</td>
<td>5'</td>
</tr>
<tr>
<td>Rural Major Collector (07) &lt; 1000</td>
<td>Right-of-Way Width</td>
<td>70' min.</td>
</tr>
<tr>
<td>Rural Minor Collector (08) ADT 1000 to 2000</td>
<td>Number of Lanes</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Lane Width</td>
<td>11'</td>
</tr>
<tr>
<td></td>
<td>Shoulder Width</td>
<td>4'</td>
</tr>
<tr>
<td>Rural Access (09) ADT &lt; 1000</td>
<td>Right-of-Way Width</td>
<td>60' min.</td>
</tr>
<tr>
<td></td>
<td>Number of Lanes</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Lane Width</td>
<td>11'</td>
</tr>
<tr>
<td></td>
<td>Shoulder Width</td>
<td>4'</td>
</tr>
</tbody>
</table>
Notes:

(1) See Yakima County Roadway Design Standards for Shoulder Widths with Guardrail Installations.
(2) Lane widths shall be ten feet in areas of the RT zone that are within the Federal Highway Administration’s Urban Area.
(3) Shoulder widths shall be five feet in areas of the RT zone that are within the Federal Highway Administration’s Urban Area.
(4) Right-of-way shall be sufficient to contain the entire roadway including surface, drainage, slopes and utilities.

(Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.23.050 Private Roads.

Private roads serving development, including gated communities, may only be approved when the Reviewing Official determines that all the following criteria will be met based on documentation provided by the applicant.

(1) There is no conflict with an existing public road or with the County’s long-range road circulation plan;
(2) There is no conflict with the connectivity standards of Subsection 19.23.030(3);
(3) The proposed design sufficiently incorporates the features of Subsection 19.23.050(6)(a) such that the private road will have a significantly different appearance than a public road;
(4) The Administrative Official, in consultation with the County Engineer determines that the road will not, due to topographical or other physical or environmental constraints, ever have the possibility of:
   (a) Being extended to serve adjacent development, or
   (b) Serving 16 lots or development that generates 160 or more daily vehicle trips, unless located within an approved rural master planned resort or urban master planned development.
(5) The safety, quality and lifespan of the transportation facilities are assured for the long-term benefit of future property owners and occupants of the proposed development.
(6) Design Standards.
   (a) Minimum Construction Standards.
      (i) A professional engineer shall design the road, provide the specifications, engineering judgment and assumptions supporting the road design, test its construction, and certify it meets the following standards:
         (A) All private roads shall be designed using the highest practical design speed with a minimum of 25 miles per hour.
         (B) The private road shall accommodate two-way traffic based unless a design modification for one-way traffic is proposed and approved.
         (C) All private roads must meet the minimum fire apparatus access road requirements of YCC Title 13.
      (ii) The road shall meet AASHTO recommended 20 year design guidelines for development density, use and intensity that could be served by the road based on plan designation, zoning, public safety and natural hazards. In lieu of the applicant’s engineer submitting a detailed analysis, the following minimums are required. The applicant’s engineer will be required to certify that the project meets the minimum requirements contained in Table 19.23.050-1.

<table>
<thead>
<tr>
<th>Design Speed (min.)</th>
<th>25 miles per hour</th>
</tr>
</thead>
</table>

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
## Roadway Width

<table>
<thead>
<tr>
<th>Description</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roadway Width</td>
<td>20 feet or current Fire Code (whichever is greater)</td>
</tr>
</tbody>
</table>

## Horizontal Curve (min.)

- **Radius**: 154’ radius (at 4% max. super-elevation)

## Vertical Curve (crest min.)

- **Length Formula**: \( L = 12 \times (A) \), where \( L \) is the length of vertical curve, \( A \) = the algebraic difference in intersecting grades.

## Vertical Curve (sag min.)

- **Length Formula**: \( L = 26 \times (A) \), where \( L \) is the length of vertical curve, \( A \) = the algebraic difference in intersecting grades.

## Maximum Grades

- **Maximum Grade**: 10% or current Fire Code (whichever is least)

## Stopping Sight Distance

- **Distance**: 155 feet (on level ground)

## Roadway must accommodate two-way traffic

## Pavement section must be designed for a 20 year lifecycle

## Roadways in Urban Areas shall have pedestrian facilities, street and pedestrian lighting and drainage facilities

(iii) Where private roads require a crossing of an existing natural stream or drainageway, the crossing shall comply with applicable Building Codes and the Critical Areas Ordinance or Shoreline Master Program.

(iv) Roads in special flood hazard areas are subject to review to ensure that the design will be analyzed for flood effects and mitigation. Such roads may alternatively be constructed with the top of the finished road at existing grade where the County Engineer and Fire Marshal determine the roads are not needed for flood ingress and egress because there are safe and suitable alternative routes that meet International Fire Code requirements.

(v) Pedestrian facilities that meet AASHTO guidelines for a separated multi-user trail or sidewalk shall be provided from all lots and units to the nearest public road or trail in Urban Growth Areas and the Rural Settlement zoning district;

(vi) Drainage facilities shall be provided in accordance with YCC Chapter 12.10 to prevent any drainage onto a public roadway;

(vii) Easements shall be of sufficient widths to include all provided transportation improvements; and

(viii) Hard surfacing shall be provided in Urban Growth Areas, in the RS, HTC zones and areas in the Rural Transitional zone within the designated FHWA Urban Area, and in other locations where the Reviewing Official determines that the road will serve more than 15 lots or units or such surfacing is otherwise required, as determined through the development approval process, based on zoning and the intensity of the use.

(b) **Other Standards, Criteria and Conditions.** Private roads serving development shall comply with the following standards, criteria and conditions:

(i) Any existing or new private road allowed under this Chapter shall be retained permanently as a private road, located within non-exclusive access easements, and maintained privately.

(ii) Covenants providing for the perpetual maintenance of the private road shall be required. The covenants shall be signed by the owners, according to the records of the office of the County Auditor of property to an aggregate amount of the majority of the lineal frontage upon the improvement required and of the area within the boundaries of the properties served by the road. Said covenants shall establish a road maintenance fund and require the owners in the development to pay into such fund. Covenants shall be approved by the County. The covenants shall be recorded by the developer with a copy of the recorded document provided to the Planning Division and shall be referenced on the face of the plat, short plat or binding site plan prior to its recording.
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(iii) Private road name signs shall be provided by the developer at the intersections of private roads with private roads and at the intersection of private roads with public roads. Such signs shall meet the specifications in the Manual on Uniformed Traffic Control Devices. Names for private roads shall be approved by the County under the Road Naming and Site Addressing Ordinance YCC Chapter 13.26.

(iv) The property owners shall be responsible for maintaining private roads and the signs within private roads.

(v) Private roads shall be open and unobstructed for use by emergency, public service and utility vehicles.

(vi) The face of any plat or short plat containing a private road, and all subsequent documents transferring ownership of lots within such plat or short plat, shall bear the following language:

Yakima County has no responsibility to build, improve, maintain or otherwise service any private road for this plat/short plat. Any right-of-way dedicated to the public by this plat/short plat shall not be opened as a County road until it is improved to County road standards and accepted as part of the County road system.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.23.060 Private Shared Driveways.

(1) When Allowed. Private shared driveways may only be approved when the Reviewing Official determines that all the following criteria are met, based on documentation provided by the applicant or other evidence:

(a) The private, shared driveway will not serve more than four lots or units, or, due to topographical or other physical constraints as determined by the Reviewing Official, have the possibility based on zoning of:

(i) Being extended to serve more than four lots or units, or

(ii) Accommodating a development that generates more than 40 daily vehicle trips based on current plan designation and zoning;

(b) There is no conflict with an existing public road or with the County’s long-range road circulation plan, or with the connectivity standards of Subsection 19.23.030(3);

(c) The development minimizes the number of access points to a public roadway; and

(d) An agreement is provided that binds owners within the development to financially participate in perpetual maintenance of the private shared driveway.

(2) Design Standards.

(a) Minimum Construction Standards. Where private shared driveways are authorized, the improvements shall meet the following standards:

(i) The minimum driveway standard is a minimum travel surface as required by the International Fire Code.

(ii) Where private shared driveways require a crossing of an existing natural stream or drainageway, the crossing shall comply with YCC Titles 13, 16A, 16C and 16D.

(iii) Private shared driveways in special flood hazard areas are subject to review to ensure that the design will be analyzed for flood effects and mitigation. Such private shared driveways may alternatively be constructed with the top of the finished road at existing grade where the Reviewing Official determine the roads are not needed for flood ingress and egress because there are safe and suitable alternative routes that meet International Fire Code requirements.

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(iv) The minimum standard for all private shared driveways in any development within an Urban Growth Area, RS or HTC zoning districts will be hard surfaced with two inches of asphalt concrete pavement (or the equivalent, as determined by the Reviewing Official in consultation with the County Engineer) on a subgrade of six inches of crushed surfacing base course, compacted depth. An alternative design may be required to maintain durability for commercial or industrial uses.

(v) In the RT, Rural-10/5, R/ELDP-40, MIN, AG, and FW zoning districts, private shared driveways shall meet a minimum standard as determined by YCC Title 13.

(vi) Drainage facilities must be sufficient to prevent discharge onto any public roadway.

(b) Driveway Locational Regulations.

(i) This Subsection is intended to limit the number of driveway approaches to an arterial or collector street, combine access so multiple adjacent land uses are served by a common approach, and maximizes the distance between neighboring approaches and intersections.

(ii) Re-development of the property may require existing driveways to be modified consistent with these requirements.

(iii) Neighboring accesses to individual lots in a single development shall be combined using common easements to minimize adjacent access points to a roadway. The objectives of this standard are to provide for safety and efficient use of land.

(iv) The County Engineer shall determine whether the proposed driveway locations conform to the following:

(A) Driveway approaches shall be restricted within the intersection’s functional limits, which may be a distance of up to 350 feet from the intersection on a classified (arterial or collector) road.

(B) No driveway approach shall be so located as to create a hazard to pedestrians or motorists, or invite or compel illegal or unsafe traffic movements.

(C) A driveway approach on a local access street shall maximize the distance from a street intersection, as measured from the property line at the corner, and be located at least 30 feet from the street intersection corner.

(D) A driveway approach to a collector or arterial street shall maximize the distance from an adjacent driveway approach and be located at least 75 feet (measured along the collector or arterial) from any other such collector or arterial street approach on the same side of the street.

(E) A driveway approach to a collector or arterial street shall be at least 75 feet from the nearest right-of-way line of an un-signalized street intersection.

(F) Driveway approaches shall be limited in the vicinity of a signalized street intersection. No driveway shall be permitted within 100 feet of a signalized intersection, as measured from the right-of-way line. Driveways within 200 feet of the right-of-way line of the intersection shall be restricted to right turns only.

(G) A construction permit pursuant to Chapter 10.08 shall be required for the construction of new driveway approaches from a public street or a modification of an existing driveway approach for the specifications of the driveway approach.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).
19.23.070 Transportation Concurrency Management System.
Yakima County has established its Level of Service (LOS) standard for transportation concurrency in its comprehensive plans. It is based on both a Condition LOS and a Capacity LOS. Proposed developments that would reduce the LOS below the established standards shall be mitigated so the LOS is met, or denied.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).
Subtitle 19.3 Procedures
Chapter 19.30
APPLICATIONS

Sections:
19.30.010 Legislative Intent.
19.30.020 Required Permits.
19.30.030 Application and Use Categories.
19.30.040 Pre-application Conference.
19.30.060 Application Requirements.
19.30.070 Site Plans for Project Permits – Form and Contents.
19.30.071 Site Plans for Project Permits – Boundary Line Adjustments.
19.30.072 Site Plans for Project Permits – Preliminary Short Plats.
19.30.073 Site Plans for Project Permits – Preliminary Plats.
19.30.074 Site Plans for Project Permits – Binding Site Plans.
19.30.075 Site Plans for Project Permits – Master Planned Resorts (MPR).
19.30.090 Type 1 Application Approval Criteria and Conditions.
19.30.100 Conditions for Approval of Type 2, 3 and 4 Applications.
19.30.110 Final Decisions.
19.30.120 Compliance with Conditions, Safeguards and Mitigation Required – Revocation of Project Permits.
19.30.130 Performance Assurance.

19.30.010 Legislative Intent.
The intent of this Chapter is to establish procedures for acting upon project permits authorized by this Title, including:

(1) Application submittal contents;
(2) Categories of application types;
(3) Authority for conducting review;
(4) Criteria for rendering decisions to approve, conditionally approve or deny applications; and
(5) A process for maintaining compliance with conditions or enforcing decisions, up to and including revocation of approvals where appropriate.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.020 Required Permits.
(1) Project Permits. Except as provided in Subsection (2) below, no use, development or modification to a use or development, as those terms are defined by this Title, may be established, placed, performed, constructed, made or implemented, in whole or in part without the issuance of a project permit by the Reviewing Official.

(2) Exceptions to Obtaining Project Permits under This Title. The following development, activities and modifications to development may require project permits under Yakima County Code.

(a) Normal structural repair and maintenance as defined in the codes adopted by YCC Title 13;
(b) Physical changes to conforming structures or uses other than structural alterations as that term is defined by this Title;
(c) Rehabilitation of dwelling units when such rehabilitation does not expand the number of dwelling units nor physically expand the structure;
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

(d) Accessory structures and uses listed under Section 19.18.020 that otherwise meet the specific development standards and requirements of this Title, when the principal use is already established;

(e) Alteration to land, including grading and leveling, paving, stockpiling, and excavation, the amount of which does not exceed 500 cubic yards;

(f) Required site improvements, including all construction of private or public roads, construction of sewer, electric, telecommunications, storm water, and water utilities under an approved and valid development authorization, subdivision or binding site plan regulating such improvements; and

(g) New uses for a legally established multiple occupancy building provided that the use:

(i) Is consistent with the conditions of the decision approving the multiple occupancy building;

(ii) Establishes a Type 1 or 2 use that is allowed within the zoning district;

(iii) Establishes a use that does not require drive-through facilities; and

(iv) Required structural changes would meet minimum development standards of the zone.

(3) Project Permit-Issuance in Conjunction with Another Permit. If the Reviewing Official is authorized to review and issue a project permit under any other County code or ordinance applicable to the development, he may require issuance of the project permit under this Title to be issued only in conjunction with said other project permit.

(4) Notice to Applicant and Future Owners of Proximity to Designated Resource Lands.

(a) All plats, short plats, development permits, and building permits issued for development activities on, or within 500 feet of, lands designated by the Comprehensive Plan as agricultural lands, forest lands, or mineral resource lands, shall contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals (RCW 36.70A.060(1)(b)).

(b) The notice shall also state that agricultural, forest and mining activities performed in accordance with County, state and federal laws are not subject to legal action as public nuisances.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.030 Application and Use Categories.
Actions and uses under this Title are grouped into categories, each with a corresponding review process as defined in YCC Section 16B.03.030. If an application does not meet minimum approval criteria or standards for the zone and this Title, or cannot be adequately conditioned at a particular location, it shall be denied. A project permit, other than a nonconforming use permit, may not be granted for a classified use in a zoning district from which it is specifically prohibited. Applications are categorized as follows:

(1) Type 1 Applications.

(a) 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 this Title.

(b) Applications requiring Type 1 review include:

(i) Boundary line adjustments;

(ii) Segregations within an approved binding site plan for commercial and industrial development;
(iii) Administrative modifications to existing or approved uses where authorized by this Title; and

(iv) Type 1 Permitted Uses shown on the Allowable Land Use Table 19.14-1 in Chapter 19.14, except when required to undergo Type 2 review under Subsection (1)(c) below. The Reviewing Official shall use the procedures in YCC Subsection 16B.03.030(1)(a), Sections 19.30.080 and 19.30.090 to review Type 1 Permitted Uses and associated site improvements for compliance with the provisions and standards of the zoning district in which they are located.

(c) Type 1 Permitted Uses require Type 2 review when:

(i) All or part of the development, except for agricultural buildings, single-family dwellings and duplexes are in the 100-year floodplain or Greenway Overlay (GO);

(ii) All or part of a development that is in a Master Planned Development Overlay (MPDO) and is identified in a development agreement as requiring Type 2 approval;

(iii) The proposed use includes hazardous material, as defined in Section 19.01.070;

(iv) All or part of the development requires a modification to an existing development plan and/or master plan associated with a Master Planned Development Overlay;

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

(vi) The permitted use could be approved subject to broader condition authority under Section 19.30.100.

(d) Type 1 Uses 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:

(i) Site-built or modular dwellings and two-family dwellings;

(ii) Manufactured home meeting requirements of Section 19.18.270;

(iii) Mobile or manufactured homes of any size in approved or existing mobile/manufactured home parks;

(iv) Multi-wide manufactured home in approved or existing manufactured home subdivisions;

(v) Single-wide manufactured home in approved or existing manufactured home subdivisions;

(vi) Single-wide manufactured home, on an individual lot meeting the criteria in Section 19.18.270;

(vii) Sales office within a residential or mixed-use project while units in the project are sold by the developer;

(viii) Garages and other accessory structures associated with (i) through (vii) above, but not including accessory dwelling units;

(ix) Forestry;

(x) Agriculture other than Animal Feeding Operations and Concentrated Animal Feeding Operations, slaughterhouses and rendering plants, and sprayfields;

(xi) Agricultural buildings;

(xii) Structures used for storage of fuel or agricultural products;
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(5) Accessory Uses. Accessory uses may be permitted when a principal use has been established. Accessory uses are customarily incidental and subordinate to the principal use of a structure or site. Refer to Section 19.18.020 for regulations governing accessory uses.

(6) Existing Uses. Within the zoning districts established by this Title, or zoning district amendments that may later be adopted, there may exist uses that were legally established prior to the effective date of this Title or applicable amendment that are classified as a Type 1, 2, 3 or 4 use in a particular zoning district. Such uses shall be considered Existing Type 1, 2, 3 or 4 uses, and subject to the review standards pertaining thereto under current code. Previously approved uses may continue according to their conditions of approval, whether classified as existing or nonconforming. A change in classification as existing or nonconforming will be reviewed under its new classification at such time the use is altered, amended, modified or expanded.

(7) Prohibited Uses Production, Processing and Retailing of Marijuana Prohibited. Production, processing and retail sales of marijuana and marijuana-infused products, all as defined in Initiative Measure No. 502, as codified in the Revised Code of Washington Chapter 69, and implementing regulations in Chapter 314-55 of the Washington Administrative Code, are each prohibited and not allowed in any zone within the unincorporated areas of Yakima County.

(8) Development Permits for Master Planned Resorts. The Resort Development Plan authorized in conjunction with the rezone to MPR is the guide for development of the resort. Establishment of the uses identified in the Resort Development Plan shall be subject to Type 1 review, in order to conduct site-specific review of the individual uses.

(a) Establishment of land uses and any division of land by subdivision or condominium must be consistent with:

(i) The authorized RDP;

(ii) Any specific conditions or required mitigation measures;

(iii) SEPA review, including an environmental checklist; and

(iv) All necessary construction authorization permits.

(b) Components or phases of the authorized RDP may be submitted with other required approvals as a master application.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.040 Pre-application Conference.

(1) Pre-application conferences are mandatory for:

(a) Agricultural Tourist Operations;

(b) Subdivisions (long plats);

(c) Linear Transmission Facilities;

(d) Mining Site Operations;

(e) Master Planned Development applications;

(f) Master Planned Resorts;

(g) Development located within the FEMA 100-year floodplain; and

(h) Other projects where required by the Administrative Official under YCC Section 16B.04.010.
Prior to applying, the applicant may arrange a conference with the Planning Division to review the proposed action, to become familiar with the policies, plans and the development requirements and to coordinate all necessary permits and procedures.

Any information or opinions expressed by the Planning Division staff shall not be binding on the Reviewing Official or constitute approval of the project. Refer to YCC Section 16B.04.010 for procedural details concerning a pre-application conference.

19.30.060 Application Requirements.
All of the following documents and elements must be submitted as requirements for a fully completed application for project permits where specified in the particular application form or as determined necessary by the Administrative Official due to applicability of the specific requirement to the proposal:

(1) General Information. The items required under YCC Section 16B.04.020.
(2) Site Plan. A site plan, in conformance with Section 19.30.070.
(3) Optional Consolidated Permit Review. Under YCC Section 16B.03.060, 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 applicable fee for each application will be required.
(4) Contents. Individual chapters of this Title and YCC Title 16B contain additional information required for a particular type of application review process.

(a) Design modifications, administrative adjustments, variances, minor rezones, modifications to approved, existing, and nonconforming uses, lots and structures, and other specified applications shall submit documents and elements in conformance with this Chapter and the specific requirements of Chapters 19.33 through 19.36.
(b) All applications shall include the following information:
   (i) Yakima County taxation parcel number and, for land divisions, a legal description;
   (ii) Description of proposed action;
   (iii) Size of subject property;
   (iv) Explanation of any administrative adjustment or design modification sought from the standards of this ordinance; and
   (v) Draft of any proposed covenants, restrictions and easements.
(c) All necessary documents, narratives, detailed project development schedule or special studies identified at the time of pre-application conference must be included with the site plan at the time of submittal;
(d) A comprehensive sign plan meeting the requirements of Section 19.35.020(7), if an administrative adjustment or variance to the sign standards is requested;
(e) Special studies, such as soil and geological analyses as determined necessary by the Administrative Official to address specific site constraints; and
(f) Any other information specified by the Administrative Official, such as:
   (i) Existing ownership pattern;
(ii) Operation and maintenance proposals (i.e. homeowner’s association, condominium, co-op or other);

(iii) Solid waste disposal facilities;

(iv) Lighting;

(v) Water supply and fire hydrants;

(vi) Public transportation;

(vii) Community facilities;

(viii) Flood proofing or other measures to protect against flooding; or

(ix) Information on design methods to conserve energy.

(5) Covenants, Conditions and Restrictions. A copy of any existing covenants, conditions and restrictions (CC&Rs) or deed restrictions pertaining to or affecting the property.

(6) Boundary Line Adjustments. Additional items required for a boundary line adjustments under Section 19.34.020 include:

(a) Boundary Line Adjustments.

(i) Legal Descriptions. New legal descriptions prepared by a licensed surveyor for all new lots affected by the boundary line adjustment before they are submitted to the Planning Division. Existing legal descriptions may be submitted with the Owners’ Commitment or Subdivision Guarantee.

(ii) Record of Survey. A record of survey shall be submitted with the boundary line adjustment application in compliance with RCW 58.09. The record of survey shall include on the face or be attached to a declarative covenant with a statement of intent of the altered boundary lines, signed and notarized by all current owners of the properties. The document shall be titled “Record of Survey.” Every survey filed for record must contain or be attached to a declarative covenant or deeds giving a full and correct description of the lands divided as they appear, including a statement in substantially the following form:

LANGUAGE FOR DECLARATION OF CORRECTED BOUNDARY LINES: This boundary line adjustment has been made with the free consent and in accordance with the desires of the owner or owners. No fractional part of contiguous lots merged in this action may hereafter be sold, leased, transferred or developed through building permit or other development permit as a division separate or distinct from the land into which it is merged without prior approval under Yakima County Code Title 19.

(iii) Owner’s Commitment or Subdivision Guarantee. To establish the ownership of lots proposed for adjustment, the application shall be accompanied by a current Owner’s Commitment or Subdivision Guarantee as provided under Subsection 19.30.060(8).

(iv) Yakima Health District Approval. Applications for boundary line adjustments where individual on-site sewage systems are proposed on lots under two acres, or if located on Type 1 soil identified by WAC Chapter 246-272A, on lots under two and one-half acres shall be accompanied by a written verification from the Yakima Health District that the lots can accommodate an on-site sewage system, or that the proposed adjustment does not affect the on-site sewage system, as applicable under Subsection 19.34.060(5).

(7) Stormwater Site Plan. A stormwater site plan, if required by YCC Chapter 12.10.

(8) Owner’s Commitment or Subdivision Guarantee. A boundary line adjustment, binding site plan, or preliminary plat application shall include a current Owner’s Commitment or Subdivision Guarantee showing all
parties having any interest in the “land” subdivided to establish the ownership of lots. The title company report shall be current within 60 days of submitting a complete application and address the following:

(a) The existing legal description of each parcel involved in the proposal;

(b) Those individuals or corporations holding an ownership interest and any security interest (such as deeds of trust or mortgages) or any other encumbrances affecting the title of said parcels.

(c) Any lands to be dedicated shall be confirmed as owned in fee title by the owner(s) signing the dedication certificate; and

(d) Any easements or restrictions affecting the properties being adjusted with a description of purpose and referenced by the auditor’s file number and/or recording number.

9) SEPA Environmental Checklist. Any application not exempt under YCC Section 16.04.110, WAC 197-11-800(6) or Chapter 43.21C RCW, State Environmental Policy Act, shall include an environmental checklist unless the SEPA Responsible Official determines one is not needed.

10) Written Narrative and Other Information.

(a) A written narrative shall be submitted that addresses the following:

(i) Project description including project phases and timeframes from project authorization to project completion;

(ii) How the application meets or exceeds each of the applicable approval criteria and standards;

(iii) How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site; and

(iv) Whether any development standards are proposed to be modified from the underlying zoning district requirements.

(b) Applications for binding site plans shall include a narrative describing the provisions for long term maintenance with adequate financing for areas and facilities under common ownership.

(c) Applications for Master Planned Resorts shall include:

(i) A narrative demonstrating compliance with the approval criteria of Section 19.36.050;

(ii) Information in addition to the items of this Section and Subsection 19.30.070(7) required to review the unique MPR proposal;

(iii) Evidence of financial and other resources available to develop the project;

(iv) Tables showing total numbers of acres, distribution of area by use, percent designated for each use; and

(v) Approach to the strategies shown on the site plan and identified in Subsection 19.30.070(7) below.

11) Cluster Development. Applications for cluster developments under Section 19.34.035 shall include the items required in that Section and items required for a boundary line adjustment, short subdivision or subdivision, depending on the type of process required for the proposed cluster development.

12) Master Planned Development Overlay.

(a) Application. A proposed master concept plan may include properties both within and outside the jurisdictional boundaries of the cities, provided all areas are located within the UGA. Applications for Master
Planned Development Overlays that transcend jurisdictional boundaries shall complete one of the following prior to acceptance of the application for processing:

(i) Annexation of the remainder of the property lying outside of city limits; or

(ii) Submit a petition for annexation to the City Council for the above mentioned property, and attain and submit an Early Transfer of Jurisdiction letter to the city releasing the proposed land use application to be processed by the city.

(b) Development Plan – Submission Requirements. An application for Master Planned Development shall include the following information:

(c) Planning History. A summary of all previous known land use decisions affecting the applicant’s property and a list of all outstanding conditions of approval regarding such prior land use decisions.

(d) Existing Property Information. An application for a Master Plan Development shall contain the following information on and adjacent to the site, presented in narrative, tabular and/or graphic formats:

(i) Vicinity map that identifies surrounding uses within 500 feet of the site boundary;

(ii) Legal description for the proposed Master Planned Development with a title report disclosing all lien holders and owners of record;

(iii) Zoning map that identifies base and overlay zoning designations for the site and surrounding property uses within 500 feet of the site boundary; and

(iv) Site description including the following information provided in narrative, tabular and/or graphic formats:

(A) Topography and natural resources including 100-year floodplain; wetlands, rivers, streams or other critical areas; and natural hazards such as steep slopes greater than 15%, and unstable, impermeable or weak soils;

(B) Inventory of cultural, historic and/or archaeological resources on the site, if any;

(C) Existing buildings, if any, including use, location, size and date of construction;

(D) Existing on-site transportation systems including streets, sidewalks and bike paths, if any;

(E) Location and size of existing public and private utilities on the site including water, sanitary sewer, storm water retention/treatment facilities and electrical, telephone and data transmission lines;

(F) Location of public and private easements; and

(G) A description of the type, design and characteristics of the surrounding properties to assess the proposed Master Planned Development effects.

(e) Technical Studies. Technical Studies may be required by the Administrative Official when potential adverse impacts are identified and may include:

(i) A Traffic Impact Analysis sufficient to assess access to the site and within the site, on-street parking impacts and limitations and necessary traffic-related improvements;

(ii) Drainage Study;

(iii) Geotechnical Analysis;

(iv) Noise Analysis;
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

(v) Visual Composite; and

(vi) Other analysis of potentially significant issues as identified during the SEPA environmental checklist review.

(f) Site Plan. The application shall include a concept site plan consistent with Section 19.30.070 that includes the following elements:

(i) The proposed circulation system of arterial and collector streets, including if known, the approximate general location of local streets, private streets, off-street parking, service and loading areas, and major points of access to public rights-of-way, with notations of proposed public or private ownership;

(ii) A Master Planned Development incorporating commercial or industrial facilities must provide a buffer or site design along the perimeter of the Master Planned Development, which shall reasonably transition the Master Planned Development to any adjacent properties zoned or used for residential purposes. If automobile parking, driveways, or machinery operation is within 100 feet of a Master Planned Development boundary, site screening shall be in accordance with Chapter 19.21;

(iii) Aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, solar access and shadow impacts;

(iv) Site features to mitigate traffic, environmental, geotechnical and other impacts as identified in technical studies required by this Chapter; and

(v) Shoreline and Critical Areas where applicable.

(g) Development Agreement. The application should also include a Draft Development Agreement including the following elements:

(i) Narrative Description of Project and Objectives;

(ii) Summary of Development Standards;

(iii) Site Plan Elements;

(iv) Development Phasing, including times of performance to preserve vesting;

(v) Public Meeting Summaries;

(vi) Performance Standards and Conditions addressing items “a” through “e” above;

(vii) Criteria for Determining Major vs. Minor Modifications and amendments; and

(viii) Signatures by each owner of the property within the Master Development Plan area acknowledging that all owners will be bound by conditions of approval, including use, design and layout, and development standards contained with an approved Plan and Development Agreement.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.070 Site Plans for Project Permits – Form and Contents.

(1) Form. All site plans for project permits shall be drawn to scale and be legibly drawn, prepared, or printed on paper. The paper size shall be 8 ½” x 11” or 11” x 17” to show required improvement at an appropriate scale that can be read and reproduced. The County may also accept electronic submittals, as appropriate. The scale of the drawing shall be a standard engineering scale as further defined for each application type, unless a different scale is authorized by the Administrative Official, and shall reasonably utilize the paper size. Site plans must include the items listed in Subsections (2) through (7) below for the specific application. The site plan may be on several sheets accompanied by an index sheet showing the entire site.
(2) Contents. The Administrative Official may require the following site plan contents in Table 19.30.070-1 as necessary to review applications for project permits. The contents in Table 19.30.070-1 are intentionally broad and inclusive in order to comply with RCW 36.70B.080 and disclose all submittal requirements. This Title is implemented through use of forms tailored to submittal information related to specific application or case types under consideration.

<table>
<thead>
<tr>
<th>(a) General Information.</th>
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<tbody>
<tr>
<td>(i) General Information.</td>
<td>The project boundaries of the site and of each affected lot, tract, or parcel, with all Assessor’s tax parcel numbers for the subject property. (solid lines for existing lots, broken lines for proposed lots);</td>
</tr>
<tr>
<td>(ii) General Information.</td>
<td>Engineer Scale, north arrow, legend and date;</td>
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<th>(b) Existing Conditions.</th>
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<tbody>
<tr>
<td>(i) Existing Conditions.</td>
<td>All major physiographic features, such as, critical areas and shorelines, on or abutting the site;</td>
</tr>
<tr>
<td>(ii) Existing Conditions.</td>
<td>When ground slopes exceed ten percent, the site plan shall depict existing topographic contours at intervals of not more than five feet, extending one hundred feet beyond the boundaries of the site;</td>
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<tr>
<th>(c) Existing and Proposed Development.</th>
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<tr>
<td>(i) Existing and Proposed Development.</td>
<td>The location, shape, size, gross floor area, height and types of all existing and proposed structures, structures to be removed, minimum building setbacks, lot coverage, lot area, and the boundary lines of all proposed and existing lots, tracts, and easements;</td>
</tr>
<tr>
<td>(ii) Existing and Proposed Development.</td>
<td>Proposed location and dimension of community and other open space;</td>
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<tr>
<td>(iii) Existing and Proposed Development.</td>
<td>The location and dimensions of any existing and proposed utilities, streets, railroads, irrigation and drainage canals, easements and dedication of property within the subject property or adjacent to any affected lots;</td>
</tr>
<tr>
<td>(iv) Existing and Proposed Development.</td>
<td>The location, right-of-way widths, pavement widths, curbs, gutters, culverts and names of all existing or platted streets or roads, whether public or private, and other public ways within the subject property or adjacent to any affected lots;</td>
</tr>
<tr>
<td>(v) Existing and Proposed Development.</td>
<td>Location, dimension and design of off-street parking facilities, showing points of ingress to and egress from the site;</td>
</tr>
<tr>
<td>(vi) Existing and Proposed Development.</td>
<td>Existing and proposed land uses, including primary and accessory;</td>
</tr>
<tr>
<td>(vii) Existing and Proposed Development.</td>
<td>Existing and proposed pedestrian and vehicular circulation patterns, and where specified, sidewalks, trails and bicycle paths;</td>
</tr>
<tr>
<td>(viii) Existing and Proposed Development.</td>
<td>Existing and proposed landscaping, sitescreening and street trees, where required;</td>
</tr>
<tr>
<td>(ix) Existing and Proposed Development.</td>
<td>The proposed contours and grading as they affect lot layout, streets, and drainageways as set forth in YCC 12.10, 16A, 16C and 16D;</td>
</tr>
<tr>
<td>(x) Existing and Proposed Development.</td>
<td>Existing and proposed public and private utility infrastructure including sewer or other waste disposal facilities, water mains, irrigation, fire protection systems and other underground utilities;</td>
</tr>
<tr>
<td>(xi) Existing and Proposed Development.</td>
<td>The existing on-site sewage system components and reserve areas and the proposed location for on-site sewage systems and</td>
</tr>
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</table>
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
19.30.073 Site Plans for Project Permits – Preliminary Plats.

(1) Preliminary Plats. In addition to the relevant requirements listed in Subsections 19.30.070(1) and (2) above, including all items required for preliminary short plat applications, preliminary plats shall show the following items where applicable:

(a) Scale. The scale of the drawing shall be a standard engineering scale at least one inch equals 200 feet and shall reasonably utilize the paper size, unless the Administrative Official requests or authorizes a different scale. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire site.

(b) General information.

(i) Proposed name of the subdivision; this name shall duplicate no name used on a recorded plat or subdivision in Yakima County, including municipalities of the county;

(ii) Names and addresses of the owners, subdivider, designer of the subdivision and the surveyor; and

(iii) A full and correct legal description of the entire lot, tract, parcel, site or division constituting the applicant’s land.

(c) Proposed subdivision plat.

(i) Approximate dimensions of all lots with proposed lot and block numbers. Lot sizes and dimensions shall comply with Section 19.10.050; and

(ii) If the subdivider desires to develop the plat in phases, the phases shall be shown on the preliminary plat.

(d) A vicinity map showing all roads or road reservations, streams, and any other pertinent information that will assist in the consideration of the proposed subdivision, including the names of adjacent subdivisions. The vicinity map shall extend at least 800 feet from the proposed subdivision.

(2) Final Plats. The final plat meeting the requirements outlined in Section 19.34.070 must be prepared by a licensed land surveyor and be submitted using forms provided by the Administrative Official and accompanied with the required fee.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.074 Site Plans for Project Permits – Binding Site Plans.

(1) Binding Site Plans. In addition to the requirements listed in Subsections 19.30.070(1) and (2) above all binding site plans shall show the following items where applicable:

(a) Scale. The scale of the drawing shall be a standard engineering scale at least one inch equals 200 feet and shall reasonably utilize the paper size, unless the Administrator requests or authorizes a different scale. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire site.

(b) General Preliminary Binding Site Plan Requirements. Binding Site Plans shall show the location, description and proposed phasing of the following facilities proposed to serve the development, such as:

(i) Interior and exterior roadway network;

(ii) Water and sewerage facilities;

(iii) Stormwater drainage facilities;

(iv) Sidewalks and streetlights;
(v) Fire protection systems with sufficient water storage and flows;
(vi) Facilities to address compatibility with adjacent dissimilar land uses; and
(vii) For commercial and industrial uses, any lot(s) to be created as a part of the original Binding Site Plan.

(c) Site Plan Requirements for Manufactured/Mobile Home Parks. All proposals for manufactured/mobile home parks shall include a site plan based upon a land survey. The site plan shall be drawn by a licensed architect, engineer or surveyor and shall include the items listed in subsection (1) above and the following information:

(i) All spaces clearly delineated on the site plan and dimensions and square footage for each space;
(ii) A building area within each space;
(iii) Unit setbacks for each space;
(iv) The location of required off street parking for each unit;
(v) Signage for the park and directional signage;
(vi) The location of all solid waste containers and screening of containers; and
(vii) All facilities, utilities, improvements and amenities, including pathways, sidewalks, and recreational facilities.

(d) Site Plan Requirements for Campgrounds and Recreational Vehicle Parks. Site plan requirements for campgrounds and recreational vehicle parks allowed under 19.18.130 shall include the items listed in subsection (1) above and the following campground-specific information:

(i) The proposed location, configuration and size of each camping space;
(ii) Amenities such as picnic areas, playgrounds, landscaped areas and buffers, restrooms, showers, dump stations and swimming areas;
(iii) The location of the campground or recreational vehicle park management office or owner/manager’s residence, all existing buildings and structures on site and buildings, structures, and uses proposed to be developed in the campground or recreational vehicle park; and
(iv) The acreage and proposed site density of the campground and/or recreational vehicle park.

(2) Final Binding Site Plan. The final binding site plan meeting the requirements outlined in Section 19.34.081 must be prepared by a licensed land surveyor and be submitted using forms provided by the Administrative Official and accompanied with the required fee.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.075 Site Plans for Project Permits – Master Planned Resorts (MPR).
In addition to the site plan requirements listed in Subsections 19.30.070(1) and (2) above all MPR Development Plans shall provide the following where applicable:

(1) Narrative and graphics (e.g., building elevations, concept plans) describing a detailed unifying theme consistent with the natural setting of the Master Planned Resort;

(2) Narrative and graphics describing all planned uses and their rationale consistent with the resort theme, the Resort Development Plan and definition of Master Planned Resort;
Yakima County Code
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(3) Demonstration that residential uses will generally be of a nature and ownership that are clearly for short-term visitor accommodation. Other residential uses may be included only if such uses are integrated into and support the on-site recreational nature of the resort;

(4) Narrative and graphics describing the development phasing of the resort;

(5) Narrative and graphics describing the following aspects of the resort at a conceptual level of detail: Strategies for:

(a) Supplying water to the resort, showing: (i) approximate service line locations; (ii) water sources; (iii) needed volumes; (iv) available volumes; (v) water rights to support the resort; (vi) water storage and facility locations; (vii) designation of Satellite Management Agency; (viii) other necessary information identified by Administrative Official.

(b) Sewage disposal, showing: (i) approximate sewer line locations; (ii) approximate drainfield areas and locations; (iii) estimated sewage volumes generated; (iv) designation of Satellite Management Agency; (v) treatment facility locations; (vi) lagoon and spray field areas and locations; (vii) other information determined necessary by the Administrative Official.

(c) Vehicular, bicycle and pedestrian traffic flow, showing: (i) approximate road and path locations; (ii) methods of dealing with hills and steep slopes; (iii) methods of stormwater control; (iv) necessary upgrades to existing systems; (v) anticipated typical street sections; (vi) other necessary information identified by Administrative Official.

(d) Grading, showing: (i) how grading and resort design works with natural topography of site; (ii) areas needing minor surface grading; (iii) areas needing major excavation or filling along with their anticipated depth; (iv) conceptual cross-sections to depict land form changes throughout resort; (v) approximate slopes planned throughout the resort; (vi) other information determined necessary by the Administrative Official.

(e) Providing electric and communication utilities to the resort, showing: (i) approximate line locations; (ii) necessary upgrades to existing systems; (iii) substations and facility locations; (iv) other information determined necessary by the Administrative Official.

(f) Providing emergency and other services, showing: (i) necessary upgrades to existing facilities; (ii) station and facility locations; (iii) other information determined necessary by the Administrative Official.

(g) Providing a consistent architecture, landscape and open space character, showing: (i) design consistent with theme; (ii) typical or sample elevations depicting architectural character; (iii) landscaping and open space plans; (iv) other information determined necessary by the Administrative Official.

(b) Treatment and modification of critical areas, showing: (i) stream, floodplain and wetland modification; (ii) restoration work; (iii) buffer modifications; (iv) stream and wetland crossings; (v) methods for dealing with other critical areas (if applicable such as Geological Hazards, Wildlife Habitat and Critical Aquifer Recharge Areas; (vi) other information determined necessary by the Administrative Official.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015)

Applications shall be submitted and considered in the manner established by YCC Chapter 16B.04, Application Process and as follows:

(1) Applications. Applications shall include information necessary to review the proposal for conformance with this Title, as set forth in Section 19.30.060.

(2) Completeness Review. The procedures for determining whether an application is complete for review are established in YCC Sections 16B.04.030 through 16B.04.070.
(3) Violations and Penalties. As provided in YCC Sections 16B.11.040 and 16B.11.050, and this Title, an application may be rejected by the Administrative Official where a violation of this or other County ordinances or state law is found to exist on the property until such time as the violation is remedied or the application itself is intended to remedy the violation or the Administrative Official determines the proposal has no bearing on the existing violation. Such violations may also be considered sufficient grounds for denial of an application by the County if the proposed application cannot and does not remedy the violation.

(4) Additional Information. The Reviewing Official may request additional or more detailed information as provided in YCC Section 16B.04.040.

(5) Public Notice.

(a) Notice shall be given for Type 2, 3 and 4 reviews as provided for in YCC Chapter 16B.05.

(b) The Reviewing Official may also solicit comments from any other person or public agency he feels may be affected by the proposal.

(6) Administrative Adjustments at Public Hearings. In order to address site plan modifications resulting from the public hearing process, the Hearing Examiner and Board may grant administrative adjustments under the criteria of Chapter 19.35 without additional notice. Road Design Modifications may be authorized by the appropriate Reviewing Official only for those adjustable standards indicated in Section 19.35.040 under Table 19.35.040-1.

(7) Decision Criteria. Decision criteria for Type 1 permits are listed below in Section 19.30.090. For all Type 2, 3 and 4 reviews, the Reviewing Official shall prepare written findings and conclusions stating the specific reasons, upon which the decision or recommendation to approve, approve with conditions or deny the application is based. The findings shall, at a minimum, address the following criteria:

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

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

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

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

(e) The proposed use complies with other development and performance standards of the zoning district and this Title;

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

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

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

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

(8) Reviewing Official’s Decision. After considering the matters in the record and any comments in response to notice where required, the Reviewing Official shall take one or more of the following actions as authorized under YCC Title 16B:
(a) Approve the application;

(b) Establish conditions for approval or require changes in the proposed site plan, provided that conditioning authority for Permitted Uses subject to Type 1 review is limited to that specified in Section 19.30.090;

(c) Request additional or more detailed information per YCC Section 16B.07.030. The Reviewing Official may continue an open record public hearing to allow requested additional information to be provided;

(d) Refer any Type 2 Administrative Use application to the Hearing Examiner for the purpose of holding a public hearing and rendering a decision on the proposal under Type 2 review procedures and criteria;

(e) Deny the application; and

(f) As provided in YCC Chapter 16B.09, the Board may also remand a Type 2 Administrative, Type 3 Conditional or Type 4 Quasi-judicial application to the Hearing Examiner before making a decision on the record if the Board finds that the Hearing Examiner’s decision or recommendation needs clarification or further findings on specific points, consistency with this Title, or the Comprehensive Plan.

The Reviewing Official’s final decision shall be issued in accordance with the requirements of YCC Chapter 16B.07.

(9) Limitations. Applications approved by the Reviewing Official authorize only the use, arrangement and construction set forth in the approved site plans, plats and applications, and no other use, arrangement or construction unless otherwise permitted and not prohibited by condition. Use, arrangement or construction substantially at variance with that authorized is a violation of this Title and punishable as provided by YCC Chapter 16B.11.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.090 Type 1 Application Approval Criteria and Conditions.

(1) In granting a project permit application subject to Type 1 review, the Administrative Official shall review the submitted materials and all other necessary information to determine that:

(a) The proposed development complies with the standards and provisions of the zoning district in which it is located, the development standards and all other applicable sections of this Title, except when an Administrative Adjustment is granted or the proposed development is otherwise modified according to the provisions of this Title.

(b) Adequate water, sewer, roads, and other infrastructure improvements exist, or will be provided, to serve the project consistent with the purpose of the zoning district.

(c) When located within an Urban Growth Area, the Reviewing Official may solicit and consider comments from the affected city in making this determination.

(d) When necessary to meet current development standards or to serve the proposed use, conditions may be required relating to:

   (i) The number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);

   (ii) The dedication of additional right-of-way and or public use easements for access, utilities or other purposes;

   (iii) Increased building setbacks to provide for future road improvements for classified roads;

   (iv) Flood hazard mitigation under YCC Chapters 16A.05, 16C.05 or 16D.05;

   (v) Storm drainage facilities as required in YCC Title 12.10;
(vi) Other infrastructure improvements; or

(vii) Other mitigation measures required under the SEPA.

(2) When the proposed Type 1 project permit application does not meet one or more requirements of Subsection (1) above, it shall either be subject to conditions to correct the deficiency, or if it cannot be adequately conditioned to comply with this Title, it shall be denied.

(3) When a Type 1 project permit application is denied, the Administrative Official shall state the specific reasons.

(4) When a proposed Type 1 project permit application is conditioned or denied, the applicant and/or property owner may appeal the determination to the Hearing Examiner under YCC Chapter 16B.09.

(5) The Reviewing Official shall prescribe a time limit within which the action authorized shall be commenced, completed, or both. The time frame for boundary line adjustments shall not exceed one year, and for all other Type 1 permits, the time frame shall not exceed three years from the date of final decision, except as may be allowed by YCC Subsection 16B.07.050(2)(a) or such longer time as allowed by State law.

(6) Violation of conditions and safeguards, when made part of the terms under which the project permit is granted, shall be considered a violation of this Title and subject to the remedies set forth in Section 19.30.120, YCC Chapter 16B.11 and YCC Title 13.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.100 Conditions for Approval of Type 2, 3 and 4 Applications.

(1) The Reviewing Official is authorized by development standards of this Title and other applicable Titles of County code to require conditions for approval of Type 2 Administrative, Type 3 Conditional or Type 4 Quasi-judicial Uses or Actions. The Reviewing Official may impose additional or greater requirements as conditions of approval on any use, development or modification being reviewed to ensure that the proposal meets the standards and criteria for approval.

(2) Except, as otherwise expressly provided, a Reviewing Official may impose conditions to:

(a) Comply with any development standard or criteria for approval set forth in this Title or other relevant provisions of Yakima County Code;

(b) Mitigate material impacts of the development, whether environmental or otherwise;

(c) Ensure compatibility of the development with existing neighboring land uses; assure consistency with the intent and character of the zoning district involved;

(d) Ensure that the structures and areas proposed are surfaced, arranged and screened in such a manner that they are compatible with and not detrimental to existing or reasonable expected future development of the neighborhood, or resource uses, consistent with the Comprehensive Plan; and

(e) Achieve and further the intent, goals, objectives, and policies of the Comprehensive Plan and this Title.

(3) This Title grants broad authority to impose special conditions and safeguards to achieve and further the objectives listed above, consistent with the limitations imposed by County code. These conditions and safeguards may include, but are not limited to, the following:

(a) Increasing or limiting the required lot size, setback or yard dimensions, consistent with development regulations;

(b) Limiting or increasing the height of buildings or structures, consistent with development regulations;
(c) Controlling the number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);

(d) Requiring the dedication or reservation of additional rights-of-way or easements for future road or street improvements;

(e) Requiring the designation of public use easements or drainage easements and recording of same;

(f) Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;

(g) Limiting the number, size, height, shape, location and lighting of signs;

(h) Requiring view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;

(i) Designating sites for and/or the size of open space or recreational areas;

(j) Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;

(k) Limiting hours and size of operation;

(l) Controlling the siting of the use and/or structures on the property;

(m) Requiring that public facilities are adequate to serve the proposed use;

(n) Requiring improvements to public or private roads, bridges, stormwater facilities and drainageways, water systems or sewage systems; and

(o) Requiring mitigation measures to effectively reduce the potential for land use conflicts and separate Especially Sensitive Land Uses, as defined in Chapter 19.01, from active agricultural, forest, or mineral operations, such as: landscape buffers; special setbacks; screening; site design using physical features such as rock outcrops, ravines, roads, irrigation canals or critical areas.

(4) The Reviewing Official shall prescribe a time limit within which the action authorized shall be commenced, completed, or both. The time frame shall not exceed three years from the date of final action.

(a) The Reviewing Official may approve a longer time frame to cover subsequent phases of the project permit or action where a specific detailed development schedule and sufficient information has been provided by the applicant to allow evaluation of the full scope of the proposal including all phases at the time of review.

(b) Such time frame shall be consistent with state statute where specifically provided or such longer time as allowed by State law or by other requirements of this or other County Titles

(c) As provided in YCC Section 16B.07.050, failure to meet the time limit set shall void the approval; except that the Administrative Official may authorize a onetime extension of either or both dates upon request, provided such extension request is filed in writing prior to the required commencement or completion date as authorized in YCC Section 16B.07.050. Such extension request shall define the circumstances that prohibited the commencement or completion, or both, of the use authorized. The length of such time extension, if authorized, shall not exceed 12 additional months from the date the extension decision becomes final.

(5) Violation of such conditions and safeguards, when made part of the terms under which the project permit is granted, shall be considered a violation of this Title and subject to the remedies set forth in Section 19.30.120, YCC Chapter 16B.11 and YCC Title 13.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).
19.30.110 Final Decisions.
(1) Notification of a final decision shall be issued as required under YCC Chapter 16B.07.
(2) Notice shall specify whether the final decision may be appealed as allowed under YCC Chapter 16B.09.
(3) If the effect of the decision is a recommendation, it shall be transmitted to the Board as provided in YCC Section 16B.09.050.
(4) Once the Board has taken action a copy of the decision will be provided by the Planning Division to the applicant and parties of record who participated in the hearing.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.120 Compliance with Conditions, Safeguards and Mitigation Required – Revocation of Project Permits.
(1) A Project Permit shall complete all required permit conditions within the timeframe and any extension as provided in YCC Section 16B.07.050(3)(a). The project shall maintain full compliance with the requirements of the project permit decision.
(2) The Reviewing Official may revoke a project permit issued under this Title if it is ascertained:
   (a) The application included any false information material to the project permit approval; or
   (b) The project permit, previously found to be in compliance with conditions and safeguards, subsequently fails to maintain compliance with the conditions, safeguards and/or mitigation requirements made a part of the terms under which the approval was granted.
(3) This action to revoke the project permit may be undertaken along with any other remedies available to Yakima County to enforce conditions of a decision, remedy violations or abate public nuisances under this Title, YCC Title 13 and YCC Chapter 16B.11 Violations and Enforcement. Nothing shall obligate the Reviewing Official to revoke a project permit as a remedy for any violation of this Title or for any project not maintaining full compliance with the requirements of a project permit decision.
(4) If the Reviewing Official finds that any conditions, safeguards and/or mitigation required by the project permit are not being maintained, the Reviewing Official shall prescribe a time for correction, and if corrections are not made within the time limit, revocation of the project permit shall become effective five days after the time previously specified.
(5) The applicant or property owner may request a public hearing on the revocation subject to payment of a fee. An open record public hearing shall be held before the Hearing Examiner under the procedures of YCC Title 16B, in order to show cause why such Permit approval should not be revoked. Adjoining property owners and parties of record in the project permit approval process shall have standing to participate in the appeal.
(6) A new application for a project permit previously revoked under this Section cannot be made within one year after revocation.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.130 Performance Assurance.
(1) Legislative Intent. The intent of this Section is to:
   (a) Ensure that public and private improvements required of a project permit are constructed;
   (b) Provide for Latecomers Agreements and Road Improvement Districts to assist with financing required public improvements over time;
   (c) Allow individuals developing property options for financing public and private improvements required by this Title to provide performance assurance in lieu of construction through acceptance of:
(i) Surety Bonds;
(ii) Cash Escrow;
(iii) Cash Security Deposits; and
(iv) Maintenance Bonds;

(d) Provide a remedy and financing mechanism to ensure construction of required public and private improvements when the applicant fails to perform; and

(e) Protect public property.

(2) Applicability. This Section applies to the construction and maintenance of public and private infrastructure improvements required under this Title and YCC Section 12.10.310 related to stormwater.

(3) Latecomers’ Agreements. The County may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects under this Section as an alternative to financing projects solely by owners of real estate. The applicant or proponent for a latecomers’ agreement must propose an assessment reimbursement area. They shall be responsible for a financing bond and for the cost to the County of setting up the agreement.

(4) Road Improvement Districts. The developer may participate in the formation of a road improvement district (RID) to improve the dedicated right-of-way to minimum County standards as specified in Chapter 19.23. The County Engineer may require a road corridor study to determine the most suitable location for the dedicated right-of-way. The cost for such a study shall be borne by the developer.

(5) Financing in Lieu of Construction.

(a) As a condition of approval of any project permit decision under this Title, the Reviewing Official may require security for the performance, completion and maintenance of any proposed or required public or private improvement or any other term or condition of approval pertaining to a public or private improvement. The estimate of the performance and completion of any proposed or required improvement or any other term or condition of approval pertaining to an improvement will be reviewed and/or calculated by the County Engineer or a designee. When such security is required, it shall be made under this Section and must be made and approved prior to issuing the development permit. The quality, sufficiency, amount and exact form of the security are subject to the approval and satisfaction of Reviewing Official, typically the County Engineer for Public infrastructure, and Administrative Official for private infrastructure, or the Public Services Director where stormwater facilities are involved.

(b) Whenever security is provided by an applicant it shall state directly or by reference all the following provisions:

(i) What improvements or performance are secured;

(ii) A date or dates of required completion of improvements;

(iii) The amount of the security;

(iv) That the security is payable to Yakima County; and

(v) That the applicant shall maintain the security in force until completion of all required conditions or improvements, for which the security was provided or for improvement maintenance warranty period.

(c) The applicant may provide security in either of the following:
(i) Surety Bond (For Improvements Costing More than $50,000.00). RCW 58.17.130 provides for the acceptance of a surety bond by Yakima County in lieu of the actual construction of any required public or private improvement prior to the final approval of a development.

(A) The Reviewing Official may accept a bond, in an amount and with surety and conditions satisfactory to the Reviewing Official, providing for and securing to Yakima County the actual construction and installation of all improvements within two years of the acceptance of the bond.

(B) The amount of the surety shall be the estimated construction cost as determined by a registered engineer, plus 25% for the administration of the contract. The bond shall continue in full force until the affirmative release by the Reviewing Official.

(C) If at the end of the two-year period the improvements are not completed the Reviewing Official may take action against the bond to complete the improvements.

(ii) Cash Escrow (For Improvements Costing Less than $50,000.00).

(A) As a condition of approval of any project permit decision under this Title, the Reviewing Official may require cash escrow security for the performance, completion and maintenance of any proposed or required public or private improvement or any other term or condition of approval pertaining to a public or private improvement that cost less than $50,000.00. The maximum length of the escrow shall not exceed two years.

(B) If the applicant posts a cash escrow as security for the required improvements, the escrow instructions shall provide:

1. That the applicant will have no right to a return of any of the funds, except as provided herein.

2. That the escrow agent shall have a legal duty to deliver the funds to the County whenever the Reviewing Official presents an affidavit to the agent attesting to the County’s right to receive funds whether or not the applicant protests that right. If and when the County accepts the offer of dedication for the last completed required improvement, the County shall execute a waiver of its right to receive all but 25% of the funds represented by the cash escrow if the applicant is not in breach of the improvement agreement. The residual funds shall be security for the applicant’s covenant to maintain the required improvements, if public, and its warranty that the improvements are free from defect.

(iii) Cash Security Deposit (For Improvements Costing Less than $5,000.00).

(A) Cash deposits may be made to Yakima County for public or private improvements costing less than $5,000.00. The amount of the deposit shall be determined by an estimate of the estimated cost of completion of the required improvement prepared by a professional engineer plus 25% for project administration. Partial release of funds shall not be allowed. The maximum length of the deposit shall not exceed six months.

(B) When a security deposit is made under this Section a written improvement agreement pertaining to performance of required improvements shall be made and signed by the applicant and the appropriate Reviewing Official for the County. The cost of the account shall be provided for by the applicant or may be deducted from the security deposit.

(iv) Maximum length of Cash Escrow or Surety Bond. The maximum length of the Cash Escrow or Surety Bond may be extended by the Administrative Official when determined to be in the public interest to do so.

(v) Maintenance Bond. A maintenance bond or other security is required for infrastructure improvements to ensure the successful operation of the improvements for not less than two years after acceptance of the construction of the improvements. The amount of the maintenance bond shall be 25% of
a professional engineers’ estimate of the construction cost of the improvements or $5,000.00, whichever is greater. The maintenance bond shall be in place prior to the Reviewing Official’s final acceptance of constructing the infrastructure improvements and full compliance with permit conditions, or the release of the bond or surety placed in lieu of construction.

(6) Performance Failure. If the improvements or performances secured by the deposit are not timely completed, the appropriate Reviewing Official shall notify the applicant in writing stating:

(a) The nature of the noncompliance and the action necessary to correct the same;

(b) The time in which the applicant must take corrective action; and

(c) That if corrective action is not completed within the time specified, the County will apply the funds in the security deposit or bond to effect compliance. If the corrective action is not taken by the applicant or permit holder within the time specified in the notice given by the Reviewing Official, the County shall, through its representatives, take whatever action that the County deems necessary to ensure the improvements are made. The County shall cause the performance or completion of the items covered by the security deposit or bond and shall apply funds held to the cost of such completion or performance. Any excess or surplus funds shall be refunded to the applicant after the performance maintenance warranty period has expired.

(7) Partial or Full Release of Security.

(a) Partial Release. An applicant may request a partial release of any security under this Section based on partial completion or compliance with the events secured. If the Reviewing Official determines partial release is warranted he may cause a partial release of security in an amount deemed by him to be appropriate. A cash escrow shall not be reduced below 25% of the principal amount. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the applicant.

(b) Full Release. The County will not accept dedication of required improvements, nor release nor reduce any security posted by the applicant until the Reviewing Official has determined all required improvements have been satisfactorily completed and until:

(i) The applicant’s engineer or surveyor has certified to the Reviewing Official, through submission of detailed “as-built” plan or survey indicating location, dimensions, materials, and other information required by the Reviewing Official that the layout of the line and grade of all public improvements is under construction plans for the development; or

(ii) A title insurance policy has been furnished to and approved by the Reviewing Official indicating the improvements have been completed, are ready for dedication to the County, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the Reviewing Official, the County shall accept the improvements for dedication in accordance the established procedure.

(8) Applicant and Permit Holder Responsible for Deficiencies. The applicant and/or permit holder is responsible for all costs incurred by the County in causing completion of the events secured by any security provided for under this Section. If after fully applying the security a deficiency remains, the applicant and/or permit holder shall be jointly and severally liable for such deficiency and for reasonable attorney’s fees necessary to collect the same.

(9) Administration. The Administrative Official, County Engineer or Public Services Director as determined by the performance requirement may sign documents and otherwise administer securities under the provision of this Section.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).
Chapter 19.33

NONCONFORMING LOTS, STRUCTURES AND USES

Sections:
19.33.010 Legislative Intent.
19.33.020 Applicability.
19.33.030 Nonconforming Status.
19.33.040 Legal Nonconforming Lots.
19.33.050 Legal Nonconforming Buildings or Structures.
19.33.060 Legal Nonconforming Uses.

19.33.010 Legislative Intent.
Lots, uses, and structures exist which were lawful when established but whose establishment would be restricted or prohibited under current zoning regulations. This Chapter is intended to protect only those uses, structures and lots that were legally established prior to a change in regulation, and have not been abandoned or discontinued. However, a range of regulatory strategies provided herein allows nonconforming uses to continue so long as they are benign or compatible with neighboring properties. Nonconforming uses with incompatible attributes, as defined, may be injurious to neighboring properties or cause nuisances to the detriment of the community and therefore should not be reestablished when substantially damaged or destroyed.

The intent of this Chapter, under certain circumstances and controls, is to allow modifications to nonconforming lots, uses and structures consistent with the objectives of maintaining the economic viability of such lots, uses and structures, while protecting the rights of surrounding property owners to use and enjoy their properties. This Chapter is intended to provide a compatibility determination for evaluating the proposals for modification, expansion, and/or the restoration of damaged or destroyed nonconforming uses of structures because the effect of approving such applications could result in continuation of the nonconforming use for decades.

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

19.33.020 Applicability.
All nonconforming lots, uses and structures shall be subject to provisions of this Chapter.

(1) If a lot, use or structure deemed legally nonconforming under past zoning regulations is brought into compliance with current standards, it shall be considered conforming.

(2) The provisions in this Chapter do not supersede or relieve a property owner from compliance with building, fire, health or other life safety requirements of Yakima County Code.

(3) Additional review requirements are provided within the jurisdictions of the Shoreline Master Program and the Critical Areas Ordinances for nonconforming uses or structures as defined in YCC Titles 16A, 16C or 16D.

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

19.33.030 Nonconforming Status.
(1) Any lot, use, or structure which, in whole or part, is not in conformance with current zoning requirements shall be considered as follows:

(a) Legal Nonconforming. Lots, uses and structures legally created or lawfully established prior to subdivision or zoning requirements, under prior zoning codes and/or County subdivision regulations are legally nonconforming and may be maintained or altered subject to provisions of this Chapter.

(b) Illegal Lots, Structures and Uses. Structures, lots, required site improvements, uses and/or developments not legally established or existing as of the effective date of this Title retain their illegal status and must be abated or comply with this Title under actions directed as a result of enforcement proceedings and/or the necessary permit applications.
(2) It shall be the burden of a property owner or proponent to demonstrate the legal nonconformity of a lot, use, and structure. The legal nonconformity of a lot may be demonstrated by a deed or development permit executed prior to the change in code. Structural nonconformities may be demonstrated through development permits, historical photos, and affidavits from persons knowledgeable of the historic configuration of the structure. A list of items to establish the nonconforming status of a land use is provided below in Subsection 19.33.060(1).

(3) If the Administrative Official cannot conclusively determine that the nonconformity was lawfully established and in continuous use or operation based on Subsection (2) above, then the matter may be referred to the Hearing Examiner for Type 2 hearing review. The Hearing Examiner shall be authorized to render a decision as to whether the nonconforming use or structure was lawfully established and in continuous operation, and review it for compliance with this Chapter.

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

19.33.040 Legal Nonconforming Lots.
A nonconforming lot, as defined in Section 19.01.070 and created as a building site, which does not conform to minimum lot area, width or depth requirements of the zoning district in which it is situated may be developed, subject to the following:

(1) Establishment of Land Uses and Structures on Nonconforming Lots.

(a) A permitted use or structure shall meet all existing development standards of the zoning district within which it is located including, but not limited to, required yards/setbacks, lot coverage, density (units per parcel), parking, landscaping, storm drainage, signage, and road standards, subject to Subsections (1)(b) and (c) below. Adjustments to these standards shall be subject to Chapter 19.35.

(b) The following uses established on a nonconforming lot shall additionally require at least 20 feet of frontage on, or a minimum 20 foot wide access easement to, a public or private road:

(i) Detached, single-family dwellings;
(ii) Zero lot line, common wall or duplex development in the R-2, R-3 and B-1 districts;
(iii) Multifamily development in the R-2, R-3, B-1 and GC districts; and
(iv) Any permitted use or structure in the industrial (M-1, M-2) and commercial (SCC, LCC, GC) districts.

(c) The 20 foot-wide access standard shall not be adjustable below minimum fire safety standards established under YCC Title 13.

(2) Boundary Changes to Nonconforming Lots.

(a) A legal nonconforming lot may be increased in size to bring it into closer conformance with area, yard or depth requirements of the zone in which it is located. Reduction to a nonconforming lot’s size is permitted only under Subsection 19.34.020(5)(d).

(b) A legal nonconforming lot combined with other land to eliminate the nonconformity with any or all lot requirements of its zoning district shall thereafter remain in compliance.

(c) A separate unit of “land” containing a building site reduced through governmental action or adverse possession below, or further below the required minimum size of the zoning district that it is located, shall be deemed a legal nonconforming lot. Any such action shall be reviewed under Chapter 19.34.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).
19.33.050 Legal Nonconforming Buildings or Structures.
A legally established building or structure may continue to be used or occupied by a use permitted in the zoning district in which it is located even though it does not comply with present development standards (e.g., setbacks, lot coverage, density, height, etc.) of said zone. The legal nonconforming building or structure may be maintained as follows:

(1) Maintenance, Repair, Expansion or Structural Alteration. A legal nonconforming building or structure may be maintained, remodeled, repaired, expanded, enlarged, or structurally altered upon approval by the Building Official, as provided in this Subsection.

(a) Building Permit Required. When any enlargement meets applicable development standards for the zoning district and this Title, such as building height, lot coverage, or setbacks, a building permit will be required for the structural enlargement.

(b) Administrative Adjustment or Variance. When the enlargement does not meet the development standards of this Title, such as building height, lot coverage, or setbacks, relief may be requested in an administrative adjustment or variance under Chapter 19.35 and a demonstration of compliance with this Subsection prior to issuance of a building permit.

(i) The Reviewing Official must find the following factors present. Any proposed change or arrangement:

(A) Will not change or modify any permit condition previously imposed under Type 2, 3 or 4 reviews;

(B) Will not reduce the amount of required landscaping or the amount or location of required sitescreening;

(C) Will not create or materially increase any adverse impacts or undesirable effects of the project, in the Reviewing Official’s determination; and

(D) Will comply with the applicable criteria of Chapter 19.35.

(ii) Any such request that does not meet all the requirements of this Subsection shall be denied.
Figure 19.33.050-1. Additions to a nonconforming structure.

(2) Restoration of Damaged Building or Structure.

(a) Damaged or Destroyed Structure. A legal nonconforming building or structure damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot, calamity or other catastrophic event may be restored or repaired under this Subsection.

(b) Documentation. The property owner shall provide the information necessary under Subsection 19.33.030(2) to reasonably assure the Reviewing Official that a requested restoration or repair complies with this Section. Acceptable documentation may include:

(i) A basic site plan containing the information defined in Section 19.01.070 showing the actual dimensions of the nonconforming structure, its height, and its exact placement on the lot prior to being damaged; and

(ii) A written narrative describing the use or uses that existed immediately prior to damage; and

(iii) An affidavit or certificate from an insurance company or other entity with knowledge of the situation that the narrative and site plan accurately represents the nonconforming structure and its use or uses as they were immediately prior to damage or destruction.

(c) Natural Hazards – Additional Requirements. Nonconforming structures damaged or destroyed by flooding or other natural hazards shall additionally be subject to the requirements of YCC Titles 16A, 16C or 16D.

(d) Reconstruction Not Involving Expansion or Nonconforming Use. The Administrative Official may, through a Type 1 review process, approve reconstruction in conformance with the site plan or to be more conforming with the provisions and standards of the zoning district in which it is located. If it is determined that the requested reconstruction amounts to any expansion of the nonconforming structure’s original bulk or dimension, the proposal shall be reviewed under Subsection (1) above. If it is determined the requested
reconstruction involves a nonconforming use, the proposal shall also be reviewed under Section 19.33.060
Legal Nonconforming Uses.

(e) Reconstruction of Structures. The building or structure, not expanding and not containing a
nonconforming use, may be reconstructed to the footprint existing immediately before damage or destruction,
provided:

(i) A building permit for said restoration shall be applied for within 18 months of the date of damage or
disaster.

(ii) Restoration/reconstruction shall be completed within two years of the date of damage or disaster.

(iii) Upon receiving a written request, the Reviewing Official may, through a Type 1 review process,
extend the above time limitations, provided the property owner submits documentation demonstrating
there was no intent to discontinue the structure and building permits are obtained prior to the expiration of
the extension. Documentation may include, but is not limited to, the following:

(A) Requests for approvals necessary to re-establish the structure submitted to appropriate county,
state and federal agencies within 18 months after the structure was damaged or destroyed;

(B) The property or structure has been involved in litigation; and

(C) Disputes in insurance settlements in the case of fire or casualty.

(iv) A statement from the property owner merely stating there is no intent to abandon is not sufficient
documentation without showing additional actions taken by the property owner to re-establish the
structure.

(3) Relocation. A legal nonconforming building or structure shall not be relocated on the same lot unless said
move results in bringing the building or structure into closer compliance with requirements of the zoning district in
which it is situated.

(4) Signs. Any sign lawfully existing under all codes and ordinances in effect when this Title is enacted or
amended may continue to be maintained and operated as a legal nonconforming sign, subject to Subsection (4)(b)
below, so long as it remains otherwise lawful; provided that:

(a) No sign shall be changed in any manner that increases its noncompliance with this Title;

(b) If the sign is structurally altered or moved, its legal nonconforming status shall be voided, and the sign
and any replacement will be required to conform to Chapter 19.20. Nothing in this Section shall be construed to
restrict normal structural repair and maintenance; and

(c) The sign is not a hazardous sign or abandoned sign.

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

19.33.060 Legal Nonconforming Uses.

Any lawfully established nonconforming use or development may be continued at the same gross floor area or land
coverage occupied on the effective date of the ordinance codified in this Title, or any amendment thereto, that made
the use no longer permissible. Use of these buildings and land is subject to the following:

(1) Establishment of Legal Nonconforming Status.

(a) Any person may request a determination by the Administrative Official through a Type 1 process
regarding legal status of a nonconforming use.

(b) Evidence submitted by the applicant shall demonstrate the specific use was lawfully created or
established under the zoning regulations in existence at the time and that said use has been maintained and

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(b) Definition. For this Section, the terms “alter, enlarge, expand, or extend” shall include, but not be limited to:

(i) Increased hours of operation;

(ii) Increased services or programs;

(iii) Increased number of dwellings;

(iv) Interior renovations or structural additions that increase the occupant load of the structure dedicated to the nonconforming use;

(v) Any new structures accessory to the nonconforming use;

(vi) Expansion of the structure, portions thereof, or portions of the site dedicated to the nonconforming use; or

(vii) Anything beyond regular maintenance and minor repairs described under Subsection (3) above.

(c) Nonconforming Dwellings. Any alteration or expansion of a nonconforming dwelling shall not exceed an increase of 50% of the gross floor area (including attached structures) when the dwelling became nonconforming. New detached, private garages and other structures accessory to the dwelling may be established, but new accessory housing units shall not be established on a lot containing a nonconforming dwelling. Expansions to nonconforming dwellings, not exceeding 50% of the gross floor area, and new detached structures accessory to the dwelling, other than accessory housing units, may be allowed under Type 1 review by the Administrative Official, who may attach conditions and limit the size and number of proposed accessory structures, provided the proposal:

(i) Will not change or modify any permit condition previously imposed;

(ii) Will not reduce the amount of required landscaping or the amount or location of required site screening; and

(iii) Will not create or materially increase any adverse impacts or undesirable effects of the project, in the Administrative Official’s determination.

(d) Process to Alter, Enlarge, Expand or Extending Nonconforming Uses or Structures. The Hearing Examiner may consider applications under Type 3 review to alter, enlarge, expand, extend or reconstruct a legal nonconforming use, other than residential structures and mining sites described in Subsections (4)(c) above and (e) below, in the same location or to include a portion of a structure, site or adjoining lot it did not previously occupy on the date said use became nonconforming. The alteration, enlargement, expansion, extension or reconstruction requested shall be denied if the Hearing Examiner finds that one or more provisions in Subsection (i) below of this Subsection are not met.

(i) Approval Criteria. The Hearing Examiner may grant the relief requested if he finds all of the following:

(A) That the alteration or expansion requested would not be contrary to the public health, safety or welfare;

(B) That the alteration or expansion is compatible with the character of the neighborhood; and does not significantly jeopardize future development of the area in compliance with the provisions and the intent of the zoning district;

(C) That the use or structure was lawful at the time of its inception;

(D) That the value of nearby properties will not be significantly depressed by approving the requested alteration or expansion;
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(6) Restoration of Damaged Building or Structure. A building or structure containing a legal nonconforming use damaged by fire, flood, explosion, wind, earthquake, war, riot, calamity or other catastrophic event may be restored or repaired, and its nonconforming use may be resumed or continued, as follows:

(a) Substantial or Partial Destruction of a Residential Structure. When a lot contains one or more legal, nonconforming, habitable dwellings, as defined in YCC Title 13, a dwelling with gross square footage not to exceed an increase of 50% of the building at the point it became nonconforming may be reconstructed through Type 1 review. Nonconforming mobile homes may only be replaced with a site-built dwelling, modular home or a manufactured home conforming to siting requirements of Section 19.18.290. The replaced or restored dwelling must be constructed according to building, health, and life safety codes within the time frame of Subsections (6)(d) and (e) below. New detached, private garages, carports and other residential accessory structures may be established without regard to a time frame under Subsection (4)(c) above.

(b) Partial Destruction of a Non-Residential Structure. If the extent of either damage or repair cost does not exceed 50% of either the square footage or assessed value, as established by the most current County Assessor’s tax roll, of a building or structure containing a nonconforming use, other than a dwelling or accessory residential structure, the building or structure may be reconstructed to the footprint existing immediately before partial destruction, subject to the time frames of Subsections (6)(d) and (e) below. Any expansion is subject to the review process of Subsection (4) above.

(c) Substantial Destruction of a Non-Residential Structure. If the extent of either damage or repair cost exceeds 50% of either the square footage or assessed value of such building or structure as established by the most current County Assessor’s tax roll, the building or structure shall only be reestablished when approved as an alteration under Subsection (4) above.

(d) A building permit application for said restoration shall be filed for within 18 months of the date of the damage, disaster or destruction.

(e) Restoration/reconstruction shall be completed within two years from the date of the issuance of the permit.

(f) Upon receiving a written request submitted prior to the expiration of 18 months following destruction, the Administrative Official may through a Type 1 review process extend the above time limitations for special circumstances beyond the control of the owner of said building or structure. A lapse of more than 18 months shall be considered a discontinuation under Subsection (7) below.

(7) Discontinuation of Legal Nonconforming Use. If a legal nonconforming use of land is discontinued or terminated, it shall not be re-established. Any subsequent use of the building or land shall conform to requirements of the zoning district in which it is located.

(a) A use is discontinued when:

(i) It is succeeded by an allowed land use listed for the zoning district;

(ii) It is succeeded by another non-allowed use under Subsection (5) above;

(iii) The structure in which the use was located was damaged or destroyed and an application for rebuilding or replacement is not made within 18 months of the damage or destruction, or the application for the replacement of the nonconforming structure is denied through the Type 3 review process under Subsection (4) above; or

(iv) The use has ceased for a period of 18 months or more, or the terms of the permit allows for a longer period of time. Barring an express provision in the terms of the permit, use cessation by abandonment for such a period shall create a presumption of intent to abandon.

(b) The Administrative Official may, through a Type 1 process, grant an extension to the timeframe identified above, provided the property owner submits documentation demonstrating there was no intent to
abandon the use and other applicable permits are obtained prior to the expiration of the extension. Documentation may include, but is not limited to, the following:

(i) Requests for approvals necessary to re-establish the use or structure submitted to appropriate county, state and federal agencies within 18 months after the use was discontinued;

(ii) The property or structure has been involved in litigation;

(iii) Disputes in insurance settlements in the case of fire or casualty;

(iv) Delay in transferring title due to probate proceedings; or

(v) Attempts to sell or lease the site are ongoing due to:

     (A) The time involved for marketing the premises; or

     (B) The structure is a specialized type of building requiring a specialized type of use due to equipment, processes or configuration.

(c) A statement from the property owner merely stating there is no intent to abandon is not sufficient documentation without showing additional actions taken by the property owner to re-establish the use or structure.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).
Chapter 19.34

DIVISIONS OF LAND

Sections:
19.34.010 Legislative Intent.
19.34.012 Applicability.
19.34.020 Boundary Line Adjustments.
19.34.035 Cluster Developments.
19.34.040 Short Subdivisions.
19.34.050 Subdivisions.
19.34.060 Requirements for Site Improvements, Reservations and Design.
19.34.070 Final Subdivisions and Short Subdivisions.
19.34.080 Binding Site Plans.
19.34.081 Campgrounds and Recreational Vehicle Parks.
19.34.082 Manufactured or Mobile Home Parks.
19.34.090 Utility Services Tracts.

19.34.010 Legislative Intent.
It is the intent of this Chapter to implement those purposes set forth in RCW 58.17.010, by:

1. Regulating the division of land within the unincorporated areas of the County;
2. Promoting the public health, safety and general welfare;
3. Promoting safe and convenient travel by the public on roads, streets and highways;
4. Facilitating adequate provision for water, sewerage, drainage, parks and recreation areas, sites for schools and school grounds, and other public requirements;
5. Providing for proper ingress and egress;
6. Insuring the general tax-paying public is not burdened with those development costs that are more appropriately the responsibility of the original developer;
7. Preventing overcrowding of land by providing adequate open spaces;
8. Requiring uniform monumentation of land subdivisions and conveyance by accurate legal description;
9. Furthering the goals, policies and objectives of:
   a. The Growth Management Act;
   b. The Shoreline Management Act;
   c. The Yakima County Comprehensive Plan, the Yakima Urban Area Comprehensive Plan, subarea plans and all related elements; and
10. Establishing criteria pursuant to the requirements of Chapter 58.17 RCW;
11. Promoting public safety by reviewing divisions for compliance with the National Flood Insurance Program by implementing YCC Titles 13, 16A, 16C, 16D and this Title;
(12) Recognizing that small lots, clustered lots and parcels reconfigured from existing parcels as authorized by Yakima County pursuant to applications submitted after May 20, 1997 renders the resulting parcel(s) undersized rather than nonconforming in status.

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

19.34.012 Applicability.
(1) Jurisdiction. All boundary line adjustments and divisions of land within the unincorporated territory of Yakima County, Washington, shall be made in full compliance with this Title, other relevant requirements of Yakima County Code and RCW Chapter 58.17, as it now exists or is amended.

(2) Non-Reviewed Actions under RCW 58.17.040. RCW 58.17.040 authorizes the divisions identified in this Subsection without review under this Chapter, and subject to review under all other applicable County land use regulations:

(a) Cemeteries and burial plots while used for that purpose.

(b) Division of land into lots or tracts not containing a dedication, in which the smallest lot created by the division is 40 acres in area, or more, or that which is defined in the instrument of division as one-quarter of a quarter section of land, or greater area where the zoning district specifies a greater minimum; provided, that to compute the size of any lot under this Subsection the lot size shall be expanded to include that area which would be bounded by the centerline of the adjacent public street or road right-of-way.

(c) Divisions of land made by testamentary provisions, or the laws of descent;

(d) Divisions for lease when no residential structures other than mobile homes, manufactured homes, park models or travel trailers may be placed upon the land when the Reviewing Official has approved a binding site plan for the use of the land under Section 19.34.082;

(e) Divisions of land created under RCW Chapter 64.32 or Chapter 64.34 (the Horizontal Property Regimes Act and Condominium Act).

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

19.34.020 Boundary Line Adjustments.
(1) Purpose and Applicability. The purpose of this chapter is to allow for adjustment to boundary lines of existing lots where no new lot is created pursuant to the definition of Boundary Line Adjustment under Section 19.01.070, except those created under 19.34.090. This chapter applies to all boundary line adjustment (BLA) applications.

(2) Application Submittal Requirements. A boundary line adjustment application submitted must conform to all of the requirements of Sections 19.30.060, 19.30.070 and 19.30.071.

(3) Review Procedures. Boundary line adjustments are Type 1 project permits that are subject to review by the Administrative Official under Type 1 review requirements of Subsection 19.30.030(1).

(4) Concurrent Subdivision Applications. When there is a concurrent subdivision application associated with the boundary line adjustment, the finalization of the boundary line adjustment must be completed prior to the associated final subdivision.

(5) Review Criteria. The Reviewing Official’s review of boundary line adjustments (BLA) shall use the following criteria for approval:

(a) All lots involved in the BLA application shall be contiguous and legally created as described in Subsection 19.01.070;

(b) Will not create additional lots, tracts, parcels, or divisions;
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

(c) Vacated rights-of-way or utility sites or easements parcels must remain in their configuration or be consolidated with adjoining lots;

(d) Will not render a conforming structure or lot as substandard with respect to minimum setbacks, width and area, nor increase the nonconforming aspects of an existing nonconforming structure;

(e) Will not compromise or render impractical any existing easement, designated building area, building envelope or easement reservation so it is unable to serve its intended purpose, unless acceptable provisions are made to replace or fully compensate for said purposes;

(f) Will not alter boundaries to create intervening in-fee ownership separating the property;

(g) Ensure accessory dwelling units as set forth in 19.18.020(1) remain with the primary use of the property;

(h) Is consistent with applicable development restrictions and the requirements of this title, including but not limited to the general development standards of Chapter 19.10 and any conditions deriving from prior subdivision or short subdivision actions;

(i) Will not cause boundary lines to cross a UGA boundary, jurisdictional boundaries, split zoned lots, cross on-site sewage disposal systems, prevent adequate access to water supplies, or obstruct fire lanes;

(j) Will correct split zoned or designated lots with two or more zoning designations;

(k) Will not detrimentally affect access, access design, or other public safety and welfare concerns. The evaluation of detrimental effects may include review by the health district, the County Engineer, or any other agency or department with expertise;

(l) Will not create new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry, or other safety concerns as set forth in Chapter 19.23 and as determined by the County Engineer;

(m) A BLA involving more than four lots must comply with the provisions set forth in Chapter 19.25;

(n) The proposed BLA will not cause any lot that conforms with lot area or lot width requirements to become substandard;

(o) The proposed BLA may adjust the size and dimension of undersized or nonconforming lots; provided, that the adjustment does not increase the divisibility of any of the final lots. Additionally, proposals for BLA changes in the AG and FW zoning district must be shown to benefit existing long-term commercial resource use;

(p) Proposals for a BLA within the AG zoning district resulting in one vacant 1 to 3 acre lot and 1 remainder lot will require the recording of a declarative covenant to be placed on the large remaining lot immediately upon any future BLA or subdivision creating a 1 to 3 acre residential lot. The declarative covenant will indicate the large remaining lot cannot be further subdivided for 15 years while designated Agriculture by the Yakima County Comprehensive Plan.

(6) Decision. The Administrative Official’s written decision to approve, approve with conditions, or deny the boundary line adjustment shall constitute a final determination on the project permit application as provided by YCC 16B.03.030(1)(a), based on the record and the criteria of Subsection (5) above. A final conditions compliance check is required within one year of the decision.

(7) Recording. To finalize an approved boundary line adjustment for recording with the County Auditor all of the following must be met:

(a) Record of Survey. A record of survey shall be submitted as a condition of approval of the adjustment application in compliance with Chapter 58.09 RCW and YCC 19.30.071. The document shall be titled “Record of Survey” and shall contain the full and detailed proposed legal descriptions.
(b) Payment of Taxes Prior to Recording. In accordance with RCW 84.56.345, the applicant shall present a certificate of payment from the Yakima County Treasurer that all required taxes and all other assessments are paid prior to recording.

(c) Owners’ Signatures Required. All owners within the boundary line adjustment application shall sign the final recording document in the presence of a notary public.

Applications by Single Ownership. If applicable, boundary line adjustments within single ownership shall be conveyed through declaration of reconfiguration, declaration of easement or other conveyance recognized by the State of Washington.

(d) Disclaimer. Approval of a boundary line adjustment does not represent or warrant that any lot so altered by an approved boundary line adjustment is suitable for development. All boundary line adjustments filed with the auditor shall contain the following on the recorded survey:

Disclaimer: Approval of this Boundary Line Adjustment does not guarantee a buildable site within said parcel(s). Such determination depends on approvals of water, septic, bulk and dimensional setbacks, and critical area/shoreline requirements.

(e) Other Recorded Documents. The deeds or other appropriate conveyances recognized by the State of Washington shall be filed for record concurrently with all other required documents, including any applicable disclosures.

(8) Expiration by Time Limitation and Reinstatement. Failure to record and complete all conditions within one year of the Administrative Official’s approval means the boundary line adjustment application is expired. An extension request must be submitted for review and approval prior to the expiration date of the original decision as per YCC Subsection 16B.07.050(2).

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

19.34.035 Cluster Developments.

1) Purpose. The purpose of this section is to provide regulations and standards for lot clustering in urban and rural areas. It does this by boundary line adjustment or subdivision for developing residential property, whereby landowners and developers are given incentives to cluster lots on the most buildable and least environmentally sensitive portions of sites, while retaining a substantial portion of each site, including most resource lands and environmentally sensitive areas, in open space tracts. In order to take advantage of these incentives, landowners and developers are required to meet specific requirements called forth in this Title.

2) Applicability. Cluster development may be permitted by boundary line adjustment under Subsection 19.34.020 or division of land under Sections 19.34.040 and 19.34.050. Cluster development is allowed in the following areas and situations:

(a) In the AG and FW districts, provided that the number of buildable lots, defined in Section 19.01.070, may not be increased through the cluster development provisions of this Section in these districts;

(b) Ten or more total acres in areas of the Rural-10/5 district that meet the criteria of Subsection 19.11.030(3);

(c) Four or more total acres in the RT district;

(d) Five or more total acres in the SR, R-1 and R-2 districts where a community on-site sewage disposal system or regional sewer system is also provided for the new lots.

(e) Outside Urban Growth Areas where a public water system, defined in Section 19.01.070, is provided;

(f) Within Urban Growth Areas where both a public water system and a community on-site sewage disposal or regional sewer system are provided; and
(g) Cluster development is not allowed in the MIN, R/ELDP-40, RS, HTC, R-3, B-1, B-2, SCC, LCC, GC, M-1 and M-2 zoning districts;

(3) Development Standards. Cluster developments of existing lots or creating additional lots shall be conditioned appropriately to meet the development standards of this Title.

(a) Maximum Density. Cluster developments involving new lots in rural and Urban Growth Areas are allowed to the applicable minimum lot size requirements of Chapters 19.11 through 19.13. A density bonus of 115% of the gross area of the site may be used when clustering new lots.

(b) Cluster Lots.

(i) Clusters within or Adjacent to Rural and Resource Lands. To the maximum extent possible, site design shall use the following methods to separate residential development from existing and potential agricultural, forest, and mineral resource uses on adjacent land and the remainder lot:

(A) Use of physical features to separate the cluster lots from farm, mining or forest operations. Examples of such physical features are rock outcrops, ravines or deep draws, irrigation canals, and critical areas;

(B) In the AG zone only:

1. Location of the cluster development on predominantly nonagricultural soils and in non-irrigable areas of the property if evidence is provided documenting that the proposed cluster location reduces adverse impacts to agriculture.

2. A covenant shall be recorded in a form acceptable to the Administrative Official that documents that any lot allowed to be greater than three acres in size shall be considered a small lot and is not capable of being further subdivided or residually developed while zoned AG.

(ii) Cluster Development in All Areas.

(A) Clustering of 2 to 4 lots shall be subject to road standards in Chapter 19.23.

(B) Clustering of more than 4 lots shall be subject to the development standards of this Title as they pertain to common access, internal roadways and sewer and water systems,

(C) Cluster developments that create new lots with critical areas present or within shoreline jurisdiction must adhere to the requirements of the critical areas ordinances and shoreline master program and this Title.

(D) When creating a cluster development of existing platted lots that require the relocation of easements, the plat alteration or vacation process set forth in this Chapter must be used.

(c) Remainder Parcel.

(i) Development on Remainder Parcel and Density. The maximum density allowed within the project application site shall be calculated when cluster development is proposed described as follows:

(A) Density Bonus. The remainder parcel will be designated for use only as open space. The creation of cluster lots shall equal the maximum allowed density, with the remainder open space parcel as the bonus lot as shown in Figure 19.34.035-1. A restrictive covenant or plat note shall be recorded in a form acceptable to the Administrative Official that states:

Lot [insert lot or parcel number] shall remain in open space until such time as the comprehensive plan designation is changed to allow increased development density.

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
Figure 19.34.035-1 Bonus Cluster Development

Subject site total area = 20 acre parcel

Min. Density = 1 lot per 5 acres

20 acres/5 acres per lot = 4 lots total density plus open space bonus lot.

![Diagram of Bonus Cluster Development]

Lot 1  Lot 2  Lot 3  Lot 4

Lot 5 - Open Space (Bonus Lot)

(B) Standard Cluster. When the remainder parcel is designated for development with a permitted use, it must exceed the open space size requirements set forth in Table 19.34.035-1 to provide an adequate buildable area as defined under Section 19.01.070(2), which will be noted on the final plat or recorded drawing. The area of the remainder lot outside of the buildable area shall be maintained as open space as shown in Figure 19.34.035-2. This buildable area must be located outside of any critical areas and any associated buffers.

Figure 19.34.035-2 Standard Cluster Development

Subject site total area = 20 acre parcel

Min. Density = 1 lot per 5 acres

20 acres/5 acres per lot = 4 lots total density
(ii) Lot Size and Density Calculations within the R10/5 and RT Zoning Districts. The lot size and density calculations shall be based on the size of the lot as it existed on May 21, 1997. All lots of any subsequent division of land shall be included in the calculation.

(iii) Declarative Covenant or Plat Note.

(A) A plat note shall be recorded in a form acceptable to the Administrative Official that documents that the cluster lots resulting from a boundary line adjustment or by division of land under this Title are not subject to special setbacks for especially sensitive land uses from remainder parcels and other property zoned for commercial agriculture, forestry or surface mining uses, described in Section 19.18.205.

(B) The declarative covenant or plat note of Subsection (3)(c)(iii)(A) above shall document the unavailability of further divisions beyond the density to which the lot, in its configuration as it existed on May 21, 1997 within the R10/5 and RT Zoning Districts, is entitled, until the remainder lot is served with both regional sewer and area-wide water system, and, if applicable, included within an Urban Growth Area or if a comprehensive plan designation changes the allowable density.

(C) Notice of Resource Activities. Where otherwise undevelopable cluster remainder parcels are designated for commercial timber or agricultural activities the following notice shall be recorded as a plat note to serve as notification to each parcel within the cluster:

The property is adjacent to commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential impacts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

(d) Lot Requirements. New lots subject to this Section shall comply with the applicable lot size standards for clustered lots in the following Table 19.34.035-1.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Site Density</th>
<th>Lot Type</th>
<th>Minimum Lot Area</th>
<th>Maximum Lot Area</th>
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</thead>
</table>
| AG FW           | Maintain existing density | Cluster Lot | 1.0 acre


The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
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<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Site Density</th>
<th>Lot Type</th>
<th>Minimum Lot Area</th>
<th>Maximum Lot Area</th>
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<tr>
<td>Rural-10/5</td>
<td>Maximum of one unit per 5.0 acres</td>
<td>Cluster Lot</td>
<td>1.0 acre(1)</td>
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<td>Remainder Parcel</td>
<td>Determined by area of cluster lot(s)</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>Cluster Lot</td>
<td>0.33 acre(1)(2) if served by community sewer system</td>
<td>3.0 acres or less as determined by area of remainder parcel</td>
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<td>Remainder Parcel</td>
<td>Determined by area of cluster lot(s)</td>
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<td>7,000 sq. ft. (2)</td>
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<td>Minimum Necessary for SMA(3)</td>
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<td>SR R-1</td>
<td>Cluster Lot</td>
<td>8,000 sq. ft. (2)</td>
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<td>Remainder Parcel</td>
<td>Minimum Necessary for SMA(3)</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

Notes:

(1) Unless a greater area is required by YCC Title 13 for fire separation.

(2) Unless a larger size is required by the Yakima Health District or Washington Departments of Health or Ecology. Cluster lots may use right-of-way to meet the minimum lot size as permitted by Subsection 19.10.030(3)(a).

(3) Remainder parcels designated for residential development must accommodate a building area in addition to the minimum area necessary for an approved Satellite Management Agency (SMA) to operate the community water and sewer system. See Subsection (3)(c)(iii)(B) above.

(4) Review Criteria for Cluster Developments.

(a) In reviewing a proposal for cluster development through boundary line adjustment, the Reviewing Official shall determine whether:

(i) The site plan satisfies the requirements of Section 19.30.070 and this Section; and

(ii) The proposal meets the development standards of Subsection (3) above.

(b) The Reviewing Official may apply such special conditions or stipulations to approving a cluster development as required to maintain compatibility with neighboring uses and to promote the objectives and purposes of the Comprehensive Plan and this Title.

(c) If the Reviewing Official finds that the requirements of this Section are satisfied, they shall approve the cluster development, subject to any special conditions or stipulations under this Section, any necessary reduction to special setbacks provided by Section 19.18.205, and any necessary enlargement to lot size under Section 19.11.010(3)(d).

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

19.34.040 Short Subdivisions.

(1) Administration. The Administrative Official shall administer and interpret the short subdivision provisions of this Chapter.
(2) Pre-application Review for a Preliminary Short Subdivision. Whenever a short subdivision requires use of a substandard adjacent road for access or use of an interior road that will serve more than four units or lots, a preliminary short subdivision shall require a pre-application conference under YCC Section 16B.04.010 unless waived in writing as permitted by that section. An applicant for pre-application review of a preliminary short subdivision shall submit a completed pre-application review form, and the information in YCC Section 16B.04.010.

(3) Preliminary Short Subdivision Application.

   (a) Application. An applicant for a preliminary short subdivision shall submit the requisite fee, a completed application review form and the information in Section 19.30.060.

   (b) Process. Review of the application shall be conducted as a Type 2 process under Chapter 19.30 and YCC Title 16B.

(4) Decision Criteria and Review.

   (a) The Administrative Official shall approve a preliminary short plat if the applicant has demonstrated the application complies with the approval criteria in Subsection 19.34.050(5)(a) or that the application can meet those criteria by complying with conditions of approval.

   (b) Preliminary short subdivision approval shall be considered the basis upon which the applicant may proceed with development of the short subdivision and preparation of the final short plat subject to all conditions of the preliminary short subdivision approval.

(5) Amendments to Preliminary Short Subdivisions.

   (a) Applications to amend a preliminary short subdivision approval shall be processed through Type 2 review subject to additional notice and fees provided that the short subdivision application has not expired. The Administrative Official may amend conditions of the preliminary short subdivision approval as necessary to address the proposed amendment request; however, this process is not intended to remove conditions of approval more appropriately addressed through the appeal process.

   (b) Minor changes or correction of errors not involving an increase in the number of lots or the change of conditions may be made by the applicant or County through the Type 1 review process.

(6) Expiration of Preliminary Short Subdivision Approval. Approval of a preliminary short subdivision shall expire after five years. Extension of preliminary short subdivision approvals are determined under YCC Subsection 16B.07.050(2).

(7) Final Short Subdivision Application. An applicant for review of a final short subdivision shall submit the requisite fee, a completed application review form and copies of the information as required by Section 19.34.070. Review of a final short subdivision shall be conducted as a Type 1 process specified in Section 19.34.070.

(8) Recorded Short Plat Alteration or Vacation. Once a short plat has been recorded with the County Auditor it can be altered or vacated in whole or part in a manner not involving the re-subdivision into more than four lots from the original short subdivision outside an Urban Growth Area, or more than nine within Urban Growth Areas. When increasing the number of lots from the original approval, the Type 2 short subdivision application process will be required as outlined in YCC Title 19. When a proposed alteration or vacation involves a public dedication, the alteration or vacation shall be processed under Chapter 58.17 RCW. If the proposed alteration or vacation does not involve a public dedication, the altered or vacated short subdivision shall be processed under the following provisions:

   (a) The altered or vacated short subdivision must comply with the procedures and requirements of this Chapter. A new plat will be required with a survey of any new lot lines created by the altered or vacated short subdivision. The title block of the recorded plat map shall state “Amended Short Plat.”

   (b) The altered or vacated short subdivision shall show all of the land on the original short plat and shall bear the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or...
divisions in the subject short subdivision or portion to be altered within the original short subdivision as described in RCW 58.17.212 and 58.17.215 as shown by a current (i.e., within 60 days) title certificate.

c) Minor changes or correction of errors 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.

d) When reducing the number of lots from the original approval and the proposed change does not affect any of the recorded plat requirements from the original approval, such as but not limited to easements, plat notes, access and/or utility locations, the boundary line adjustment process may be used as outlined in this Chapter.

(9) Further Divisions of Land in Short Subdivisions. Once property is subdivided under the short subdivision regulations of this Title no further division creating more than nine lots, tracts, parcels, sites or divisions in the Urban Growth Area, or more than four lots, tracts, parcels, sites or divisions outside the Urban Growth Area, shall be made for a period of five years from recording of the short plat, unless a final plat has been approved and filed for recording under the subdivision and final plat provisions of Sections 19.34.050 and 19.34.070. In the case of a proposed re-division of land within a short subdivision or a subdivision, either the short subdivision or subdivision provisions of this Title and RCW 58.17 shall be complied with dependent upon the number of divisions proposed within the “land” as defined by Section 19.01.070 of this Title and/or the period of time that has elapsed since recording a prior short plat.

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

19.34.050 Subdivisions.

(1) Pre-application Conference. The applicant shall submit a pre-application conference form and site plan of the proposed development showing the proposed layout of streets, lots, and other features in relation to existing conditions. The Planning Division shall schedule a subdivision pre-application conference as provided in Section 19.30.040 and YCC Section 16B.04.010 and provide notice of the scheduled meeting to all federal, state and local agencies and public/private utility providers having a direct influence upon or who can provide general information on the proposed subdivision.

(2) Submission. The applicant shall submit an application for preliminary subdivision to the Yakima County Planning Division, consisting of:

   (a) An application fee as specified in YCC Chapter 20.01;

   (b) The preliminary plat; and

   (c) Supplementary material as specified in Sections 19.30.060, 19.30.070, 19.30.072 and Subsection 19.34.050(1) shall be submitted to the Planning Division.

(3) Public Notice of a Proposed Subdivision and Hearing. When a complete preliminary subdivision has been submitted to the Planning Division, the Administrative Official shall establish the date and time for a public hearing before the Hearing Examiner. The notice of public hearing and notice of application shall be as provided in YCC Chapter 16B.05 and RCW 58.17.090.

(4) Review Requirements. Review of the application shall be conducted as a Type 4 process under Chapter 19.30 and YCC Title 16B.

   (a) Copies of the preliminary subdivision application, supplementary material, environmental documents and notice of public hearing shall be forwarded by the Planning Division to the agencies identified in RCW 58.17.080, RCW 58.17.150 and YCC Subsection 16B.05.030(3)(a) for their respective recommendations, if any.

   (b) The Yakima Health District may require the applicant to provide information necessary to determine the feasibility of the contemplated sewage disposal and water supply for the proposed subdivision.
(c) Any recommendations of the aforesaid public agencies shall be submitted to the Planning Division prior to the close of the record under Subsection 19.34.050(5).


(a) Decision Criteria. The Reviewing Official shall approve a preliminary subdivision if the applicant has demonstrated the application complies with the following approval criteria or that the application can meet these criteria by complying with conditions of approval:

(i) The preliminary subdivision is in the public interest.

(ii) Public and Private Facilities. The following facilities are adequate to serve the proposed subdivision before or concurrent with development of the preliminary subdivision:
   
   (A) Public and private streets and roads;
   (B) Open spaces, parks and recreation;
   (C) Drainage;
   (D) Access to mass transit where there is or will be such transit;
   (E) Potable water supplies;
   (F) Sanitary waste collection and treatment;
   (G) Schools and educational services (if residential);
   (H) Pedestrian facilities, particularly for students who walk to and from school;
   (I) Fire prevention services; and
   (J) Irrigation water supplies

(iii) Compliance with Standards. The application will conform to all adopted County and State rules and regulations as set forth in Section 19.01.020.

(iv) Phasing. If a phasing plan is proposed, the applicant must demonstrate that:

   (A) The phasing plan includes all land within the preliminary subdivision. A master preliminary plat shall be required with the initial phase approval that shows the future plat phases on the same document to establish and delineate the general development parameters for future phases;
   (B) Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire subdivision;
   (C) Prior to recording the final plat for each phase, all required improvements for that phase will be built, bonded or escrowed;
   (D) Each phase is consistent with an overall site and drainage plan under YCC Chapter 12.10 approved for the entire development prior to the recording of the final plat of the first phase; and
   (E) The sequencing of phasing may occur in any order provided that all conditions of each phase are met consistent with the approved phasing plan.

(v) Grading. Where the slope between the highest and lowest points on the site exceeds five percent, a final grading plan for the full development, consistent with the drainage plan, depicting the final grade shall be shown for the entire plat with topographic contours at intervals of not more than five feet.
(vi) Flood, Inundation or Swamp Conditions. A proposed subdivision may be denied because of flood, inundation or swamp conditions under RCW 58.17.120. Construction of protective improvements may be required as a condition of approval and such improvements shall be noted in the final subdivision or in the Hearing Examiner’s recommendation.

(A) New lots established for building purposes partially in the 100-year floodplain shall have at least a 5,000 square-foot building envelope outside the floodplain; (16C)

(B) New lots established for building purposes that are entirely within the 100-year floodplain shall meet the subdivision standards set forth in YCC Titles 16A, 16C and 16D; and

(C) New lots established for water-dependent land uses, as defined by YCC Section 16D.06.12, shall meet the requirements of YCC Subsection 16D.03.27(3) of the Shoreline Master Program.

(b) Open Record Public Hearing Review.

(i) The Hearing Examiner shall consider:

(A) Agency reports, public testimony and all other relevant facts and consider the decision criteria of Subsection (5)(a) above;

(B) Whether the proposed subdivision and dedication makes appropriate provisions for public health, safety and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

(C) Whether the public interest will be served by the subdivision and dedication.

(ii) If the Hearing Examiner finds that the proposed subdivision meets the decision criteria in Subsection (5)(a) above, then the Hearing Examiner shall recommend approval of the preliminary subdivision to the Board of County Commissioners (BOCC). A recommendation for approval may state conditions for such approval.

(iii) If the Hearing Examiner finds that the proposed subdivision does not meet one or more decision criteria in Subsection (5)(a) above, the Hearing Examiner shall recommend disapproval of the preliminary subdivision.

(iv) The recommendation of approval or disapproval shall be made under YCC Section 16B.08.050. The recommendation of approval or disapproval shall be based upon the factors specified in this Section and RCW 58.17.110 and every such recommendation shall be in writing and shall include findings of fact and conclusions to support the recommendation.

(v) Recommended conditions to be fulfilled after approval of the preliminary subdivision shall be written on the face of the plat or incorporated in the Hearing Examiner’s written recommendation.

(vi) Upon receipt of the recommendation of the Hearing Examiner, the Planning Division shall transmit a copy of the recommendation to the County Engineer, the Health District, the subdivider and the subdivider’s surveyor.

(c) Closed Record Hearing Review.

(i) The Board of County Commissioners, upon receipt of the Hearing Examiner’s recommendation on any preliminary subdivision shall, at a public meeting, set the date for a closed record hearing to consider the matter under the procedures and standards of YCC Chapter 16B.09.

(ii) A record of the closed record public hearing shall be kept by the Board of County Commissioners and shall be open to public inspection.
(6) Decision – Notifications. A copy of the resolution, with findings and conclusions, indicating the action of the Board of County Commissioners shall be sent to the Planning Division, the County Engineer, the County Assessor, the Health District, the subdivider and the subdivider’s surveyor.

(7) Approval – Limitations.

(a) Approval of a preliminary subdivision shall not constitute approval of the final plat for recording. Rather, it shall be a guide to preparing the final plat which shall be submitted for approval of the required officials within five years of preliminary subdivision approval, or as such time period is modified by RCW 58.17.140.

(b) An approved subdivision expires five years after the effective date of the preliminary subdivision approval (or as such time period is modified by RCW 58.17.140) unless a fully complete application for a final subdivision has been submitted. Extensions may be approved under Subsection (10) below.

(8) Final Decision and Appeal. The decision of the Board of County Commissioners on any subdivision application is final and conclusive unless appealed to the Superior Court under the Land Use Petition Act, Chapter 36.70C RCW.

(9) Preliminary Subdivision Amendment. Following preliminary subdivision approval and before submission of a final plat, the applicant may request an amendment to the approved or conditionally approved preliminary subdivision. This Subsection provides for different procedures depending on whether the amendment is major or minor, but these procedures do not apply to incidental changes to the approved preliminary subdivision and any conditions or recommendations imposed by the Reviewing Official. An application for an amendment to a preliminary subdivision shall be considered either a minor or major amendment under the following criteria. The applicant must meet all of the criteria in Subsection (a) below.

(a) Criteria – Minor Amendments.

(i) A change to a condition of approval does not modify the intent of the original condition;

(ii) The perimeter boundaries of the original site are not extended;

(iii) The proposal does not increase the overall residential density of a site;

(iv) The proposal does not change or modify housing types;

(v) The proposal does not reduce the designated open space;

(vi) The proposal does not increase the overall impervious surface on the site by over five percent and the applicant complies with any additional stormwater requirements under YCC Chapter 12.10, including:

(A) Stormwater treatment requirements for increases of impervious surface area of more than five thousand square feet; and

(B) Stormwater flow control requirements for increases of impervious surface of more than ten thousand square feet.

(vii) Any request to divide the project into phases or to modify approved phases complies with the phasing plan criteria of Subsection (5)(a)(iv) above and will not have a material effect on conditions of subdivision approval or cause a delay in construction of planned amenities (community buildings, footpaths, etc.) approved with the original preliminary subdivision;

(viii) Any conditions or expansions approved through minor amendments that cumulatively exceed the requirements in this Section shall be reviewed as a major amendment; and

(ix) The extent of the minor modifications does not result in potentially significant adverse impacts that were not addressed during environmental review of the preliminary subdivision.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

(b) Filing – Minor Amendments. The following procedures shall be required for all minor amendments:

   (i) Application Type. Requests for minor amendments shall be a Type 1 process on forms provided by the Administrative Official.

   (ii) Routing. Minor amendment applications may be routed to any County division and to any agency with jurisdiction at the Administrative Official’s discretion.

   (iii) Approval. The Administrative Official may approve an application for a minor amendment, approve with additional conditions, or require modification of the proposal to comply with specified requirements or determine that the application shall be processed as a major amendment.

   (iv) Denial. The Administrative Official shall deny an application for minor amendment if the proposal does not meet or cannot be conditioned to meet Subsection (a) above. It may be possible to process the preliminary subdivision amendment under Subsection (c) below.

   (v) Appeal. The Administrative Official’s decision may be appealed as provided in YCC Chapter 16B.03.

(c) Major Amendments – Criteria.

   (i) Amendments exceeding the provisions of Subsection (a) above shall be considered a major amendment and shall follow the same procedure required for a new application and fee.

   (ii) Major amendments shall be subject to the most current County codes including density requirements.

   (iii) Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The Reviewing Official shall approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary subdivision approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the Reviewing Official, the applicant may either withdraw the proposed major amendment or may appeal the determination as provided under law.

10 Time Extensions. A written request may be filed with the Administrative Official for extension of the time for finalization of a preliminary subdivision. The request for extension must be submitted in writing to the Administrative Official at least 30 days prior to the expiration of the preliminary subdivision approval under Subsection (7) above. The Administrative Official shall circulate the time extension request to affected agencies for comments. Extension requests shall be processed as a Type 1 application as specified under YCC Chapter 16B.03. The expiration date of the preliminary subdivision shall be on hold until the Administrative Official issues a decision on the application and any subsequent appeals are resolved.

   (a) Approval Criteria. The Administrative Official may approve the request after making findings that the final subdivision extension will not be contrary to the public health, safety or general welfare, and provided that one or more of the following circumstances is found to apply:

   (i) Some portion of the existing preliminary subdivision has been finalized since the project was approved and the remaining lots would form a unified development consistent with the original approval and the phasing criteria of Subsection (5)(a)(iv) above.

   (ii) The preliminary subdivision remains generally consistent with the original subdivision that was approved.

   (iii) When preliminary subdivision approval was granted, development of the proposal was conditioned upon the extension of public facilities, which are not yet available. This circumstance shall not apply to extensions which the project sponsor would normally fund.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(ii) On lots under 2.5 acres in size located on Type 1 soils as identified by WAC Chapter 246-272A.

(b) Notice. Where the Yakima Health District waives the requirement to provide written verification that the lots can accommodate an on-site sewage system, but one or more resultant parcel is under 2.5 acres, the following notice shall be recorded on the final plat or document:

Notice to Public: The Yakima Health District has waived the requirement to provide written verification that lots herein can accommodate an on-site sewage system.

(c) Improvements Required. As a condition of approval the Reviewing Official may require sewer improvements as set forth under Subsection 19.25.045(1) for development within Urban Growth Areas.

(6) Public Water Systems. Where a public water system is required for divisions of land, water service lines and fire hydrants must be installed from a mainline to each lot within easements prior to final plat or short plat approval. Water service lines may be excluded only if all of the following conditions apply:

(a) Each lot has direct access to water from the mainline without the service line having to be installed on or across a separate lot from the lot to be served;

(b) Service lines would not need to cross roads or other utilities;

(c) Water service to other lots would not need to be interrupted to install the service lines in the future; and

(d) Where required, a covenant shall be recorded establishing a well control zone (sanitary control area) of sufficient diameter as determined by the Yakima Health District and/or the Washington State Department of Health.

(7) Recreation Areas. Pursuant to RCW 58.17.110 and related statutes, the County shall require subdivision five acres or larger within Urban Growth Areas and all plats three acres or larger in Rural Settlements to designate a portion of land area exclusive of streets as a recreation area. Recreation areas may include: private or public parks, pocket parks or mini-parks, playgrounds, trails and pathways.

(a) Standards and Review.

(i) Designation. The nature of the area shall be clearly indicated on the plat, “Reserved for Recreation Purposes.”

(ii) Size, Topography and Location.

(A) The recreation area shall be of useable size, dimension, topography, and have adequate road access for the proposed recreational use;

(B) The recreation area shall be maintained in a singular contiguous tract, parcel or lot;

(C) When recreation areas are required for single-family and multi-family residential uses, the Reviewing Official shall determine the number of acres to be reserved based on the ratio of 1 acre/per 100 dwelling units, which equals 435.6 sq. ft. per dwelling unit; and

(D) Where the proposed recreation area is less than the percentage in Subsection (C) above, payment in lieu of recreation area under Subsection (b) below shall apply.

(iii) Recommendation. The Reviewing Official may refer such proposed recreation area to the local government official or department in charge of parks and recreation for recommendation.

(iv) Dedication. The developer shall dedicate all such recreation areas to the homeowners’ association, or other responsible entity as a condition of final subdivision approval. Any acquisition of the land required for public parks or recreational areas, other than streets and alleys, shall be obtained by deed from the developer as a condition of final approval of the subdivision.
(v) Maintenance Agreements for Private Recreation Areas. Covenants shall provide perpetual maintenance of recreation areas dedicated to or operated by parties other than a local government. The covenants shall establish a fund for recreation area maintenance and require the owners in the development to pay annually into such fund. Covenants shall be approved by the County.

(b) Alternative to Dedication or Payment in Low-Density Neighborhoods. As an alternative to providing a recreation area under Subsection (7)(a) above within the SR and R-1 districts the applicant may choose to limit the entire development to a minimum lot size of 7,000 square feet or larger and a maximum lot coverage of 45%. A statement shall appear on the face of the plat that acknowledges these limitations and that the maximum lot coverage may not be adjusted to exceed 45%.

(8) Drainage Facilities. Where drainage facilities are required, approval of design, construction and drainage easements is required under YCC Chapter 12.10.

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

19.34.070 Final Subdivisions and Short Subdivisions.

(1) Applicability. This Section applies to applications for finalizing both divisions of land following a formal preliminary approval. Any use of the term “subdivision or plat” in this Section shall include “short subdivision or short plat.” Any reference to the Board of County Commissioners would not normally apply to short subdivisions, which are approved administratively, unless appealed.

(2) Requirements. The final subdivision shall:

(a) Conform substantially to the preliminary subdivision;

(b) Incorporate any conditions or recommendations imposed by the Reviewing Official;

(c) Include the following information, either on the face of the plat, 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) A complete survey of the section or sections necessary to establish the corners of the quarter section or the corners of the quarter sections in which the plat is located or as much as may be necessary to properly orient the plat within such section or sections meeting State of Washington surveying practices as they exist in the Survey Recording Act at the time the field surveying work is completed. A lot closure report for each lot within the proposed subdivision must be submitted with a copy of the final plat;

(ii) Subdivision name (if any);

(iii) Legend, title, scale, north arrow and date;

(iv) Planning Division file number, located near the upper right-hand margin or within it;

(v) Tract boundary lines, property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles, and radii, arcs and central angles of all curves;

(vi) Name and right-of-way lines of streets, easements and other rights-of-way;

(vii) Location, dimensions and purpose of any easements;

(viii) Number to identify each lot or site and block;

(ix) Purpose for which sites, other than residential lots, are dedicated or reserved;

(x) Location and description of monuments existing or set;

(xi) Reference to recorded plats of adjoining platted land by recorded name, and Auditor’s file number;
(xii) A certificate on the face of the plat signed by a registered land surveyor certifying the plat is a true and accurate representation of the lands surveyed;

(xiii) A certificate signed and acknowledged by all parties with any record title interest in the land subdivided, consenting to the preparation and recording of the plat; and

(xiv) If a lot is approved and will be served by an individual well for potable water supply and the well is not required to be installed prior to the recording of the final plat a statement shall appear on the face of the plat indicating the responsibility of future owners to provide the intended source of potable water, consistent with the type of water system intended in the approval and in compliance with all laws governing its installation and operation.

(d) Subdivisions within Irrigation Districts. Comply with the following provisions if the subdivision lies wholly or in part in an irrigation district:

(i) A statement shall appear on the face of the plat evidencing the subdivision lies within the boundaries of an irrigation district and that irrigation water rights-of-way may be imposed by said irrigation district under RCW 58.17.310.

(ii) Plats within irrigation districts or portions of irrigation districts shall contain irrigation easements no less than ten feet in width, nor more than 25 feet in width, unless otherwise approved by the irrigation district to indicate:

(A) Adequate provision has been made to serve with irrigation water all lots which are entitled to irrigation water under operating rules and regulations of the district, and

(B) Adequate provision has been made to transmit irrigation water through the plat to serve adjacent land that is entitled to irrigation water from the official forty-acre delivery point serving said land.

(iii) Plats wholly or in part within the boundaries of the Naches–Selah, Sunnyside Valley, Roza, or Yakima–Tieton Irrigation District, shall in addition to Subsection 19.34.070(2)(d)(i) contain the following acknowledgement:

The property described hereon is wholly or in part within the boundaries of the ________________ Irrigation District. The irrigation easements and rights-of-way on this plat as required by Yakima County Code Title 19 (either currently existing irrigation easements or rights-of-way or newly created ones) are adequate to serve all lots located within this plat which are otherwise entitled to irrigation water under the operating rules and regulations of the district. The irrigation easements and rights-of-way are adequate to transmit irrigation water under the operating rules and regulations of the district. Lots ____________, in whole or in part, are not entitled to irrigation water under the operating rules and regulations of the district.

(iv) If one or more irrigation district within the subdivision serves as its own treasurer, a certificate of the authorized officer of the irrigation district is required evidencing that all special property assessments of such district on the property being divided are paid through a specific date. Such date shall be no more than thirty days from the date of submission of a subdivision to the Yakima County Planning Division for processing.

(e) Subdivisions within Floodplains. Comply with the following provisions if wholly or in part within an identified special flood hazard area:

(i) Delineate any 100-year floodplains and floodways on the face of the plat, or if the entire property is within the 100-year floodplain, contain a statement of that fact;

(ii) Identify on each lot partly within a special flood hazard area the minimum building area of 5,000 square feet outside of the 100-year floodplain, except public utility tracts, and public highway tracts; and
(iii) Include the following statement(s) on the face of the plat:

Portions of this divisions of land lie within the one-hundred-year floodplain of (appropriate watercourse name) as defined by the Federal Emergency Management Agency (FEMA) as part of the National Flood Insurance Program (NFIP) as per Flood Insurance Rate Map panel (number, date). Special flood hazard development standards will apply to that area of the lot lying within the 100-year floodplain subject to the NFIP as implemented by YCC Title 13 and YCC Chapters 16A.05 and 16C.05, Critical Areas and/or 16D.05, Shoreline Master Program. This information is subject to change. Specific floodplain information may be obtained from the Yakima County Public Services Department.

(f) Subdivisions within Shoreline Jurisdiction. Include the following statement on the face of the plat, if wholly or in part within the jurisdictional boundary of the Yakima County Regional Shoreline Master Program:

The lots, or portions thereof, within this divisions of land are subject to the Yakima County Regional Shoreline Master Program (YCC Title 16D). Special development standards may apply and permits may be required for certain types of development. Shorelines management information may be obtained from the Yakima County Planning Division.

(g) Stormwater. Include a statement on the face of the plat that the owners and their grantees and assignees in interest agree to retain surface water generated by the (___-year, 24-hour) storm event (defined by the Reviewing Official) within the divisions of land. Any drainageways must not be altered or impeded; provided, this provision will not apply to divisions of land that have received written approval of a stormwater site plan to discharge surface water to a publicly owned or authorized storm water system.

(h) Individual Driveway Grades. Include the following statement on the face of the plat for properties with ground slopes exceeding ten percent, as depicted on the final grading plan:

The maximum grades for individual driveways that are 50 feet in length or less shall be 12%. The maximum grades for driveways 51 feet or greater shall be as identified for fire apparatus access roads in YCC Title 13. The grade shall be measured from the edge of road right-of-way or private access easement at the center of the driveway to the garage slab. If there is no garage then it shall be measured to the grade of the building as defined in the residential code of YCC Title 13.

(i) Addressing. Include the following statement on the face of the plat:

Yakima County has in place an urban and rural addressing system per YCC Chapter 13.26. Determination of street names and address numbers for developed residential and commercial lots within this plat are at the discretion of the Yakima County Public Services Department upon issuance of an eligible building permit.

(j) Dedications. Include dedication by owner of streets, rights-of-way, easements and any sites for private or public use.

(k) Acknowledgement of Subdivider. Include an acknowledgment by the person filing the plat before the Auditor of the County. A certificate of said acknowledgment shall be enclosed or annexed to such plat and recorded therewith.

(l) Payment of Taxes. Accompany a certificate of payment from the County Treasurer stating all taxes and delinquent assessments for which the property may be liable as of the date of certification by the Treasurer have been fully paid, satisfied or discharged.

(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.

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(i) Approvals by Administrative Official for short subdivision, and the chairperson of the Board of County Commissioners for subdivision;

(ii) Acknowledgement from the Yakima Health District, or other agency furnishing sewage disposal and/or supplying water, as to the adequacy of the proposed means of sewage disposal and water supply;

(iii) Statement of approval and certification by the County Engineer:

(A) As to the survey data, layout of streets, alleys and other rights-of-way, design of bridges, sewage or water systems, and other structures; and

(B) Certification that the subdivider has either:

1. Completed improvements under these regulations and with the action of the Board of County Commissioners giving approval of the preliminary subdivision, or

2. Submitted a bond or certified check in sufficient amount to assure completion of all required improvements at a future specified date;

(iv) Such other certificates, affidavits, covenants, disclaimers or endorsements as may be required by the Reviewing Official in the enforcement of these regulations.

(3) Drawings. The final plat shall be produced at a scale of at least one inch equals 100 feet, unless the Administrative Official requests or authorizes a smaller scale, to make a map eighteen inches wide by 24 inches long. The final plat shall be drawn with ink on 3-mil Mylar® film, equivalent material, paper or other form acceptable to the County Auditor. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

(4) Submission. The original Mylar®, (or equivalent material, paper or other form acceptable to the County Auditor) and five copies of the final plat, and one copy of other exhibits required for approval as specified in Subsection (2) above shall be submitted to the Administrative Official and shall be accompanied by the final plat processing fee as specified in YCC Title 20. The applicant must submit all of the required documentation when the Mylar® is submitted. The final plat shall be submitted prior to the expiration of time specified in the preliminary subdivision approval.

(5) Approval.

(a) The Administrative Official, County Engineer and Yakima Health District shall review the final plat for conformance to conditions imposed on the approved preliminary subdivision. Approval of the planning agency shall be indicated by the signature of the Administrative Official on the original tracing.

(b) The final plat shall be submitted to the office of the County Engineer for final checking and inspection before ultimate approval is given. Office checking will be charged for at the prevailing wage rate for county engineers. A field check may be made of the boundaries of the plat. Approval of the County Engineer shall be indicated by the signature of the County Engineer on the original tracing.

(6) Time Limit for Review. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(7) Final Plat Alteration/Vacation. Once a plat has been filed with the Auditor, it shall remain as the official plat covering the land. If a person proposes to alter or vacate the plat in whole or in part, the procedures in Chapter 58.17 RCW shall be followed, except short plat alterations and vacations that do not involve a public dedication shall be processed under Subsection 19.34.040(9).

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).
19.34.080 Binding Site Plans.

(1) Purpose. The purpose of this section is to provide procedures for divisions of land by use of a binding site plan as an alternative to the subdivision process in commercial and industrial developments and in mobile or manufactured home parks, campgrounds and recreational vehicle parks.

(2) Applicability. The provisions of this Section are limited to two types of divisions:

(a) Divisions as provided in RCW 58.17.040(4) for the purpose of sale, lease or transfer of property zoned Small Convenience Center (SCC), Large Convenience Center (LCC), General Commercial (GC), Highway/Tourist Commercial (HTC), Light Industrial (M-1), and Heavy Industrial (M-2) under Subtitle 19.1; and

(b) Divisions of property for lease as provided for in RCW 58.17.040(5), when no residential structure other than mobile or manufactured homes or travel trailers are permitted to be placed upon the land when the County has approved a binding site plan for the use of the land under Sections 19.18.130 and 19.18.280.

(3) Commercially and Industrially Zoned Property.

(a) General Binding Site Plan.

(i) Pre-application Conference. To insure agency requirements are properly addressed, upon receipt of a request, the Planning Division shall schedule a pre-application conference and circulate a copy of the plan to all affected agencies with the time and date of the meeting.

(ii) Application. An applicant for review of the binding site plan shall submit the requisite fee, a completed application review form provided for that purpose by the Administrative Official, and the information listed in Section 19.30.060.

(iii) Review. Review of the application shall be conducted as a Type 2 process under Chapter 19.30 and YCC Title 16B.

(iv) Administrative Decision. The Administrative Official shall review the binding site plan for compliance with this Chapter and all other land use regulations in effect at the time of submission of a fully completed binding site plan application.

(A) Installation of Public Facilities. The conditions for approval of the project shall include installation of all public infrastructure prior to recording the general binding site plan. Public facilities required prior to recording the general binding site plan shall, at a minimum, include the following items that form a coherent and unified development:

1. Stormwater infrastructure;
2. Looped utilities and fire suppression systems;
3. A public road network with more than one connection to exterior roads; and

(B) Approvals. The applicant shall obtain written approvals by the applicable sewer and water providers, fire districts, County Engineer and Public Services Director for the various forms of public facilities required shall be obtained prior to recording the general binding site plan.

(C) Phasing. Any request for developing the proposal in phases shall comply with the phasing plan requirements for preliminary plats under Subsection 19.34.050(5)(a)(iv). A master general binding site plan shall be required with the initial phase approval that shows the future binding site plan phases on the same document to establish and delineate the general development parameters for future phases.
(D) Approval. If all requirements for approval are met, the Administrative Official shall provide written findings of facts supporting the approval of the preliminary binding site plan, and set forth all conditions for general binding site plan approval.

(v) Preliminary Approval – Limitations. The approval of a preliminary binding site plan by the Administrative Official authorizes the applicant to prepare the general binding site plan and develop the required improvements and facilities under conditions of approval. No sale, lease or transfer of any lot proposed by the site plan shall occur until a general binding site plan is approved and recorded with the Yakima County Auditor. The general binding site plan shall be submitted within five years of the date of preliminary approval.

(vi) General Binding Site Plan Approval and Recording. When all conditions of preliminary binding site plan approval are met, including construction, dedication and acceptance of all public facilities, or providing a bond under Section 19.30.130 in lieu of actual construction of any required public improvements, the developer shall submit the general binding site plan, with the fee in YCC Title 20, to the Planning Division for processing and recording. Any roads, structures, sewers, and water systems required for general binding site plan approval shall be designed and certified by or under the supervision of a registered engineer prior to the acceptance of such improvements. Once all the following requirements are met, the Planning Division shall file the general binding site plan with the County Auditor. The general binding site plan must include:

(A) A complete record of survey of the entire property and the initial lots to be created, if any, including the legal description;

(B) The acknowledged signatures of all parties having an ownership interest in the property;

(C) The signature of the County Engineer, the Administrative Official, and the County Treasurer;

(D) Auditor’s certificate;

(E) Written documentation that all requirements for preliminary binding site plan approval are met, including the completion of all required infrastructure/improvements;

(F) An accompanying recommendation for approval or disapproval from the Yakima Health District or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply; and

(G) A note on the face of the binding site plan identifying the maximum density for the project area within the zoning district.

(b) Administrative Approval of Individual Lots. The creation of individual lots, other than lots established by the recorded general binding site plan, may be administratively approved through Type 1 review. Once a completed binding site plan division application is submitted with the fee in YCC Title 20, it will be reviewed by the Planning Division and all other divisions of the Public Services Department, and any other agency with jurisdiction, for compliance with this Chapter. An application shall not be accepted or approved unless:

(i) Required site improvements conform to the decision approving the general binding site plan;

(ii) Evidence that all infrastructures to serve the proposed lot(s) has been constructed to the standard outlined in the decision for the general binding site plan;

(iii) All improvements required for finalization of specific individual commercial or industrial lots were constructed and accepted prior to the time of application for the individual lots;

(iv) A registered land surveyor surveys the proposed lot(s) created and the legal description for the lot is prepared by the surveyor under the Survey Recording Act (RCW Chapter 58.09);
(v) All parties having an ownership interest in the lot(s) to be created under the current proposal sign the Type 1 application and the survey;

(vi) The survey containing the information listed above is recorded with the County Auditor’s office following approval of the division application and prior to the sale, lease or transfer of any lot, with survey being titled “Amended Final Binding Site Plan.”

(c) The lot(s) to be created meets the requirements set forth in the recorded general binding site plan;

(d) The lot(s) meets the minimum lot size in the zoning district.

(4) Vacation or Alteration of a Recorded Binding Site Plan. The vacation or alteration of a recorded binding site plan must follow the procedures in Subsections 19.34.070(3) through (5) above. This Subsection does not apply to the creation of lots under Subsection (3)(b) above. Lots already created within the general binding site plan may be merged or adjusted with adjacent lots under Section 19.34.020, but may not involve boundary line adjustments outside the perimeter of the general binding site plan. If the entire binding site plan is proposed for vacation, the owners of any existing developed lots in the binding site plan must sign a binding site plan vacation application or meet development standards through application for a subdivision or short subdivision.

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

19.34.081 Campgrounds and Recreational Vehicle Parks.

(1) Pre-application Conference. Any person desiring to develop, expand, alter or modify a campground or recreational vehicle park shall request and attend a pre-application review conference with the Planning Division prior to submitting a campground or recreational vehicle park preliminary site plan application. Pre-application conference shall follow the requirements in YCC Title 16B.

(2) Application. An applicant for a campground or recreational vehicle park authorized under Section 19.18.130 shall submit the requisite fee, a completed application review form provided for that purpose by the Administrative Official, and the information listed in Section 19.30.060. The site plan shall be drawn to an engineering scale acceptable to the Reviewing Official and shall comply with Subsections 19.30.070(1) and (2) and Subsection 19.30.074(1)(d).

(3) Review. Review of the application shall be conducted in conjunction with the Type 2 or 3 review of an Administrative or Conditional Use, as indicated in allowed zoning districts, under Chapters 19.11, 19.12, 19.13, 19.18, 19.30 and YCC Title 16B. Notice of a proposed campground or recreational vehicle park shall be given as specified in YCC Chapter 16B.05. Appeals are permitted as provided in YCC Chapter 16B.09.

(4) Criteria for Decisions. In reviewing and deciding on applications for preliminary site plan approval for a campground or recreational vehicle park, the Reviewing Official’s decision to approve, approve with conditions, or deny an application shall be based on consideration of, the extent to which the proposed campground or recreational vehicle park is:

(a) Compatible with other existing uses within the general area;

(b) Consistent with goals, objectives, policies, and recommendations of Yakima County Comprehensive Plan(s) and if applicable, the Regional Shoreline Master program;

(c) In conformance with the uses allowed in the zoning classification within which the property is located;

(d) In compliance with and meets all requirements and standards of this Chapter and Section 19.18.130; and

(e) Consistent with land use requirements listed in YCC Title 13 Appendix G601 Recreational Vehicles, provided that recreational vehicle length of stay shall be limited to a period not to exceed 30 days, except for the camping vehicle occupied by the campground hosts.

(5) Duration of Preliminary Site Plan Approval.

(The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.)
(a) Preliminary site plan approval of a campground or recreational vehicle park, including all development phases, shall be effective for five years from the date of approval.

(b) If a final binding site plan is not approved and recorded within this five-year time period, preliminary site plan approval shall expire; however, as provided in YCC Section 16B.07.050, if the applicant completes and files all plans and specifications and substantially meets all conditions required as part of the preliminary approval, and further if the applicant requests an extension at least thirty days prior to the expiration date, the Administrative Official may grant one extension of preliminary application approval of a duration up to two years, during which all construction shall be completed or guaranteed.

(c) Failure to complete construction of required improvements or provide satisfactory assurance of completion in the manner provided in Subsection 19.30.130(5) within the two-year time extension period shall cause expiration of preliminary site plan approval, and it shall be necessary to resubmit an application for preliminary approval if the project is to continue. Any resubmitted application shall be subject to the regulations and fees in effect at the time of resubmission.

(6) Site Development.

(a) Following preliminary site plan approval, the applicant shall proceed with completion of engineering plans and specifications for roads, water, sewage disposal, drainage and stormwater treatment, power, cable, and other utility services.

(b) Following approval of the engineering plans and specifications, construction of the campground or recreational vehicle park may commence in conformance with the approved plans and specifications. Any deviation from the approved plans shall be subject to a modification to the approved use and written approval from the Reviewing Official.

(c) Following installation and construction of the required improvements, as-built plans for the water system, sewage disposal system, road construction, storm drainage, and other improvements shall be prepared and certified by a registered engineer. Two copies of the certified as-built plans shall be submitted with the final binding site plan.

(7) Final Binding Site Plan.

(a) Final binding site plan approval is an administrative process. The final binding site plan and three copies shall be prepared on 18 inch by 24 inch Mylar® sheets, or other media acceptable to the County Auditor. The final binding site plan shall contain:

(i) A drawing at a scale of one inch equals 100 feet or other approved scale showing the location of all roads, camping spaces, pads, required parking spaces, external setbacks, natural and human-made drainage ways, ponds, detention and stormwater treatment areas, wetlands, easements for water and sewage disposal lines, septic tank location(s), and gray water disposal sites, fire hydrants and reservoirs, solid waste disposal site(s), fire pits, location and dimensions of any office, restrooms, showers, cabins, and other permanent buildings and other structures, and location of all survey monuments. An inset may be used to show a typical camping space and illustrate setbacks and space improvements in lieu of showing individual setbacks and improvements for each camping space;

(ii) The number and location of each camping space shall be shown on the site plan as light dashed lines;

(iii) Signature and date blocks for each of the following:

(A) Owner(s) of record of the subject property;

(B) Notary public, attesting to the authenticity of the owner’s signature,

(C) Surveyor’s signature(s) and seal;
(D) Planning Director, Yakima Health District, County Engineer, County Treasurer or Deputy, and County Auditor or Recording Deputy, or authorized designees; and

(E) Chairperson of the Board of Yakima County Commissioners, only if the site plan includes land or improvements dedicated to Yakima County;

(iv) Written description of the surveyed boundaries of the campground or recreational vehicle park property;

(v) Other information as required by the Reviewing Official;

(vi) The Treasurer shall sign to certify the taxes for the subject property are paid through the current year; and

(vii) The Reviewing Official shall signify final binding site plan approval by signing the final binding site plan Mylar®. An incomplete final binding site plan shall be corrected before final approval and recording.

(b) One copy of the approved final binding site plan shall be recorded and filed in the Auditor’s records. A campground or recreational vehicle park shall not be legal and approved until the approved final binding site plan has been recorded and filed with the County Auditor.

(c) The operator of a campground or recreational vehicle park shall establish rules and regulations for the management of the establishment and its guests and employees, and each guest or employee staying or employed in the establishment shall conform to and abide by such rules and regulations so long as the guest or employee remains in the park or campground. The submission of campground or recreational vehicle park management rules shall be required when an applicant files for final binding site plan approval.

(8) Compliance. An owner of a campground or recreational vehicle park and the manager are jointly responsible to operate a campground in compliance with this Chapter, and each is also responsible for guest compliance.

(9) Annual Operational Permit and Inspection Required. All recreational vehicle parks and campgrounds in unincorporated Yakima County are required, prior to the renewal or issuance of the annual operational permit, to have an inspection by Yakima County to ensure compliance with the approved binding site plan approved under this Chapter and the applicable building, fire safety and health regulations established under Yakima County Code Title 13.

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

19.34.082 Manufactured or Mobile Home Parks.

(1) Application. An applicant for a manufactured/mobile home park shall submit the requisite fee, a completed application review form provided for that purpose by the Administrative Official, and the information listed in Section 19.30.060.

(2) Review and Notice. Review of the application shall be conducted in conjunction with the Type 2 or 3 review of an Administrative or Conditional Use, as indicated in allowed zoning districts, under Chapters 19.11, 19.12, 19.13, and 19.30, Section 19.18.280, and YCC Title 16B. Notice of a proposed mobile or manufactured home park shall be given as specified in YCC Chapter 16B.05. Appeals are permitted as provided in YCC Chapter 16B.09.

(3) Standards. All standards of Section 19.18.280 shall apply to expansion of existing manufactured/mobile home parks. The standards shall not apply to existing areas of a park not being expanded. The Reviewing Official may, at his or her discretion, reduce one or more standards of Section 19.18.280 for newly expanded areas of a park if expansion plans also include proportional improvements to the existing park area.

(4) Approval. Subject to findings of the proposal’s conformance with the Comprehensive Plan and the requirements of this Title, the Reviewing Official may grant preliminary approval of the project, enabling the applicant to meet State and County requirements for final binding site plan approval.
(a) A final binding site plan drawn by a licensed surveyor or engineer for the project shall be submitted verifying all required improvements have been completed or a surety bond has been posted in a form and amount acceptable to Yakima County for their completion. The final binding site plan shall be legibly drawn, printed or reproduced at a scale appropriate to show the necessary detail, which in no event shall be less than one inch to 100 feet, and containing at least:

(i) Delineation of all spaces and dimensions, square footage and unit setbacks for each space.

(ii) Designation of the areas and locations of all easements, streets, roads, location of off-street parking for each unit, other parking areas, improvements, signage, utilities, building envelopes within each space, and required open spaces and permanent irrigation system to maintain open space/recreational areas that would normally require irrigation.

(iii) The location of all solid waste containers and screening of containers, all facilities, utilities, improvements and amenities such as pathways, sidewalks, and recreational facilities.

(iv) An accurate legal description of the property.

(v) The parcel number, north arrow, and scale of the map.

(vi) Signature line for the reviewing official.

(vii) All property lines, their lengths and bearings.

(viii) The notarized signature of the property owner(s).

(ix) A statement signed by the local health officer that the plan meets the rules, regulations and standards of the Washington State Department of Health.

(x) Inscriptions or supplemental documents setting forth the limitations and conditions of the use of the land, or of approval, prescribed by the Reviewing Official.

(xi) The following statement: “The spaces contained in this park shall be for the purpose of lease of manufactured or mobile home sites only. The sale of lots without prior compliance with procedures governing the subdivision of land shall constitute a violation of state and/or local laws.”

(xii) Designation of the details of a sitescreening buffer strip along property perimeters, under Subsections 19.18.280(3)(j) and 19.21.030(2).

(xiii) If a portion of the existing mobile or manufactured home park is located in a special flood hazard area, the final binding site plan shall delineate the flood hazard areas required by the subdivision standards under YCC Title 13. New or expanded mobile or manufactured home parks are not permitted under YCC Titles 16A, 16C, and 16D.

(b) The final binding site plan shall be submitted to the Reviewing Official to be reviewed. Once approved, it shall be filed with the County Auditor within 14 days.

(c) Building permits for the manufactured or mobile homes shall not be granted until after the final binding site plan has been filed with the County Auditor.

(d) Development in conformity with the approved final binding site plan is binding. Deviation from any condition upon which approval was granted, or from any condition shown on the approved final binding site plan, shall constitute a violation of this Title punishable and enforceable in the manner provided for in YCC Section 16B.11.050.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).
19.34.090 Utility Services Tracts.
The following divisions shall be processed by boundary line adjustment under Section 19.34.020.

(1) Bisected Parcels. Properties bisected by opened public rights-of-way, primary irrigation district canal or major sub-lateral or opened railroad rights-of-ways may be divided along the existing right-of-way without meeting minimum lot size, dimension or density standards of the zoning district.

(2) Public Highway and Utility Services Tracts. Tracts that are to be dedicated for future public use such as a public highways or public utility services, such as community water supply, may be created without meeting minimum zoning district’s size, dimension or density standards. Such tracts shall not be created for future sale or lease.

(3) Personal Wireless Communication Tracts. Establishment of tracts for the purpose of leasing land for facilities providing “personal wireless services” may be created without meeting minimum zoning district’s size, dimension or density standards. A notice shall be placed on the face of the survey map stating:

This personal wireless communication tract is created solely for purposes of wireless communication facilities. Any subsequent conveyance of this property for purposes other than the approved use shall comply with the provisions of this Title.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).
Chapter 19.35
ADMINISTRATIVE ADJUSTMENTS, MODIFICATIONS AND VARIANCES

Sections:
19.35.010 Legislative Intent.
19.35.020 Administrative Adjustments.
19.35.030 Modification to Existing or Approved Uses Regulated.
19.35.040 Road Design Modifications.
19.35.050 Modifications to Existing Master Planned Resorts and Planned Developments.
19.35.055 Modification of an Approved Master Planned Development Overlay.
19.35.060 Variances.
19.35.070 Final Decisions.

19.35.010 Legislative Intent.
This Chapter establishes procedures, review criteria and authority for:

(1) Administratively adjusting specific development standards of this Title in order to:
   (a) Coordinate development with adjacent land uses and the physical features of the site;
   (b) Permit flexibility in the design and placement of structures and other site improvements;
   (c) Allow developments consistent with a respective city or neighborhood comprehensive plan; and
   (d) Allow buildings to be sited to maximize solar access;
(2) Approval of modifications to previously approved uses;
(3) Approval of design modifications to certain road standards;
(4) Variances to the strict application of the requirements of this Title in limited circumstances. Provided, such variance would not be contrary to the public interest and the strict application of the regulation would cause peculiar, exceptional and undue hardship on the owner of the property. It is the intent of this Title that the variance be used only to overcome some exceptional physical condition of land that prevents any reasonable use of the property; and
(5) Reducing resource setbacks when the reduction will not adversely affect the natural resource operations or resource property owner or otherwise adversely affect non-resource occupants of especially sensitive land uses from the noise, spray drift and other potential impacts from such adjacent management practices.

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

19.35.020 Administrative Adjustments.
(1) Review. The Reviewing Official may consider applications for administrative adjustments of certain development standards for Type 1, 2, 3 and 4 uses authorized by Type 2 review to provide flexibility in the administration of this Title. Applications for administrative adjustments will be processed under Type 2 review for administrative adjustments involving Type 3 uses as set forth in Chapter 19.30 and YCC Title 16B. Applications for administrative adjustments may be processed collectively with project permits under the Optional Consolidated Permit Review process as set forth in YCC Title 16B.

(2) Decision. The Reviewing Official may approve, modify, deny, or impose conditions of approval, as authorized by Chapter 19.30.

(3) Scope of Administrative Adjustments.
   (a) Administrative adjustments to certain development standards under this Title may be approved, except as limited in Subsection (b) below, as follows:
(i) Setbacks, building height, and heights of fences, walls and recreational screens, contained in Section 19.10.040 General Development Regulations;


(iii) Chapter 19.20 Signs;

(iv) Chapter 19.21 Sitescreening and Landscaping;

(v) Chapter 19.22 Parking and Loading;

(vi) As otherwise specified herein, such as for reductions to special resource setbacks.

(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 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) Use of Other Procedures. Other procedures for modifying standards may be available as specified in this Title or may be available through a variance. Where specific modification and variance procedures and criteria are provided in other sections in this Title, the Reviewing Official shall not accept an administrative adjustment application for processing.

(5) Findings Required to Approve Administrative Adjustments. A standard listed in Subsection (3)(a) above may be adjusted if the Reviewing Official finds that the administrative adjustment is consistent with:

   (a) The purpose and intent of Comprehensive Plan policies that relate to the specific adjustment being proposed and this Title;

   (b) The purpose and intent of the specific zoning district and the standard being adjusted;

   (c) Maintaining the minimum administrative adjustment necessary to accommodate the proposed use;

   (d) Balancing the flexibility of the administrative adjustment with the health, safety and general welfare of individual neighborhoods and the community; and

   (e) The placement or design of structures will maximize solar access for the production of solar energy;

(6) Reductions to Special Setbacks for Especially Sensitive Land Uses (ESLUs).
(a) Legislative Intent. Special setbacks were adopted to protect the farmer or other resource property owner from nuisance complaints resulting from common, customary and accepted resource management practices, and to protect non-resource occupants of ESLUs from the noise, spray drift and other potential impacts from such adjacent management practices. Considerations in reducing the setback may include the dimensions of the parcel, historic use, natural features, physical barriers, crop type and location of structures on adjoining properties, proposed site design including location of the ESLU and the use of screening, berms, barriers and/or landscaping.

(b) Review Criteria. In lieu of the review criteria for other types of administrative adjustments in Subsection (5), resource setback reductions to the setbacks for ESLUs, under Subsection 19.18.205(2) may be granted, subject to Type 2 review and recording a declarative covenant as provided in Section 19.18.205(4), if an applicant can document on the required site plan and accompanying narrative that:

(i) The lot does not have sufficient buildable area as defined by this code to accommodate the space for the proposed ESLU outside the special setback;

(ii) An intervening physical barrier mitigates the effects of placing an ESLU closer to the agricultural, mineral or forest zoned lot or use; and

(iii) Based on a response, if any, from the adjoining resource operator, a reduction of the setback will not now, or in the future, adversely affect accepted agricultural, mineral or forest practices.

(c) Documentation. The documentation in Subsection (a) may include or be supported by the characteristics of adjoining and nearby land use and mitigation measures that effectively reduce the potential for land use conflicts and separate the site from active agricultural, forest or mineral operations, such as: use of landscape buffers or screening under Chapter 19.21 and site design using berms or other physical features. Where a setback reduction is justified by this specific subsection, the proposed ESLU must maintain the maximum practicable setback. Subsection (b) above shall not be used to reduce the setback by over fifty percent, except as provided under Subsection (d) below.

(d) Exceptions. The widths of the setbacks specified in Subsection 19.18.205(2)(a) may be modified under Type 1 review by the Building Official in consultation with the Administrative Official and recording a declarative covenant as provided in section 19.18.205(4), or as stipulated by conditions of previous permit approvals, where the applicant documents one or more of the following cases:

(i) The lot was legally created prior to adoption of this Title, or afterward in conformance with a formally approved administrative adjustment to the setback, and the lot cannot accommodate the special setback due to its insufficient area or dimension. In such situations, the maximum possible setback or approved setback from the adjoining agricultural, mineral or forest zoning district or use shall apply.

(ii) The new structure is an alteration, expansion or replacement of a dwelling or other especially sensitive land use lawfully existing prior to February 8, 2000 or was formally approved afterward, maintaining the maximum practicable setback from the nearby or adjoining resource-designated lot as demonstrated by the proposed floor plan.

(iii) The special setback would prohibit placement of the especially sensitive land use on an existing lot due to geologic hazard, flood hazard, critical area or other natural feature.

(iv) The special setback would cause the proposed ESLU to be located further from adjacent existing ESLUs and/or result in a greater impact to commercial agricultural operations on the subject property.

(v) The most recent plat or short plat containing the proposed especially sensitive land use specifies a different setback from the resource use, in which case the platted setback distance shall apply to the proposed especially sensitive land use, whether or not other conditions, such as current use, specified in the platted setback are present.
(vi) Part of a property line of the lot proposed to contain a new or expanded especially sensitive land use adjoins another parcel equal to or less than three acres in size and contains a lawfully established ESLU, in which case the resource setback shall not apply from the adjoining established ESLU lot.

(vii) The adjoining lot was approved as a special exception lot, under the small lot provision or a cluster development, in which case the resource setback shall not apply from the adjoining established special exception, small lot or clustered lot.

(viii) The lot was approved as a special exception lot, under the small lot provision or a cluster development, in which case the standard ESLU resource setback reduction under Subsection (c) above, may exceed 50 percent, provided that the ESLU setback not be less than 60 feet.

(e) Effect of Intervening Right-of-Way or Easement. If the property abuts a public or private right-of-way or easement that is precluded from being utilized for resource purposes (agricultural, mineral or forestry), because it contains limiting features such as, but not limited to, roadways, railroads, and irrigation canals, then the width of the right-of-way or easement may count towards the setback requirement.

(7) Administrative Adjustment of Sign Standards Allowed. Administrative adjustment of the sign height and setback standards in Chapter 19.20 may be authorized under the provisions of this Chapter when the administrative adjustment application meets the requirements for an adjustment and a comprehensive design plan is prepared that integrates the sign into the site plan of the project.

(a) Comprehensive Design Plan. A comprehensive design plan is required whenever adjustment of one or more sign standards of Chapter 19.20 is proposed or when required as part of the detailed sign plan. The comprehensive design plan shall include a narrative and site plan, including, but not limited to the following:

(i) The physical components of the sign including sign size, height, shape, color, location and associated landscaping;

(ii) A description of how the sign relates to the immediate surroundings, including existing and proposed structures, other signs, neighboring land uses and the character of the zoning districts; and,

(iii) For multiple-use complexes a description of how the available sign area will be allocated between tenants or leasable spaces.

(b) Review Procedures and Criteria. The Reviewing Official shall use the criteria in this Subsection in lieu of Subsection (5) above and review the comprehensive design plan under this Chapter and may either approve or disapprove the plan. The Reviewing Official shall approve the comprehensive design plan and/or adjustments in the standards of Chapter 19.20 when such approval would:

(i) Be consistent with the character of the zoning district;

(ii) Be compatible with neighboring land uses; and

(iii) Create visual harmony between the sign, structure and the site where it is located.

(c) Conditions of Approval. The Reviewing Official may also attach conditions to this approval to accomplish the objectives of Chapter 19.20 and the legislative intent of this Chapter.

(8) Administrative Adjustment of Sitescreening and Landscaping Standards Allowed. In lieu of the review criteria for other types of administrative adjustments in Subsection (5), the Reviewing Official may adjust the sitescreening and landscaping standards in Chapter 19.21 by approving other sitescreening and landscaping plans under this Section, subject to Type 2 review, based on the following factors:

(a) No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots or alleys because of inadequate sunlight or inadequate width.
(b) The building setback provided in front of the new structure is less than six feet or is developed as a plaza with decorative paving/pavers, trees, planters, or other amenities.

(c) Xeriscape landscaping is utilized in designated stormwater control areas; provided, this factor shall not be used exclusively in reducing a sitescreening standard.

(d) When existing trees and other vegetation serves the same or similar function as the required landscaping, they may be substituted for the required landscaping if they are healthy and appropriate for the site at mature size. When existing trees are eight inches or more in diameter, they shall be equivalent to three required landscape trees. If necessary, supplemental landscaping shall be provided in areas where existing vegetation is utilized to accomplish the intent of this Chapter.

(e) Other adjustments to sitescreening requirements provided that they are able to comply with criteria in Subsection (5) above, as the Reviewing Official determines applicable.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 8-2015 § 2 (Exh. 4) (part), 2015: Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.35.030 Modification to Existing or Approved Uses Regulated.

(1) The Reviewing Official may consider applications for modifications of lawfully established Type 2 or Type 3 uses and developments approved under this Title, and existing Type 2 and 3 uses (see Chapter 19.30). The Reviewing Official may approve, condition, or deny the modification application. A site plan conforming to Chapter 19.30 shall accompany the application showing the location, size and type of modification proposed by the applicant.

(2) Applicability.

(a) Modifications to existing or approved Type 2 and 3 uses may be reviewed under this Section 19.35.030.

(b) All modifications to an existing or approved Type 1 Permitted Use or development shall be reviewed as a Type 1 Permitted Use rather than under these modification provisions.

(c) For a list of activities and modifications typically not subject to the modification review process of this Title, see Subsection 19.30.020(2).

(3) Modifications may be approved by the Reviewing Official under Type 1 review procedures, provided that the cumulative modifications of the approved use will not exceed the following limitations:

(a) The modification will not increase residential use by more than one unit, if allowed by the zoning district;

(b) The modification will not increase the required parking by more than 20% or 20 spaces (whichever is less), except that the parking for controlled-atmosphere and cold storage warehouses may be increased by up to twenty spaces. This limit shall be calculated cumulatively for all previous modifications;

(c) The proposed modification will not expand the total square footage of all structures and/or outdoor use areas, excluding parking, by more than 20%. This limit shall be calculated cumulatively for all previous modifications;

(d) The modification will not change or modify any condition imposed under any previous official review where it is specifically found by the applicable Reviewing Official for the approved use that a particular condition is no longer necessary due to changes in circumstances (in such cases, notice shall be provided to adjacent property owners identified in YCC Subsection 16B.05.030(3), in a manner similar to Type 2 applications);

(e) The modification will not significantly reduce the amount or location of required site screening;

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(f) The modification will not expand an existing nonconforming use, or render a conforming use or structure substandard;

(g) The modification will not establish a new use;

(h) The modification will not expand a landfill, mining/site operation, mineral processing or mineral batching activity;

(i) In the determination of the Reviewing Official, the modification will not create or materially increase any adverse impacts or undesirable effects of the project, or cause the use or structure to become inconsistent with County adopted plans or the purpose of the zoning district;

(j) The modification will not increase the height of any structure;

(k) Any demolition of structures will not exceed 20% of the current area. This limit shall be calculated cumulatively for all previous modifications;

(l) The modification will not add a drive-through facility that abuts a residential zone; and

(m) The modification does not include hazardous materials (Chapter 70.105 RCW).

(4) All proposed uses, structures and site improvements (and modifications) shall comply with the development standards of this Title and previous conditions of approval not modified by this application, except as approved under the administrative adjustment or variance provisions of this Title.

(5) Any proposed modification that does not meet all the requirements of this Section shall be denied. Further consideration of the proposal shall be subject to the Type 2 or 3 review procedures according to Chapter 19.30.

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

19.35.040 Road Design Modifications.

(1) Legislative Intent. Requirements of the road standards in Table 19.35.040-1 may be modified as provided in this Section where necessary to address unusual topographic conditions, nature of existing development, unique or innovative development design or similar factors. The applicant must demonstrate that the proposed design modification meets the Approval Criteria in Subsection 19.35.040(4). To ensure a consistent, objective evaluation of the proposed design modification, such proposals will be reviewed and processed using the procedures in this Section and elements adapted from the Washington State Department of Transportation (WSDOT) local agency guidelines for road design standard deviation approvals.

(2) Applicability. The road standards of Chapter 19.23 of this Title may be modified as listed in Table 19.35.040-1 below. Such design modifications will be considered as part of the underlying decision on the proposed development following the required pre-application conference and standard decision time limits as set forth in YCC Title 16B. The official reviewing the design modification request may differ from the decision maker for the development.

Table 19.35.040-1 Road Standard Modification Table

<table>
<thead>
<tr>
<th>Attributes</th>
<th>Modifiable Standard</th>
<th>Modifiable Standard&lt;sup&gt;(1)&lt;/sup&gt;</th>
<th>Request Reviewed by</th>
<th>Roads Standard</th>
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<tbody>
<tr>
<td></td>
<td>Public Road</td>
<td>Private Road</td>
<td>County Engineer</td>
<td>19.23.040(6)</td>
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<tr>
<td>Right-of-Way Width</td>
<td>Yes</td>
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<td>County Engineer</td>
<td>19.23.040(2) and 19.23.050(6)</td>
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<td>Surface Type</td>
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<td>Yes</td>
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<td>Surface Width</td>
<td>Yes&lt;sup&gt;(2)&lt;/sup&gt;</td>
<td>Yes</td>
<td>County Engineer</td>
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<sup>(1)</sup> Applies to public roads only.

<sup>(2)</sup> Applies to public roads only.
Yakima County Code
Chapter 19.35 ADMINISTRATIVE ADJUSTMENTS,
MODIFICATIONS AND VARIANCES

<table>
<thead>
<tr>
<th>Attributes</th>
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<td>19.23.030(10)</td>
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<td>Bicycle Facilities</td>
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<td>19.23.040(10)</td>
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<td>Lighting</td>
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<td>Yes</td>
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<td>Block Lengths</td>
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<td>Half-Roads</td>
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<td>19.23.040(7)</td>
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<td>Non-Through Roads</td>
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<td>19.23.040(8)</td>
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<td>Turnarounds</td>
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<td>Yes</td>
<td>Fire Marshal</td>
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<td>Alleys</td>
<td>No</td>
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<td>Driveway Location</td>
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<td>19.23.060</td>
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<td>Stormwater/Drainage</td>
<td>No</td>
<td>No</td>
<td>N/A</td>
<td>See YCC Title 12.09</td>
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<td>Sidewalks</td>
<td>Yes</td>
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<td>Pathways</td>
<td>Yes</td>
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<td>Trail Connections</td>
<td>Yes</td>
<td>Yes</td>
<td>Admin. Official</td>
<td></td>
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</table>

Notes:

1. AASHTO guidelines provide flexibility to allow a range of options for road design.
2. Design of drainage facilities should occur concurrently with design of the traveled surface where sites with physical or legal constraints.
3. Procedures.
   (a) Design Modifications Requested Concurrently with a Project Permit Application. A pre-application meeting is required for all land use applications that include design modifications to the road standards in Chapter 19.23. Design modification requests must be presented to Yakima County during the pre-application meeting held for the associated permit application. Design modifications are reviewed and approved through the transportation review findings of the underlying land use application, based on additional information as required in Subsection (b) below. Design modifications must be requested at the time of the underlying land use application, or processed as an amendment to the permit, if available, as provided in Subsection (c) below.
   (b) Submittal Requirements for Requested Design Modifications.
      (i) Based on the pre-application materials provided, the Reviewing Official will inform the applicant what additional documentation is necessary to submit with the underlying land use application to demonstrate compliance with the Approval Criteria found in Subsection 19.35.040(4). Such documentation may include:
         (A) Engineering, geotechnical and/or hydraulic analyses;
         (B) Traffic and collision data;
         (C) Aerial photos, contour, land use, quadrant and vicinity maps, cross sections and profiles, design file, environmental documents, plans, estimates, cost comparisons and existing as-built plans;

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(D) An analysis of the public safety or other impacts associated with the requested design modification; and

(E) An analysis of how the requested design modification impacts public safety, shifting improvement obligations onto future developers or the County and material impacts on future development patterns.

(ii) The applicant shall document reasons the design standard cannot be achieved, citing the specific accepted engineering principles where appropriate.

(c) Design Modifications Requested after the Project Permit Decision.

(i) If a proposed design modification is requested after the decision has been issued, consideration of said request may only be reviewed under the applicable amendment process for the project permit, such as that set forth in Subsections 19.34.040(5) Amendments to Preliminary Short Subdivisions or 19.34.050(9) Preliminary Subdivision Amendments.

(ii) If there is no specified amendment or modification process, the request shall follow the same procedure required for a new application and fee. The scope of review shall be limited to the request presented and need not repeat a review of other elements in the application, provided that any time expiration is not affected unless an extension is requested under YCC Subsection 16B.07.050 or Subsection 19.34.050(10).

(4) Approval Criteria.

(a) Before any design modification to the standards in Chapter 19.23 or Table 19.35.050-1 may be granted, the Reviewing Official shall consider all of the following:

(i) Granting of such design modification request will provide compensating or comparable results, is in the public interest, and will fully meet the objectives of public safety, environmental protection, durability, cost of maintenance, function, and appearance;

(ii) Granting of such design modification request will violate no development related conditions imposed upon the project and is based upon accepted engineering practices and principles;

(iii) Granting of such design modification request will advance the goals of adopted comprehensive plans as a whole;

(iv) Special physical circumstances or conditions affecting the property can only be addressed by a design modification based on accepted engineering practices;

(v) Granting such design modification request will achieve the maximum possible compliance with the standard;

(vi) Where applicable, granting such design modification request provides potential benefits from implementing low impact development or innovative concepts;

(vii) The reason to grant a modification request is not based on self-imposed hardships or economic conditions; and

(viii) At least one of the following:

(A) Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards unworkable for the circumstances;

(B) An alternative design is proposed that is functionally equivalent or superior to the standards;
A change to a specification or standard must ensure consistency with existing infrastructure or facilities adjacent to or affected by the site that are not expected to change over time.

(b) In addition to Subsections (3)(a) and (b) above, in considering a road design modification request within Urban Growth Areas, the County will require sufficient right-of-way to be dedicated such that frontage and cross circulation roads will be substantially completed within the 20 year period provided in RCW 36.70A.110.

(5) Decision.

(a) When granting a design modification, the Reviewing Official may attach specific conditions that will accomplish the intent of standards, criteria, and established policies. These conditions will be incorporated into the project permit requirements. Examples of such conditions may include:

(i) Dedication of right-of-way for future road for any exterior or interior roads serving the property;

(ii) Covenants binding owners of the lots to participate in future public and/or private road improvements;

(iii) Formation of a road maintenance association comprising the owners of a majority of the parcels abutting the private road, with recorded bylaws, annual assessments, and an established road maintenance fund;

(iv) Restriction of further subdivision of the lots;

(v) Other requirements in Sections 19.23.030, 19.23.040, 19.23.050 and 19.23.060; and

(vi) Improvements to existing interior and/or exterior private roads proportional to the additional traffic the development places on the roadway.

(b) Requests for design modifications will receive a final decision with the project permit.

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

19.35.050 Modifications to Existing Master Planned Resorts and Planned Developments.
Modifications may be considered to Master Planned Resorts (MPR) and/or Resort Development Plan (RDP) and Planned Developments (PD) previously established under Title 15, as described below.

(1) Minor Modifications. Minor modifications include minor shifting of the location of buildings, proposed streets, public or private ways, sewer or water facilities, parking areas, landscaping, parks, open space, or similar improvements. The process for minor modifications of a MPR, RDP and PD shall be a Type 1 Review.

(2) Major Modifications. All other modifications such as, but not limited to: changes to approved land uses, phasing, time limits and density within the MPR and PD, shall be considered as major modifications and shall be reviewed under the Type 4 Review process in Chapter 19.30 and YCC Chapter 16B.03.

(3) Expiration. Modifications approved under this section shall expire by time limitation, as set forth in Subsection 19.30.100(4) and YCC Chapter 16B.07 when the Reviewing Official determines that the modification has not been developed as approved within the time frame granted.

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

19.35.055 Modification of an Approved Master Planned Development Overlay.
Implementation of the Master Development Plan shall be reviewed through the Type 1 review process. Modifications to the adopted Master Development Plan and/or Development Agreement may be requested from time to time. Minor modifications will undergo Type 2 review. Major modifications will undergo Type 3 review. The following criteria are established to assist this determination.
Chapter 19.35 ADMINISTRATIVE ADJUSTMENTS, MODIFICATIONS AND VARIANCES

(1) Type 1 Review Projects or Actions. Type 1 review process shall apply to future projects or actions in compliance with an approved Master Development Plan and Development Agreement;

(2) Type 2 Review Projects or Actions. Type 2 review process shall be applied for minor modifications to an approved Master Development Plan or Development Agreement. A change or amendment to the approved master plan shall be deemed a “minor modification” if, in the Reviewing Official’s discretion, the following criteria are satisfied:

(a) The amendment does not increase the areas identified for any particular land use or increase the residential density approved in the master plan;

(b) The amendment does not increase the total floor area of nonresidential uses by more than five percent;

(c) The amendment does not materially change the type and character of approved uses;

(d) The amendment does not materially change parking or traffic circulation within the development;

(e) The amendment does not materially change setbacks, buffers, landscaping, shoreline, critical area or other mitigation measures;

(f) The amendment does not materially impact the overall design of the approved master plan; and

(g) Other similar changes minor nature proposed to be made to the configuration, design, layout or topography of the Master Planned Development deemed not to be material or significant in relation to the entire Master Planned Development and are determined not to have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare;

(3) Type 3 Review Projects or Actions. A major modification to the Master Development Plan shall be subject to a Type 3 review and shall be referred to the Hearing Examiner under YCC Title 16B and Chapter 19.31. A “major modification” shall be any modification to an approved Master Development Plan or Development Agreement deemed to be more significant than a “minor modification” as described above; and

(4) Review Procedures. Type 2 and 3 review shall be conducted consistent with YCC Title 16B and Chapter 19.30, respectively. For any changes falling outside the scope of such review, the procedures in this Chapter for original Master Development Plan and Development Plan approval shall be followed.

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
(2) Criteria for Variance Approval. The Hearing Examiner shall authorize such variance from this Title, as will not be contrary to the public interest and the comprehensive plan where literal enforcement of this Title would cause undue hardship, as measured by the criteria below. A variance shall not be granted unless the Hearing Examiner makes findings that the applicant has expressly demonstrated all of the following:

(a) Special circumstances applicable to the property, including size, shape, topography, location or surroundings, exist;

(b) Due to such special circumstances, strict application of this Title would deprive the property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification;

(c) Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated;

(d) Special circumstances do not result from the actions of the applicant;

(e) The variance is the minimum variance that will make possible the reasonable use of the land, building or structure;

(f) Granting a variance will be in harmony with the general purpose and intent of this Title, the specific zoning district and the Comprehensive Plan;

(g) Administrative adjustment or administrative modification provisions of this Chapter were not applicable or could not provide the relief sought from the standards of this Title;

(h) Granting the variance requested will not confer on the applicant any special privilege denied by this Title to other lands in the same area; and

(i) Financial gain is not the ground or grounds for the variance.

(3) Additional Criteria for Variances in a Floodplain and/or Airport Safety Overlay District. When considering variance applications for property within a 100-Year Floodplain designated under YCC Titles 16A, 16C or 16D or within the Airport Safety Overlay District, the Hearing Examiner shall consider:

(a) The conditions in Section 19.17.030;

(b) All technical evaluations and standards that apply;

(c) The danger to life and property due to flooding or airport land use and safety conflicts;

(d) The importance of the services provided by the proposed use to the community;

(e) The necessity to the facility of a waterfront or airport location;

(f) The availability of alternative locations for the proposed use that is not subject to flooding or airport hazards;

(g) The compatibility of the proposed use with existing and anticipated development; and

(h) The relationship of the proposed use to the Airport Master Plan and floodplain requirements under the Federal Emergency Management Agency’s National Flood Insurance Program (NFIP) as implemented by YCC Title 13.

(4) Action on a Variance Application.

(a) The Hearing Examiner shall file a written decision following closing of the public hearing in accordance with YCC Chapter 16B.09 that shall include the following considerations:

(i) The testimony at the public hearing;
The extent to which the proposed variance complies with the requirements of Subsection 19.35.070(2);

(iii) The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, or structure; and

(iv) The consistency of the variance with the general purpose and intent of this Title, the specific zoning district and the Comprehensive Plans.

(b) The Hearing Examiner may approve, modify, deny, or require conditions of approval in his or her judgment that will substantially secure the objectives of the standards or requirements so varied or modified.

(c) Violations of conditions and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this Title and is subject to remedies set forth in YCC Chapter 16B.11.

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

19.35.070 Final Decisions.

(1) Notification of a final decision shall be issued as required under YCC Chapter 16B.07.

(2) Notice shall specify whether the final decision may be appealed as allowed under YCC Chapter 16B.09.

(3) If the effect of the decision is a recommendation, it shall be transmitted to the Board as provided in YCC Section 16B.09.050.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).
Chapter 20.01

YAKIMA COUNTY FEE SCHEDULE

Sections:
20.01.010 Title.
20.01.020 Purpose.
20.01.030 Applicability.
20.01.040 Schedule of Fees.
20.01.050 Yakima County Code Chapter 5.06 - Adult Entertainment Facilities.
20.01.060 Yakima County Code Chapter 12.10 - Stormwater Authority.
20.01.070 Yakima County Planning Division.
20.01.080 Reserved.
20.01.090 Automatic Fee Schedule Adjustment.

20.01.010 Title.
The ordinance codified in this chapter shall be known as the “Yakima County Fee Schedule.” The county fee schedule is enacted under authority granted to the County by Article 11, Section 11 of the Washington State Constitution and RCW Chapter 36.32.


20.01.020 Purpose.
The purpose of this chapter is to consolidate land division and development fees for the county into a single chapter under this code.


20.01.030 Applicability.
The fees and charges established in this chapter shall apply to all unincorporated fee simple lands located in the county; all state and/or federally sponsored projects on privately owned lands; and, privately sponsored projects on state and/or federally owned lands.


20.01.040 Schedule of Fees.
The schedule of fees and charges adopted by the Board of County Commissioners and established in this chapter for the processing of the numerous and variety of applications required by the County, pursuant to the Yakima County Code, may be altered or amended only by the Board of County Commissioners.

No application or other action resulting in cost to Yakima County shall be accepted, processed or approved unless or until such fees and charges listed in this title have been paid in full.


20.01.050 Yakima County Code Chapter 5.06 - Adult Entertainment Facilities.

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<tr>
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<th>Adult entertainment facility owner’s or operator’s license application</th>
<th>$2,000.00 minimum deposit plus 100% processing and regulatory costs*</th>
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<tr>
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<tr>
<td>2</td>
<td>Adult entertainment facility manager’s license application</td>
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<td>3</td>
<td>Adult entertainment facility entertainer’s license application</td>
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The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

### Yakima County Code Chapter 20.01 YAKIMA COUNTY FEE SCHEDULE

#### Appeals

- **(4)** Appeals
- **100% processing and regulatory costs* plus 100% fee charged by Hearing Examiner for review**

* “Processing and regulatory costs” means actual costs, including, but not necessarily limited to, staff wages, benefits, review, regulatory inspections, overhead, consultant services or other expenses incurred during the review of the project. The hourly costs include, but are not necessarily limited to, wages, benefits, review, regulatory inspections, and overhead for planning, managerial, licensing, enforcement and clerical staff, and are assessed based on the time expended by Yakima County staff only.

(Ord. 9-2012 § 2 (part), 2013).

#### Yakima County Code Chapter 12.10 - Stormwater Authority.

| **(2)** | Stormwater Site Plan review with treatment: one (1) pre-project planning meeting, one (1) completeness review, one (1) plan review, one (1) pre-construction conference, one (1) construction inspection, one post-construction inspection for acceptance, one (1) as built review and bond close-out. | **$800.00.** |
| **(3)** | Stormwater Site Plan without treatment: one (1) pre-project planning meeting, one (1) completeness review, one (1) plan review, one post-construction inspection for acceptance, one (1) as built review and bond close-out. | **$600.00.** |
| **(4)** | Additional agreement drafts, plan reviews, meetings, or inspections required in addition to (2) or (3). | **100% Processing Cost*** |
| **(5)** | Appeals to the Public Services Director (YCC 12.10.270) | **$1,410.00.** |

* “Processing cost” means actual costs including but not limited to staff wages, benefits, overhead, consultant services or other expenses incurred in the processing of the review of the project subject to YCC Chapter 12.10. The hourly rate listed below includes wages, benefits, and overhead for planning, managerial, and clerical staff, and is assessed based on the time expended by Yakima County staff only.

(Ord. 9-2012 § 2 (part), 2013).

#### Yakima County Planning Division.

| **(1)** | Application fees - YCC Title 16B. The fees listed in Tables 20.01.070-1, 20.01.070-2, 20.01.070-3, 20.01.070-4 and 20.01.070-5 are based on an hourly minimum charge (“base”). An additional hourly charge listed in Table 20.01.070-6 applies after the base fee has been utilized. The base fee and any additional hourly fees include expected preapplication activity, application intake, processing, staff recommendations and, if a prior public hearing is not required, a decision. The base fee does not include additional fees such as those for public notice, other permits and applications listed in this Section, Hearing Examiner charges, inspection for compliance, copies of documents, Auditor's recording fees, the preparation and execution of agreements to pay fees and other written agreements with the County, and other fees listed in Table 20.01.070-6. Issuance of a development authorization or decision is contingent upon the payment of all fees and charges associated with the processing of the application. |

| **Table 20.01.070-1. Type 1 Permits.** | **2016 Base Fee** |
| Boundary Line Adjustment (YCC 19.34.020)(1) | $ 785.00(2) |
| Segregation, each, within an approved commercial or industrial binding site plan (YCC 19.34.080(3)(b)) | $ 585.00 |
| Permitted or Type 1 use, not requiring Type 2 review (YCC 19.30.030(1))3) | $ 485.00(3) |
| Adult entertainment facility land use application (YCC 19.18.030) | $ 1,045.00 |
| Reduction to resource setbacks, Type 1 (YCC 19.35.020(6)(d)) | $ 195.00 |
| Modification to existing or approved administrative or conditional use under YCC 19.35.040(4) | $ 675.00 |
| Minor modification to a planned development or master planned resort (YCC 19.35.050) | $ 675.00 |
| Standard development permit, Type 1 (YCC 16C.03.20) | $ 870.00 |
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

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<th>Description</th>
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<td>Minor revision (YCC 16C.03.25 and 16D.03.25)</td>
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<td>Exemption from shoreline substantial development permit (YCC 16D.03.06)</td>
<td>$675.00</td>
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<td>Additional fee for State Environmental Policy Act (SEPA) review (YCC 16.04.280)</td>
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</table>

Notes:

1. The fee for Type 1 Boundary Line Adjustment Authorizations shall apply to the clustering of existing lots under YCC 19.34.035, listed in Table 20.01.070-2.
2. An additional fee(s) of $390.00 shall apply to each lot after the first two within the application. For example, an application with three lots total would increase the fee by $780.00, four lots total would increase the fee by $780.00, and so on. The term "lot" shall, for the purposes of this calculation, include lot, parcel, tract, binding site plan site, division, and nonconforming lot.
3. Applies to a Type 1 review for which the Planning Division issues a written decision only. This fee does not include adult entertainment facilities, which are subject to a separately listed application fee. Additionally, YCC 19.30.030(1)(c) and 19.17.020(3) detail specific circumstances where permitted or Type 1 uses require Type 2 review. In such a case the application fee will be the same as for an Administrative or Type 2 use, listed in Table 20.01.070-2.
4. The fee for a Type 1 modification does not apply to an alteration or expansion of any existing structure with a nonconforming height or setback under YCC Title 19.33.050. If the enlargement does not meet the height, lot coverage or setbacks then relief may be request in an Administrative Adjustment or Variance under Chapter 19.35 prior to issuance of Building Permits.

Table 20.01.070-2. Type 2 Permits.

<table>
<thead>
<tr>
<th>Description</th>
<th>2016 Base Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final short plat alteration or vacation (YCC 19.34.040(8))</td>
<td>$1,060.00</td>
</tr>
<tr>
<td>Short plat preliminary application (YCC 19.34.040(3))</td>
<td>$1,060.00</td>
</tr>
<tr>
<td>Short plat preliminary application amendment</td>
<td>$485.00</td>
</tr>
<tr>
<td>Short plat final application (YCC 19.34.040(7))</td>
<td>$485.00</td>
</tr>
<tr>
<td>Binding site plan preliminary application (YCC 19.34.080(3)(a)(v))</td>
<td>$1,925.00</td>
</tr>
<tr>
<td>Binding site plan final application (YCC 19.34.080(3)(a)(vi))</td>
<td>$870.00</td>
</tr>
<tr>
<td>Binding site plan vacation or alteration (YCC 19.34.080(4))</td>
<td>$1,060.00</td>
</tr>
<tr>
<td>Administrative or Type 2 use, not otherwise specified (YCC 19.30.030(2))</td>
<td>$1,925.00(4)</td>
</tr>
<tr>
<td>Reduction to resource setbacks, Type 2 (YCC 19.35.020(6)(b))</td>
<td>$870.00</td>
</tr>
<tr>
<td>Clustering existing lots - Type 1 review through the Boundary Line Adjustment (YCC 19.34.035)</td>
<td>$1,255.00(3)</td>
</tr>
<tr>
<td>Linear transmission facilities (YCC 19.18.260)</td>
<td>$10,410.00</td>
</tr>
<tr>
<td>Zoning non-conforming use or structure alteration, enlargement, expansion or extension, YCC 19.33.060(4)(d)</td>
<td>$1,450.00</td>
</tr>
<tr>
<td>Zoning non-conforming dwelling expansion not exceeding 50% of the gross floor area and new detached structures accessory to the dwelling, other than an accessory housing unit, YCC 19.33.060(4)(c)</td>
<td>$485.00</td>
</tr>
<tr>
<td>Zoning non-conforming use change to another non-allowed use, YCC 19.33.060(5)(b)</td>
<td>$1,450.00</td>
</tr>
<tr>
<td>Administrative adjustments for Type 1 &amp; 2 uses, consolidated with another application requiring Type 2 or higher development authorization (YCC 19.35.020)</td>
<td>$295.00</td>
</tr>
<tr>
<td>Administrative adjustments for Type 1 &amp; 2 uses, not consolidated with another application requiring Type 2 or higher development authorization (YCC 19.35.020)</td>
<td>$1,060.00</td>
</tr>
<tr>
<td>Minor modification to a master planned development overlay or institutional overlay (YCC 19.35.055(2))</td>
<td>$970.00</td>
</tr>
<tr>
<td>Substantial development permit (YCC 16A.03.09 and 16D.03.19)</td>
<td>$3,080.00</td>
</tr>
<tr>
<td>Adjustment (YCC 16A.03.13 and 16C.03.23)</td>
<td>$870.00</td>
</tr>
</tbody>
</table>
The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

### Yakima County Code

**Chapter 20.01 YAKIMA COUNTY FEE SCHEDULE**

<table>
<thead>
<tr>
<th>2016 Base Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard development permit, Type 2 (YCC 16C.03.20)</td>
</tr>
<tr>
<td>Shoreline conditional use permit (YCC 16D.03.21) - includes substantial development permit</td>
</tr>
<tr>
<td>Shoreline variance (YCC 16D.03.22) - includes substantial development permit</td>
</tr>
<tr>
<td>Critical areas non-conforming use alteration / structures or areas (YCC 16C.03.26)</td>
</tr>
<tr>
<td>Shoreline non-conforming use alteration / structures or areas (YCC 16D.03.26)</td>
</tr>
<tr>
<td>Additional fee for State Environmental Policy Act (SEPA) review (YCC 16.04.280)</td>
</tr>
</tbody>
</table>

Notes:
1. The base fee for clustering of existing lots under YCC 19.34.035 shall be the base fee required for Type 1 Boundary Line Adjustments authorizations plus additional fee for each lot after the first two lots.
2. The base fee for altering the size of one or more established building sites within the binding site plan shall be the same as for a Type 1 segregation within an approved commercial or industrial binding site plan if all development standards, infrastructure, and other aspects of the proposal will be unchanged and consistent with conditions or requirements imposed by a previously approved permit.
3. Administrative use applications, 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. In such a case the application fee will be the same as for a conditional or Type 3 use.

### Table 20.01.070-3. Type 3 permits.

<table>
<thead>
<tr>
<th>2016 Base Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional or Type 3 use (YCC 19.30.030(3))</td>
</tr>
<tr>
<td>Additional fee for administrative adjustment for Type 3 uses, consolidated with another application requiring a public hearing (YCC 19.35.020(1))</td>
</tr>
<tr>
<td>Administrative adjustment for Type 3 uses, consolidated with another application requiring a public hearing (YCC 19.35.020(1))</td>
</tr>
<tr>
<td>Additional fee for variance, consolidated with another application requiring a public hearing (YCC 19.35.060)</td>
</tr>
<tr>
<td>Variance, not consolidated with another application requiring a public hearing (YCC 19.35.060)</td>
</tr>
<tr>
<td>Zoning non-conforming use expansion or alteration, Type 3 (YCC 19.33.060(4)(d))</td>
</tr>
<tr>
<td>Major modification to a Master Planned Development Overlay or Institutional Overlay (YCC 19.35.055(3))</td>
</tr>
<tr>
<td>Reasonable use exception (YCC 16C.03.24)</td>
</tr>
<tr>
<td>Additional fee for State Environmental Policy Act (SEPA) review (YCC 16.04.280)</td>
</tr>
</tbody>
</table>

### Table 20.01.070-4. Type 4 permits.

<table>
<thead>
<tr>
<th>2016 Base Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary plat (also called a “long plat application”) (YCC 19.34.050)</td>
</tr>
<tr>
<td>Amendment to an approved preliminary plat</td>
</tr>
<tr>
<td>Long plat final processing (YCC 19.34.070)</td>
</tr>
<tr>
<td>Final plat alteration or vacation (YCC 19.34.070(7))</td>
</tr>
<tr>
<td>Preliminary plat time extension (YCC 19.34.050(10))</td>
</tr>
<tr>
<td>Master Planned Resort (YCC 19.11.050, 19.18.060, 19.17.040), resort agricultural tourist operation, Master Planned Development Overlay or Institutional Overlay (YCC 19.34.050, 19.34.070)</td>
</tr>
</tbody>
</table>
The Yakima County Code
Chapter 20.01 YAKIMA COUNTY FEE SCHEDULE

The Yakima County Code is current through Ordinance 14-2017, passed January 9, 2018.

### Major Modification to a Planned Development or Master Planned Resort (YCC 19.35.050)
- **2016 Base Fee:** $1,925.00

### Site-Specific Rezone Authorized by a Comprehensive Plan or Subarea Plan (also called “Minor Rezone”) (YCC 19.36.030)
- **2016 Base Fee:** $1,255.00

### Additional Fee for State Environmental Policy Act (SEPA) Review (YCC 16.04.280)
- **2016 Base Fee:** $295.00

### Notes:
1. The fee for extensions of time for permits other than preliminary plats is listed in Table 20.01.070-6.
2. The fee for a modification to a Master Planned Resort under YCC Title 19 may be the same, as indicated, as for a Type 4 Master Planned Resort or for a Type 1 minor modification to a planned development.

### Table 20.01.070-5. Other Applications

<table>
<thead>
<tr>
<th>Description</th>
<th>2016 Base Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code interpretation, excluding unclassified uses (YCC 16B.03.070)</td>
<td>$870.00</td>
</tr>
<tr>
<td>Unclassified use interpretation—Hearing Examiner (YCC 16B.03.070)</td>
<td>$1,255.00</td>
</tr>
<tr>
<td>Development agreement (YCC 16B.03.080)</td>
<td>$1,350.00</td>
</tr>
<tr>
<td>Open record administrative appeal of land-use decisions and threshold determinations to the Hearing Examiner, plus actual costs as incurred for expenses, facilities, Hearing Examiner fees, etc. (YCC 16B.09.040)</td>
<td>$1,255.00(1)(2)</td>
</tr>
<tr>
<td>Closed record administrative appeal of land-use decisions to the Board, plus actual costs as incurred for expenses, facilities, etc. YCC 16B.09.050</td>
<td>$850.00</td>
</tr>
<tr>
<td>Comprehensive Plan amendment, site-specific YCC 16B.10.030</td>
<td>$4,715.00</td>
</tr>
<tr>
<td>Comprehensive Plan policy plan amendment, area-wide (YCC 16B.10.030)</td>
<td>Varies(3)</td>
</tr>
<tr>
<td>Text amendment to the Comprehensive Plan or development regulation (YCC 16B.10.040)</td>
<td>No fee(4)</td>
</tr>
<tr>
<td>Open space applications requiring action by the Planning Commission (YCC 3.20.015)</td>
<td>$1,545.00</td>
</tr>
<tr>
<td>Additional fee for State Environmental Policy Act (SEPA) review (YCC 16.04.280)</td>
<td>$295.00</td>
</tr>
<tr>
<td>Boundary Review Board application</td>
<td>Established by RCW 36.93.120</td>
</tr>
<tr>
<td>Appeal to Boundary Review Board</td>
<td>Established by RCW 36.93.120</td>
</tr>
</tbody>
</table>

### Notes:
1. The listed fee applies when the appellant agrees to authorize an extension of the 90-day period for open record appeals in order to secure funds for payment of additional fees to reimburse the County for the Hearing Examiner cost if responsible, as defined further herein. Such fees shall be paid by each party promptly upon receipt of each invoice from the County of that party’s share of the cost. If the appellant does not agree to an extension, a deposit of $5,000.00 is required to process the appeal. The losing parties for open record appeals are responsible for a portion or all of the cost of the Hearing Examiner’s time, to be determined by the Administrative Official, consistent with this paragraph. If the appealed decision or determination is upheld, the appealing party or parties will pay the cost of the Hearing Examiner’s time in full.
2. The fee for any appealing party, other than the first party to appeal, shall be a deposit of fifty percent of the base fee listed in Table 20.01.070-5. The base fee includes staff processing time of the appeal or consolidated appeal.
3. Area-wide comprehensive plan policy plan map amendments suggested by any party are subject to SEPA review and staff hourly processing fees, which must be paid by the responsible party promptly upon receipt of each invoice from the County in order to continue processing, in the event that the suggested amendment is docketed pursuant to YCC 16B.10.040.
4. Text amendments to a comprehensive plan or development regulation suggested by any party are subject to SEPA review fees in the event that the suggested amendment is docketed pursuant to YCC 16B.10.040.
2. Other fees. The fees listed in Table 20.01.070-6 are additional to the application fees listed in Tables 20.01.070-1 through 20.01.070-5. Fees indicated as “base” are based on an hourly minimum charge, with an additional hourly charge listed in Table 20.01.070-6 that applies after the base fee has been utilized.
<table>
<thead>
<tr>
<th>Description</th>
<th>2016 Fee</th>
<th>Additional Fee Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly rate: County staff wages, benefits, review, regulatory inspections,</td>
<td>$ 110.00</td>
<td>Per hour</td>
</tr>
<tr>
<td>overhead, third-party consultant services or other expenses incurred during</td>
<td></td>
<td></td>
</tr>
<tr>
<td>review of the project.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly rate: Hearing Examiner</td>
<td>At cost</td>
<td></td>
</tr>
<tr>
<td>Site visit (first site visit is included in permit/proposal application fee</td>
<td>$ 390.00</td>
<td>Base</td>
</tr>
<tr>
<td>base)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional review (“re-review”) required for changes to application submittal</td>
<td>$ 100.00</td>
<td>Base, per occurrence</td>
</tr>
<tr>
<td>documents prior to a decision or additional information submitted in response</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to a request or a notice of incompleteness (YCC Chapter 16B.04)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Time extension request, other than for a preliminary plat(1) (YCC 16B.07.050)</td>
<td>$ 100.00</td>
<td>Base, per request</td>
</tr>
<tr>
<td>Office review for compliance with permit decisions and conditions, including</td>
<td>$ 100.00</td>
<td>Base, per request</td>
</tr>
<tr>
<td>periodic monitoring and renewals (YCC 16B.07.050)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site inspections for compliance with permit decisions and conditions, including</td>
<td>$ 390.00</td>
<td>Base, per inspection</td>
</tr>
<tr>
<td>periodic monitoring and renewals (YCC 16B.07.050)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request to reinstate permit approval after expiration (YCC 16B.07.050)</td>
<td>70% of application fee</td>
<td>Application fees are listed in YCC 20.01.070(1)</td>
</tr>
<tr>
<td>Voluntary Compliance Agreement (YCC 16B.07.050)</td>
<td>County staff hourly rate</td>
<td>Per hour</td>
</tr>
<tr>
<td>Prehearing conference - YCC 16B.09.045, Open Record Appeal Procedures</td>
<td>Hearing Examiner Hourly Rate</td>
<td></td>
</tr>
<tr>
<td>Planning Division compliance investigation(2) resulting in a determination</td>
<td>$ 760.00</td>
<td>Base; the base fee and</td>
</tr>
<tr>
<td>of a violation (code compliance case) - YCC Chapter 16B.11, Violations and</td>
<td></td>
<td>time per hour additional to base is assessed at double fee hourly rate</td>
</tr>
<tr>
<td>Enforcement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public notice: postage, publishing fees, posting materials, photocopies,</td>
<td>At cost(3)</td>
<td>Each</td>
</tr>
<tr>
<td>printing (YCC Chs. 16B.04-16B.11)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special report review (wetland delineation, geo tech, fiscal analysis, etc.),</td>
<td>$ 970.00</td>
<td>Base</td>
</tr>
<tr>
<td>including third-party review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programmatic SEPA/Shoreline/Critical Area review for setup of mitigation and/or maintenance requirements</td>
<td>At cost</td>
<td></td>
</tr>
<tr>
<td>EIS preparation or review, including third-party review</td>
<td>$ 970.00</td>
<td>Base and actual costs incurred (including consultant work)</td>
</tr>
<tr>
<td>County Transportation Engineering predecision review for:</td>
<td>$ 95.00</td>
<td>Base</td>
</tr>
<tr>
<td>(a) All Type 1 applications except Type 1 setback reductions, minor revisions and Shoreline exemption determinations;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) All Type 2 applications except preliminary binding site plans (see fee below), final short plats (see fee below) and critical areas or Shoreline permits;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) All Type 3 applications;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) Preliminary long plat amendments; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e) Major modifications to planned development, Master Planned Resort or resort agricultural tourist operation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>County Transportation Engineering predecision review for preliminary binding site plan applications</td>
<td>$ 190.00</td>
<td>Base</td>
</tr>
</tbody>
</table>
Yakima County Code
Chapter 20.01 YAKIMA COUNTY FEE SCHEDULE

<table>
<thead>
<tr>
<th>Service Description</th>
<th>2016 Fee</th>
<th>Additional Fee Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Transportation Engineering predecision review for long plat, long plat</td>
<td>$ 760.00</td>
<td>Base</td>
</tr>
<tr>
<td>amendments, Master Planned Resorts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>County Transportation Engineering review for final short plat (Mylar review)</td>
<td>$ 145.00</td>
<td>Base</td>
</tr>
<tr>
<td>County Transportation Engineering review - road approach permit</td>
<td>$ 285.00</td>
<td>Base</td>
</tr>
<tr>
<td>County Transportation Engineering review - addressing</td>
<td>$ 95.00</td>
<td>Base</td>
</tr>
<tr>
<td>County Transportation Engineering review following a development authorization -</td>
<td>$ 4,250.00</td>
<td>Base</td>
</tr>
<tr>
<td>private road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>County Transportation Engineering review following a development authorization -</td>
<td>$ 4,435.00</td>
<td>Base</td>
</tr>
<tr>
<td>public road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>County Transportation Engineering project review, other</td>
<td>At cost</td>
<td></td>
</tr>
<tr>
<td>Copy or duplicating fee</td>
<td></td>
<td>Per page</td>
</tr>
<tr>
<td>Varies by size and color; fees set by Yakima County by separate resolution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oversized documents</td>
<td></td>
<td>At cost</td>
</tr>
<tr>
<td>Maps, plans, ordinances and other produced documents</td>
<td></td>
<td>Price list maintained by</td>
</tr>
<tr>
<td>Varies</td>
<td></td>
<td>Planning Division</td>
</tr>
<tr>
<td>Supplemental documents to be recorded</td>
<td></td>
<td>Current Auditor’s filing</td>
</tr>
<tr>
<td>fee</td>
<td></td>
<td>fee</td>
</tr>
<tr>
<td>Returned check fee</td>
<td></td>
<td>Established by County</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Treasurer</td>
</tr>
</tbody>
</table>

Notes:
1. The fee for extensions of time for preliminary plats is listed in Table 20.01.070-4.
2. A code compliance investigation includes site inspection, time spent by County staff in research of site history, research of regulation history, and staff communication with law enforcement personnel, other County staff, other employees of any public agency, and members of the public. If the investigation results in a determination that a violation exists, the expense of this investigation will be assessed to the violating person, firm and/or corporation identified in YCC 16B.11.050.
3. The fee for public notice shall be paid at application intake, estimated according to application type and location or a pre-calculated deposit by application type based on applicable postage and publication rates. Additional fees may apply for public notice costs not covered by the initial payment and re-noticing required for hearing continuances.

20.01.080  Reserved.
(Ord. 9-2012 § 2 (part), 2013).

20.01.090  Automatic Fee Schedule Adjustment.
The Yakima County fee schedule adopted as a part of this title shall automatically be adjusted annually to account for any increase in the consumer price index (CPI) as established by the U.S. Department of Commerce for the Seattle Metropolitan Area. The twelve-month period utilized to establish the fee schedule adjustment will be as established by the Department of Commerce for the Seattle CPI. Fees adjusted in this manner may be rounded to the nearest five dollar increment. This section shall not preclude the county from modifying the base fee or other fees, where the board of commissioners finds it necessary to do so.