YAKIMA COUNTY PUBLIC SERVICES DEPARTMENT
Planning Division, Long Range Planning Section

TO: Planning Commission

STAFF CONTACT: Noelle Madera – Yakima County Planning Division

DATE: August 14, 2019

ISSUE: Master Planned Development Overlay (MPDO) Proposed Text Amendments to ensure Master Planned Developments are meeting the intent of the Overlay District.

Summary:
Yakima County is conducting a review of the Development Regulations (Yakima County Code Title 19) regarding the permitting of Master Planned Development Overlays (MPDOs). An overlay district is a zoning district which is applied over one or more previously established zoning districts. In Title 19.17.040, the MPDO districts are intended to provide flexibility for large scale, mixed-use developments within the Urban Growth Areas. Flexibility includes, but isn’t limited to relaxation of development standards, densities, and permitted uses. This section of code is being reviewed to ensure that applications processed under the MPDO include innovative design with an overall a public benefit prior to any relief of development standards.

Intent of the Master Planned Development Overlay District
The Master Planned Development Overlay is intended to allow large scale, mixed-use developments in selected areas within Urban Growth Areas where certain development requirements may be modified to promote an integrated approach to planning and site design. A MPDO is intended to provide regulatory flexibility and incentives, accommodate large development, and promote innovation in development. For example, a MPDO proposal would allow for an increase in density or mixed use development that wouldn’t be permitted in an underlying zoning district. It also allows for ease of permitting phased development through the initial, larger review process.

A major goal of MPDOs is to encourage unified plans that provide a more complete and integrated package (hopefully including special amenities) over piecemeal development. An ideal MPDO would include a cluster of small lots in conjunction with common usable open space with some recreational amenities and a protected natural area functioning as permanent open space. This arrangement can benefit both sides: A developer gets extra flexibility in configuring lots and buildings and perhaps a density bonus and/or reduced infrastructure cost, while the county gets permanent open space and/or other desired amenities.
The assumption is that the relief of some development standards would not have a negative impact, especially when considering the public benefit that the development as a whole would provide to the community.

**Issues**

1. We have received one application (but other inquiries) where the proposal would fall under a (short) subdivision, but they are asking for relief from development standards. YCC Table 19. 12.010-1 requires urban residential zones to cluster if there is no regional sewer system available for the development. In the application we have received, clustering isn’t part of their plan for the development of the property; therefore, they have applied under the MPDO. Since the MPDO allows for flexibility in development standards, they are proposing to not meet the clustering requirements for that urban residential zoning district.

2. Low density developments that are proposing to connect to community septic systems will impact the ability to extend utilities services, specifically sewer. If we allow the low-density developments on community septic through the MPDO, it will affect future development in our urban growth areas.

3. Using the MPDO to get relief from development standards that would allow low-density development goes against the following urban policies.

**Comprehensive Plan – Horizon 2040**

5.8.2. Urban Lands – Growth Management Act Requirements

The Growth Management Act (GMA) includes the following goals that directly relate to urban land use:

1. **Urban Growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

2. **Reduce Sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

**Goal LU-U 2:** Provide for an orderly, phased transition from rural to urban uses within the Urban Growth Area.

**LU-U 2.3:** Through land use controls, prevent conversion of land in urban growth areas to uses/densities that cannot be urbanized by:

1. **2.3.1** Requiring cluster development where it is clear that urban services are not immediately available and when it is feasible to approve interim community water and/or sewer systems.

2. **2.3.2** Requiring connection to public water and sewer systems where available, including interim systems or facilities where feasible.

3. **2.3.3** Providing a conversion plan identifying how the balance of the property could urbanize when all services are available.

**LU-U 2.6:** Encourage full urban standards for developments within the Urban Growth area, meeting the County’s minimum urban standards or the respective city’s standards, whichever is preferred. Improvements must be installed in accordance with approved plans.
**Code Changes**
The application received by the County (and other similar inquiries) indicate that the MPDO section of code isn’t strong enough to prevent applications that are equal to (short) subdivision that don’t meet a required development standards. The proposed code changes are intended to add strength to this section of code. This has been accomplished by adding requirements for the applicant to show that there is a public benefit for their proposal, by not allowing applications that can be accomplished through another permitting option to be permitted as a MPDO, and by only allowing density changes if municipal services are available to the site. The overall changes to the code can be noted in the MPDO update guide and attached edited text.
<table>
<thead>
<tr>
<th>Code Section</th>
<th>Proposed Change</th>
<th>Reason for Change</th>
<th>Additional Info</th>
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<tbody>
<tr>
<td>19.17</td>
<td>No Change</td>
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<tr>
<td>19.17.010</td>
<td>No Change</td>
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<td>19.17.020</td>
<td>No Change</td>
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<tr>
<td>19.17.030</td>
<td>No Change</td>
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<tr>
<td><strong>19.17.040 (1)(c)</strong></td>
<td>Statement added stating that an MPDO is intended for a development that cannot be accomplished through another land use approval.</td>
<td>This statement is intended to stop those applying a subdivision with a request to not meet some development standard, with no MPDO benefit.</td>
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<tr>
<td><strong>19.17.040(1)(d)</strong></td>
<td>Zoning District Reversion section added.</td>
<td>Having this in the code will make it clear how to handle a MPDO that is never finalized/completed.</td>
<td>An alternative to including this in the code would be to just have it in the staff report. Having it in the code adds weight to the argument.</td>
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<tr>
<td>19.17.040(2)</td>
<td>No Change</td>
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<tr>
<td>19.17.040(3)</td>
<td>Changed the minimum project size.</td>
<td>Title 15A previously had 5 acres as the minimum project size. Other codes we looked at had smaller lot size requirements.</td>
<td>We feel that if there is public water and regional sewer to the project site, then a small site would be appropriate.</td>
</tr>
<tr>
<td><strong>19.17.040(4)</strong></td>
<td>Project Densities section added.</td>
<td>This section of code adds that an increased/decreased density can only be approved if there is a public benefit displayed, which helps keep them from being subdivisions that don’t meet development standards without a community benefit. It also states that changes in density can only be accomplished if municipal water and sewer are available.</td>
<td></td>
</tr>
<tr>
<td><strong>19.17.040(5)</strong></td>
<td>Public Benefit Demonstration section added.</td>
<td>This section has been added to help define public benefit and how we would evaluate if public benefit has been met.</td>
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<tr>
<td><strong>19.17.040(6)</strong></td>
<td>No Change</td>
<td></td>
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<tr>
<td>Code Reference</td>
<td>Description</td>
<td>Details</td>
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| 19.17.040(e-f)  | Deleted or modified language.                                                | e (i-iv). Deleted unnecessary language that is covered in other areas of the code.  
                    |                                                                              | f. Pointed to 16B for appeal information.                                     |
| 19.17.040(i)    | Deleted sentence that over complicated this section.                         |                                                                        |
| 19.17.040(8)    | Added section that points any modification to the modification section of Title 19 | There was no section that pointed to the modification section of Title 19. |
| 19.30           |                                                                               |                                                                        |
| 19.30.060(12)   | Added additional requirements to the application requirements.                | These changes are intended to ensure that we have all the information needed for an MPDO proposal upfront. |
| 19.35           |                                                                               |                                                                        |
| 19.35.055       | Created a new section to discuss amending a Development Agreement.            | The way the modification section is written, the Das would be amended by the Hearing Examiner. However, they are signed by the BOCC. There is a section in 16B regarding development agreements. This new section will just point them to that section of code. |
Chapter 19.17

OVERLAY DISTRICTS

Sections:
19.17.010 Legislative Intent.
19.17.030 Airport Safety Overlay District (ASO).
19.17.040 Master Planned Development Overlay District (MPDO).
19.17.050 Greenway Overlay District (GO).

19.17.010 Legislative Intent.
Overlay districts are established to coordinate the provisions established in this Title with the goals, policies and standards adopted in other plans and ordinances. They are intended to provide flexibility for master planned developments and to provide protection for state and federal system airports and for the Yakima River Greenway.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

(1) Applicability. This Chapter shall apply when all or a portion of a development, or modification thereto, is proposed within the boundaries of an overlay district and when changes to the area of an overlay district is proposed.

(2) Special Development Standards for the Overlay Districts. This Chapter specifies certain standards that under special circumstances may apply to, or be required for approval of, a proposed development or modifications to development. The adopted plans, programs and regulations listed below shall be implemented, as applicable, for a use proposed within the indicated overlay district.

<table>
<thead>
<tr>
<th>OVERLAY DISTRICT</th>
<th>PLANS, PROGRAMS, REGULATIONS</th>
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</thead>
<tbody>
<tr>
<td>Airport Safety Overlay</td>
<td>Yakima Air Terminal at McAllister Field Master Plan and comprehensive plans.</td>
</tr>
<tr>
<td>Master Planned Development</td>
<td>The particular Master Development Plan adopted when the MPDO was established, or as subsequently amended.</td>
</tr>
<tr>
<td>Greenway Overlay</td>
<td>Yakima Greenway Foundation Master Plan Update 1995, or subsequent revisions, as adopted by the Board of Yakima County Commissioners.</td>
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</tbody>
</table>

(3) Project Review in Greenway and Master Planned Development Overlay Districts. To assure the appropriate standards are applied, the following uses, when located within the Greenway Overlay District or the Master Planned Development Overlay District, unless otherwise specified, shall be reviewed as provided below. Provided that uses within the Master Planned Development Overlay District that are approved in a Master Development Plan shall be reviewed subject to Type 1 review.

(a) All Type 1 (permitted) uses shall be subject to Type 2 review.

(b) All Type 2 (administrative) uses shall be subject to Type 2 review.

(c) All Type 3 (conditional) uses shall be subject to Type 3 review.
(4) Decision Authority. A Reviewing Official may approve, condition, or deny approval of any use, development, or modification thereto, in an overlay based on the provisions set forth and adopted by this Chapter.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.17.030 Airport Safety Overlay District (ASO).

(1) Legislative Intent. The Airport Safety Overlay is intended to protect the airspace around State and Federal system airports from airspace obstructions or hazards and incompatible land uses in proximity to The Yakima Air Terminal at McAllister Field and the Sunnyside Municipal Airport or other public airports within defined airspace per Federal Aviation Regulations (FAR), Part 77. In addition to regulations of the principal use district, the Airport Safety Overlay includes provisions for:

(a) Preserving land adjacent to the airport for future commercial and industrial development; and

(b) Assuring land uses locating near the airport are compatible with noise, height obstruction and other impacts from the airport operation.

(2) Application of Airport Safety Overlay Provisions.

(a) Applicability. All zoning districts regulated under this Title lying within the Airport Safety Overlay are subject to the requirements of this overlay, except as may be otherwise stated.

(b) Definition. The Airport Safety Overlay contains those spaces lying over and under the areas defined by Federal Aviation Regulations (FAR), Part 77 as imaginary surfaces and the Runway Protection Zone(s) as illustrated on the Airport Layout Plan (ALP) and zoning map, and comprised of two parts.

(i) Primary Airport Safety Overlay. The primary Airport Safety Overlay area addresses land use compatibility with airport operations and structure height. Located in an area bounded by the limits of the runway protection zone and the Federal Aviation Administration (FAA) defined approach and transitional surfaces within the conical surface area; and

(ii) Secondary Airport Safety Overlay. The secondary Airport Safety Overlay principally addresses structure height, particularly where a structure may constitute an incompatible land use under this Title. It is bounded by the exterior of the conical surface and the approach, and transitional approach surfaces extending beyond the conical surface.

(3) Permitted Uses.

(a) Height Limit. The uses listed in the Allowable Land Use Table 19.14-1 in Chapter 19.14 as Permitted Uses shall be subject to the height restrictions in Subsection 19.17.030(6) or Chapters 19.11 through 19.13, whichever is more restrictive. No separate application for a Permitted Use in the Airport Safety Overlay is required, provided the Reviewing Official can determine that the proposed structure or use:

(i) Does not constitute a potentially incompatible land use;

(ii) Will not exceed 35 feet in height; or, if greater than 35 feet in height, will not penetrate the approach, transitional, horizontal, or conical surface zones of the airport for any existing or planned approaches as defined by FAR, Part 77; and
(iii) Is not within a designated runway protection area or an identified future 65 Day Night Average Sound Level (DNL) aircraft noise impacted area within the airport master plan or the FAA approved airport layout plan. Such structures and uses shall be subject to the limitation of Subsection 19.17.030(6) and to recording an avigation easement.

(b) Potentially Incompatible Land Uses. Type 1 Permitted Uses shall be subject to Type 2 application and review procedures under Subsection 19.17.030(5) Application Requirements where the use is a potentially incompatible land use, as defined in Section 19.01.070, or where the Reviewing Official cannot make a determination as required in Subsection 19.17.030(3)(a) above.

(4) Administrative and Conditional Uses.

(a) The Administrative and Conditional Uses are subject to:

(i) The height restrictions in Subsection 19.17.030(6) and in Chapters 19.11 through 19.13, whichever are the more restrictive;

(ii) The provision of Chapters 19.11 through 19.13 and any other review criteria for the use required by the underlying zoning district; and

(iii) A determination that the use is not incompatible with the airport or can be appropriately conditioned to mitigate airport safety concerns such as noise impacts.

(b) Where an airspace hazard has been determined to exist by the Reviewing Official, the FAA determination on obstructions and hazards to air navigation shall be balanced with special consideration for unique characteristics of local terrain, reporting points for pilots using Visual Flight Rules (VFR), airport operations, and development patterns.

(5) Application Requirements.

(a) Applications for uses within the Airport Safety Overlay established by this Chapter, when required, shall include the following information:

(i) Property boundary lines as they relate to the boundaries of the primary and secondary Airport Safety Overlay;

(ii) Location, elevation and height of all existing and proposed buildings, structures, utility lines, and trees taller than 35 feet in height;

(iii) A description of the proposed use; and

(iv) A statement of compatibility from the airport manager when the use is located within the Airport Safety Overlay relative to the impact of the use on airport operations and safety.

(b) In consideration of an application for a building, structure, or other use that will exceed 35 feet in height, the Reviewing Official may require the applicant to submit either of the following:

(i) A certificate from a registered professional engineer or a licensed land surveyor that states that no airspace obstruction will result from the proposed use, or

(ii) Either or both of the following:

(A) The maximum elevations of proposed structures based on the established airport elevation and U.S. Geological Survey (USGS) datum. Elevations shall be determined by a
registered professional engineer or a licensed land surveyor, accurate to plus or minus one foot shown as mean sea level elevation or other available survey data. The accuracy of all elevations shall be certified by the engineer and surveyor; and/or

(B) A map of topographic contours with not more than five foot intervals, showing all land within 100 feet of the proposed structure(s) for which the permit is being sought. This map shall also bear the verification of a licensed land surveyor or registered professional engineer.

(6) Height Limitations and Additional Requirements.

(a) A building, structure, communication tower, use or tree that penetrates the FAA designated imaginary surfaces constitutes an obstruction within the Airport Safety Overlay. Therefore, the allowable height of any building, structure, communication tower, use or tree with the Airport Safety Overlay shall conform to the following:

(i) No building, structure, communication tower, use or tree at its proposed location shall penetrate any FAR; Part 77 designated imaginary surfaces of an airport;

(ii) Structures may penetrate the imaginary surfaces when the Reviewing Official, in consultation with Washington State Department of Transportation (WSDOT) Aviation Division or the airport manager, can determine the structure is not likely to constitute an airspace hazard;

(iii) The Reviewing Official may require lights or markers as a warning to aircraft on the building, structure, communication tower, use or tree(s), or to top the tree to reduce the height when recommended by the FAA, WSDOT Aviation Division or the airport manager. Lights and markers shall meet FAA specifications; and

(iv) Notwithstanding any other provision of this Title, the Reviewing Official shall not approve any buildings, structures, communication tower, use or tree when the FAA has designated it a hazard to air navigation.

(b) Whenever the height limitation of this Section differs from those of any other Section of this Title, or is adopted by another local ordinance or regulation, the more restrictive limitation shall apply.

(c) No use or activity shall take place within the Airport Safety Overlay in such a manner as to: make it difficult for pilots to distinguish between airport lights and others; create electrical interference with navigational signals or radio communication between the airport and aircraft; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird-strike hazards; or otherwise create a hazard that may endanger the landing, takeoff, or maneuvering of aircraft to use the airport.

(d) The regulations prescribed by this Chapter shall not be construed to require a property owner to remove, lower, or make changes or alterations to any structure that legally existed prior to the effective date of this Chapter, except as compelled by state or federal regulation. However, such structures shall be considered nonconforming if such structure is in conflict with these regulations.

(e) An avigation easement and deed declaration that recognizes the preexistence of the airport and the right of over flight shall be recorded for all uses within the approach and transitional surfaces of the conical surface area.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.17.040 Master Planned Development Overlay District (MPDO).
(1) Legislative Intent. The Master Planned Development Overlay is intended to allow larger scale, mixed-use developments in selected areas within Urban Growth Areas where certain development requirements may be modified to promote an integrated approach to planning and site design. The County finds that such developments require special review and conditioning to ensure adjacent areas are preserved and protected. An MPDO is specifically intended to accomplish the following:

(a) Regulatory Flexibility and Incentives. A Master Planned Development Overlay is a comprehensive development plan intended to provide flexibility in design and building placement, promote attractive and efficient environments that incorporate a variety of uses, densities and/or dwelling types, provide for economy of shared services and facilities, and economically utilize the land, resources and amenities. A Master Planned Development Overlay is intended to create regulatory incentives and standards that:

(i) Allow flexibility in development standards, densities and permitted uses while ensuring compatibility with neighboring uses. Facilitate the efficient use of land and provide for a comprehensive review of integrated development projects;

(ii) Increase economic feasibility by fostering efficient arrangement of land use, buildings, transportation systems, open space and utilities;

(iii) Provide certainty regarding the character, timing and conditions for planned residential, commercial, industrial and mixed use development within an identified geographic area and vest such projects through a public review process;

(iv) Provide needed services and facilities in an orderly, fiscally responsible manner;

(v) Promote economic development;

(vi) Create vibrant mixed-use neighborhoods, with a balance of housing, employment, commercial and recreational opportunities; and

(vii) Promote consistency with the goals, policies and objectives of the Comprehensive Plans.

(b) Accommodate Large Developments. A Master Planned Development may take the form of a residential, commercial, industrial or mixed-use development. Each is intended to accommodate and facilitate larger scale development designed to accomplish integrated and flexible site planning. Residential, Commercial and Industrial Master Planned Developments shall be allowed in zoning districts consistent with the primary use of the respective Master Planned Development (e.g., residential Plan Development in residential zones). A Master Planned Development mixed use shall be permitted in any zoning district subject to specific findings that the site and master concept plan are compatible with existing adjacent land uses.

(c) Innovation. Applicants for Master Planned Development will be encouraged to utilize unique and innovative facilities that encourage the efficient and economical use of the land; promote a sound system for traffic and pedestrian circulation; promote open space and use of natural and/or developed amenities; and provide an architecturally attractive, durable and energy efficient development.
The intent of the MPDO is to permit development that typically cannot be accomplished through another land use approval, such as a subdivision.

(d) Zoning District Reversion. A MPDO, approved in accordance with the procedures of this chapter, shall be considered a zoning district overlay. MPDOs may specifically permit proposed uses and developments which can be shown to be in conformance with the policies of the comprehensive plan and the uses allowed in the base zone. Approval of a MPDO may modify and supersede regulations of the underlying zoning district. If an approved MPDO ceases to exist for whatever reason, the area covered by such MPDO shall revert to its previous zoning district classification without the MPDO overlay.

(2) Types of Master Planned Development Overlays – Permitted Uses.

(a) Types. The following four types of Master Planned Development Overlays are authorized within the Urban Growth Area:

(i) Master Planned Development – Residential. A residential Master Planned Development is designed to provide a type or mixture of residential dwellings (single-family, two-family, or multiple-family) with attendant streets, utilities, public facilities and appurtenant common open space and recreational facilities or other areas or facilities. A residential Master Planned Development is authorized in any residential zone (Suburban Residential, Single Family Residential, Two Family Residential and Multi-Family Residential) and Professional Business (B-1) and Local Business (B-2) zones. The residential Master Planned Development may include incidental or supporting uses and facilities consistent with the densities and primary use of the site for residential dwelling units;

(ii) Master Planned Development – Commercial. A commercial Master Planned Development is designed for the integrated site planning of commercial, retail, office or mixed commercial use (commercial, office and retail) developments. The commercial Master Planned Development shall provide commercial services and facilities, and may include any incidental and/or supportive land uses. A commercial Master Planned Development is authorized in any commercial or business district (i.e., B-1, B-2, SCC, LCC, GC), and Light Industrial (M-1) district as identified in Chapter 19.13;

(iii) Master Planned Development – Industrial. An industrial Master Planned Development is designed to allow for the innovative site planning of industrial land uses and facilities, industrial parks and business parks. The industrial Master Planned Development shall be allowed in Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts as designated in Chapter 19.13; and

(iv) Master Planned Development – Mixed Use.

(A) The intent of the Mixed Use Master Planned Development is to encourage the innovative mixture of residential, office, commercial, retail, and certain light manufacturing uses. Uses may be combined in single structures or buildings or may be designed with other uses as designated in the Allowable Land Use Table 19.14-1 in Chapter 19.14; and

(B) A mixed use Master Planned Development is intended to accommodate larger scale residential, commercial, retail, office and/or recreational uses. Mixed use development will include innovative planning techniques; a mixture and variety of land uses; integrated planning of site improvements and structures; and site planning that increases the economic feasibility and efficient use of land. A mixed use Master Planned Development is authorized in any zoning district, except Heavy Industrial (M-2).
(b) Master Planned Developments – Permitted Uses. The following uses are permitted in Master Planned Developments upon approval of a Master Development Plan:

(i) Residential Master Planned Developments.

(A) One-family, two-family and multifamily residences;

(B) Recreational and amusement facilities that serve the Master Planned Development and general public including, but not limited to, golf courses, clubhouses, restaurants, driving ranges, tennis courts, swimming pools, parks, community centers and playgrounds;

(C) Schools, libraries, museums, and art galleries;

(D) Public services and facilities including police and fire stations;

(E) Manufactured home park and subdivision, provided that Sections 19.18.280 and 19.34.080 shall be met as a condition of approval of the Master Planned Development; and

(F) Any other uses authorized in the underlying zone are under Type 1, 2 or 3 Review and are in this Title.

(ii) Commercial and Industrial Master Planned Developments.

(A) Uses are permitted under those uses allowed within the underlying zoning district as identified in Chapters 19.11 through 19.13; and

(B) Such other uses consistent with the Comprehensive Plans and Future Land Use Map or are of a similar type and intensity as those uses allowed in the Allowable Land Use Table 19.14-1 in Chapter 19.14.

(iii) Mixed Use Master Planned Development. Any residential, retail, commercial, office, public, light industrial and/or recreational use may be permitted in a mixed use Master Planned Development, provided such uses are designed in harmony with the overall site plan and do not adversely impact adjoining properties and development. Uses may include a combination of residential, commercial, retail, service and recreational uses developed in an innovative manner. This overlay is intended to provide flexibility in design, concept and usage in order to respond to and meet the needs of the community and marketplace.

(c) Additional Uses Allowed in Residential and Commercial MPDOs. Unless otherwise restricted by this Title, the Hearing Examiner is authorized to recommend additional uses within a Master Planned Development, provided such uses are an integrated component of the development and not detrimental to surrounding land uses. Authorization of additional uses shall consider the following factors:

(i) Factors to Consider in Residential MPDOs.

(A) Any non-residential uses proposed in a Master Planned Development – Residential shall be primarily designed and intended for the residents within the proposed development and planned as an integral part of such Master Planned Development; and

(B) Non-residential uses within a Master Planned Development – Residential are limited to those uses allowed as Permitted or Administrative uses in Professional Business (B-1) and Local Business (B-2), as listed in the Allowable Land Use Table 19.14-1 in Chapter 19.14 of
Yakima County Code
Chapter 19.17 OVERLAY DISTRICTS

The Yakima County Code is current through Ordinance 1-2019, passed February 12, 2019.

this Title. Such non-residential uses will be limited to only ten percent of the land in the Master Planned Development, except recreational facilities or as otherwise provided in this Title. No commercial or other intensive non-residential use may be closer to the boundary of any adjacent residential district than is permitted for the same use by the underlying zoning.

(ii) Factors to Consider in Commercial MPDOs. Residential uses within a Master Planned-Development – Commercial or Industrial shall be secondary to the primary commercial and industrial use as designed to be consistent with integrated site planning.

(3) Minimum Project Size. The minimum project size for a Master Planned Development shall be fifty acres. All properties in the Master Development Plan shall be contiguous, with logical outer boundaries.

(4) Project Densities. Approval of a density (higher or lower) for an MPDO that differs from that specified for the underlying zoning in this Title is allowed if the design of the MPDO will offer public benefits not otherwise achievable under the current zoning standards, and if it is demonstrated that the MPDO with an adjusted density will not result in inconvenience or unsafe access to the MPDO, traffic congestion in the private or public streets which adjoin the MPDO or excessive burden on parks, recreation areas, schools and other public facilities which serve or are proposed to serve the MPDO. Adjustments to density (higher or lower) can only be approved if an area-wide public water and regional public sewer are available to the site. Densities of the underlying zoning district will apply if they aren’t adjusted through the Master Development Plan.

(5) Public Benefit Demonstration.

A. Common open space requirements. In residential MPDOs there shall be a minimum of ten (10) percent of the total area of the MPDO dedicated or reserved as usable common open space land consisting of land that is not otherwise protected from development such as critical areas. Common open space in a MPDO shall meet the following requirements:

1. The location, shape, size and character of the open space must be suitable for the MPDO and consistent with the purposes of this chapter as set forth in Section 19.17.040(1);

2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the MPDO, considering its size, density, expected population, topography and number and type of dwelling units to be provided;

3. Common open space must be suitably improved for its intended use, but common open space containing natural features may be left unimproved. The buildings, structures and improvements are permitted in the common open space as long as they conserve and enhance the amenities of the common open space in regard to its topography and unimproved conditions. No dwelling units, as defined in 19.01.070(4), shall be allowed in the required open space.

B. The development time table, which is part of the final development plan, must coordinate improvement of common open space, construction of buildings, structures and improvements in the common open space and the construction of residential dwellings in the MPDO.

C. The development shall demonstrate that it will meet a community need or provide improvements or project features that exceed the requirements of the other chapters of this title, the other titles of the county code, and the county design and construction standards. A development shall provide demonstrable public benefits, including at least two of the following:
1. Project includes senior or special needs housing, of at least 20 percent of total units, guaranteed
to be dedicated to such use for a period of not less than 50 years through a deed restriction or
other form acceptable to Yakima County.

2. Project provides two or more housing types that create greater housing variety and affordability
that are not found or rare in the community.

3. Project involves the voluntary undergrounding of existing above ground utilities where such
undergrounding would not otherwise be required.

4. The project creates a park or trail system improvement not otherwise required by county
development regulations that is consistent with the goals and objectives of an adopted Yakima
County Trails Plan, Yakima Greenway plan, or any other applicable plans.

5. The project design demonstrates a superior level of protection and/or enhancement for
elements of the environment, including: air quality, water quality, natural topography, native
vegetation, etc. For purposes of this category, superior level of protection and/or enhancement
includes incorporation of additional protections and/or restoration projects that enhance
protection of or restore critical functions and values of the environmental element.

6. Project design includes nonmotorized transportation features and amenities not otherwise
required by the county code.

7. Project improves the public street(s) adjacent to the project site using a complete streets design
to provide accommodation for pedestrians, bicyclists, transit riders, and person of all abilities,
where such improvements are not otherwise required by county development regulations.

8. The development provides public art and cultural amenities that reinforces the community’s
identity and character, and has a long-term maintenance plan and agreement acceptable to the
County.

9. Project demonstrates a high degree of innovation by providing one or more design features not
listed elsewhere in this rating instrument or otherwise required by county development
regulations that promote(s) sustainability, energy/water conservation or efficiency, community
cohesion, neighborhood safety, adaptive reuse of existing development, or enhanced
transportation circulation/mobility.

Application. Applications for Master Planned Development Overlay – The Master Planned
Development Overlay zone shall be established only with a Master Development Plan that sets forth the
parameters for development of the property, including a Site Plan and Development Agreement. An
application for a Master Planned Development may be submitted as a concept plan or consolidated with
site specific proposals (e.g., preliminary plat, use applications, etc.) as provided in Chapter 19.30.060(12).
The proposed master plan shall be for property under single ownership, or if in multiple ownerships, the
master plan application shall be signed by each owner of the property within the master plan and all
owners shall be bound by conditions of approval, including use, design and layout and development
standards established through the hearing process. All properties in the master concept plan shall be
contiguous with logical outer boundaries within in the Urban Growth Area (UGA).

Review Process.

(b) Pre-Application Conference. A Master Planned Development site plan shall be subject to a
pre-application conference prior to formal submittal. The preliminary site plan shall be submitted to
the Administrative Official, which shall include the material outlined for a master concept plan as set forth in Subsection 19.30.060(12)(b). The Administrative Official shall coordinate with the appropriate departments and provide recommendations to the applicant regarding site planning; use and concept design; street and utility layout; design and location; development standards and other matters pertinent to the application and review criteria.

(a) Application. The Master Planned Development Overlay application shall be reviewed using the minor rezone procedures described in Section 19.36.030 (Minor Rezone – Map Amendment), except the criteria of Subsection 19.36.060(7)(d) shall be used instead of the minor rezone decision criteria of 19.36.030(5). The binding site plan process is not available for MPDO applications. Upon filing of a complete Master Plan application and completion of the required environmental review process, the Planning Division shall forward the application, together with its recommendation, to the Hearing Examiner to conduct a public hearing and review in conformity with this Title and YCC Title 16B.

(b) Pre-Application Conference. A Master Planned Development site plan shall be subject to a pre-application conference prior to formal submittal. The preliminary site plan shall be submitted to the Administrative Official, which shall include the material outlined for a master concept plan as set forth in Subsection 19.30.060(12)(b). The Administrative Official shall coordinate with the appropriate departments and provide recommendations to the applicant regarding site planning; use and concept design; street and utility layout; design and location; development standards and other matters pertinent to the application and review criteria.

(c) Public Hearing and Recommendation. A Master Plan Development application shall be reviewed in an open record public hearing before the Hearing Examiner. Hearings shall be as prescribed in YCC Title 16B. The Hearing Examiner shall apply the Master Plan Development review criteria set forth herein and issue a written recommendation to the Board to approve, approve with conditions or deny the proposed Master Planned Development. The Hearing Examiner may add recommended conditions as necessary to protect the general public interest, health, safety, comfort and welfare from potential impacts, nuisances, hazards, or offensive conditions. The recommendation shall include findings, conclusions and conditions based on evidence and testimony in the open record public hearing.

(d) Master Plan Development – Review Criteria. The Hearing Examiner shall evaluate a Master Planned Development application and other evidence submitted into the record, and shall issue such recommendation based upon the following considerations and criteria:

(i) The master plan development application demonstrates the economic and efficient use of land and provides for an integrated and consistent development plan for the site;

(ii) The applicant has identified development standards and uses that are consistent with the master plan and designed to be compatible with adjacent land uses after consideration of applicable mitigation and site design. The Hearing Examiner may consider development standards that are different from currently adopted development standards to provide flexibility in site planning; to implement project design and concepts; to respond to market conditions; or to otherwise achieve the public benefits contemplated by the concept plan;

(iii) Consideration shall be given to “low impact development” concepts;
(iv) There will be adequate infrastructure capacity available by the time each phase of development is completed;

(v) The Master Planned Development contains design, landscaping, parking/traffic management, and use mixture and location that limit or mitigate conflicts between the Master Planned Development and adjacent uses. Consideration shall be given to site planning that supports land use flexibility through means of appropriate setbacks, landscaping, site screening, buffers and other design features or techniques;

(vi) All potential significant off-site impacts including noise, shading, glare and traffic have been identified and mitigation incorporated to the extent reasonable and practical;

(vii) The project is designed and includes appropriate consideration of open spaces and transportation corridors, designs of street and public open space amenities, and results in the functional and visual appearance of one integrated project;

(viii) The proposed development is not adverse to the public health, safety or welfare;

(ix) The public benefits of approving the Master Planned Development outweigh the effect of modification of standards to the underlying zoning district; and

(x) The proposed development is designed to be consistent with the Shoreline Master Program and Critical Areas Ordinance.

(e) Board of Yakima County Commissioners. Following receipt of the Hearing Examiner’s recommendation, the Board shall schedule a closed record hearing for consideration of the Hearing Examiner’s recommendation on the Master Planned Development Overlay application as provided in this Title and YCC Title 16B.09. Upon conclusion of said hearing, the Board may:

   (i) Accept the Hearing Examiner’s recommendation;

   (ii) Remand the Master Planned Development application to the Hearing Examiner to provide supplementary findings and conclusions on specific issues;

   (iii) Modify Hearing Examiner’s recommendation based upon testimony and evidence at the open record public hearing. In the event of a modification of the Hearing Examiner’s recommendation, the Board shall enter its own modified findings of fact and conclusions of law as are necessary and consistent with their final determination; or

   (iv) Deny the application, with or without prejudice.

(f) Appeals. The Board’s decision shall be the final decision on the project permit application, subject to appeal under the Land Use Petition Act (LUPA) – RCW Ch. 36.70C. See YCC 16B.09.060 for judicial appeals.

(g) Phased Development. The Master Planned Development Overlay application may include two or more phases of development provided that:

   (i) The development plan identifies phases of the project in sufficient detail to evaluate timing and coordination of phased development;

   (ii) The proposed timing or sequencing of development, recognizing that phasing may require flexibility responsive to market demands;

The Yakima County Code is current through Ordinance 1-2019, passed February 12, 2019.
(iii) Each phase will be subject to development standards identified, adopted and vested in the review process; and

(iv) Each phase of a proposed master plan shall contain adequate infrastructure, landscaping and all other conditions in order to allow the phase to stand alone if no other subsequent phases are developed.

(h) Master Planned Development Overlay – Development Agreement. An approved Master Planned Development Overlay (including conditions and development standards) shall be incorporated into a development agreement as authorized by RCW 36.70B.170. The development agreement shall provide for vesting of such development conditions and standards as deemed reasonable and necessary to accomplish the goals of the Master Planned Development for the duration specified in the agreement, not to exceed ten years. This agreement shall be binding on all property owners within the Master Planned Development and their successors and shall require development of the subject property be consistent with and implement the provisions of the approved Master Planned Development. The approved development agreement shall be signed by the majority of the Board and all property owners and lien holders within the boundaries of the Master Planned Development Overlay and recorded prior to approval and/or issue of any implementing plats or permits.

(i) Implementing Permits and Approvals.

(i) Implementing Applications. Any development applications submitted for property within an approved Master Planned Development Overlay shall be reviewed for consistency with and implement the Master Planned Development plan. Implementing applications with appropriate fees shall include, but not be limited to, applications for preliminary plat approval, binding site plans, certificates of zoning review, building permits and other similar applications. Any subsequent application shall be reviewed and approved under the conditions and standards adopted in the Master Planned Development Overlay.

(ii) Planned Action – Environmental Review. An applicant may submit a Master Planned Development concept plan as a planned action under WAC 197-11-164. Any project review under the authorized planned action shall include:

(A) Verification that the project meets the description, and will implement any conditions or mitigation measures identified in the Master Planned Development approval and ordinance or resolution; and

(B) Verification that the probable significant adverse environmental impacts of the project have been addressed in environmental review in the master plan review processes.

If the implementing project meets the above requirements, the Administrative Official may deem the project to qualify as the planned action designated in the master plan approval and a project threshold determination or EIS shall not be required. [WAC 197-11-172(2)]. The County may place conditions on the project to address significant impacts that were not fully addressed through the planned action process. Public notice for projects that qualify as planned actions shall be tied to the underlying permit.

(8) Modification of an Approved Master Planned Development Overlay. Proposed modifications to an existing Master Planned Development Overlay shall adhere to 19.35.055.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).
19.17.050  Greenway Overlay District (GO).

(1)  Legislative Intent. The Board of Yakima County Commissioners adopted the Master Plan for the Yakima River Regional Greenway in 1976 to preserve and maintain the Yakima River as a natural resource for all citizens to enjoy. The Greenway boundaries were originally defined in 1977 by the state legislature with the creation of the Washington State Yakima River Conservation Area (RCW 79A.05.750 et seq.).

The Greenway corridor is classified by the Greenway Master Plan into natural, conservation and recreation areas. Each Greenway corridor area may contain various facilities developed by the Greenway Foundation, such as pathways, recreational sites, boat landings, park, playgrounds, campgrounds and group camps. Many of the Greenway facilities, such as trails, have been constructed on the top of existing dikes and levees. The Greenway provides access for levee maintenance and repair and to be responsible for damage to trails caused by flooding.

In addition to the principal use district, the purpose of the Greenway Overlay is to:

(a)  Make the Greenway accessible to the public;

(b)  Assure development conserves shoreline vegetation and controls erosion;

(c)  Implement the Yakima County Regional Shoreline Management Master Program and the Yakima River Regional Greenway Plan;

(d)  Limit development to activities dependent on a location in the Greenway;

(e)  Preserve and protect the fragile natural resources and culturally significant features along the Greenway;

(f)  Increase public access to publicly-owned areas of the Greenway where increased use is desirable;

(g)  Protect public and private properties from the adverse effects of improper development in hazardous shoreline areas; and

(h)  Give preferences to uses creating long-term over short-term benefits.

(2)  Applicability. The Greenway Overlay District is designated by legislative action by the Board of County Commissioners and applies as an additional set of considerations in review of project permit applications under this Title. Changes to the boundaries of this district will be considered at the request of the Yakima Greenway Foundation.

(3)  Design Standards. All development in the Greenway Overlay shall conform to the requirements and standards of the underlying zoning district. Where consistent with this Title and Shoreline Master Program, the Reviewing Official may use the Greenway design guidelines for the review and conditioning of project permits under Chapter 19.30 to implement the Overlay District.

(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;

(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.
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;

(xiii) Excavations;

(xiv) Irrigation distribution/drainage facilities, including impoundment of water, dams and frost ponds; and

(xv) Utility services (substations, reservoirs, etc.), when no building or series of buildings requires a building permit.

(2) Type 2 Applications.

(a) The Administrative Official reviews applications subject to Type 2 review under the procedures of Section 19.30.100 and YCC Chapter 16B.03 for compliance with this Title as provided by YCC Subsection 16B.03.030(1)(b).

(b) Applications subject to Type 2 review include:

(i) Short plats and recorded short plat alterations/vacations that do not involve a public dedication [See Subsection 19.34.040(9)];

(ii) New binding site plans for commercial and industrial development;

(iii) Administrative adjustments to standards where authorized by this Title; and
(iv) Type 2 Administrative Uses shown on the Allowable Land Use Table 19.14-1 in Chapter 19.14 are generally allowed in the zoning district. 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.

(3) Type 3 Applications.

(a) The Hearing Examiner reviews applications subject to Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).

(b) Applications subject to Type 3 review include:

(i) Variances;

(ii) Non-conforming use expansions or alterations, other than residential structures and specified mining operations;

(iii) Plat vacations or alterations under Chapter 58.17 RCW;

(iv) Major modifications to a Master Development Plan;

(v) Type 3 review required for Type 2 Administrative Uses referred by the Administrative Official for Type 3 review and for other specific reviews established by this Title. Such referred reviews are subject to the criteria of 19.30.020(2)(b)(iv) for Type 2 uses; and

(vi) Uses shown on the Allowable Land Use Table 19.14-1 in Chapter 19.14, Type 3 Conditional Uses are not generally appropriate throughout the zoning district.

(4) Type 4 Quasi-Judicial Applications. Long Plat Applications, new or expanded Master Planned Developments in Urban Growth Areas, Master Planned Resorts (MPRs) in rural or resource areas, Minor Rezones or any other Type 4 use or development listed in the Allowable Land Use Table 19.14-1 found in Chapter 19.14 are subject to Type 4 review. 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.

(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.

(2) 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.

(3) 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.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).
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.


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 Yakima County Code is current through Ordinance 1-2019, passed February 12, 2019.
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

The Yakima County Code is current through Ordinance 1-2019, passed February 12, 2019.
(G) A description of the type, design and characteristics of the surrounding properties to assess the proposed Master Planned Development effects;

(H) Conceptual grading, drainage, and landscaping plans; and,

(I) Proposed development areas including building footprints, conceptual elevations or illustrative photos of similar development, identification of types, the number of dwelling units in each residential type and the number of square feet in each commercial type.

(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;

(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) Proposed pedestrian and vehicular circulation pattern and proposed types of circulation facilities;

(v) Proposed location and dimension of all common open spaces;

(iv) Site features to mitigate traffic, environmental, geotechnical and other impacts as identified in technical studies required by this Chapter; and

(vii) Shoreline and Critical Areas where applicable.
g. A preliminary development plan consisting of a written statement for development setting out
detailed information concerning the following subjects as they may be involved in the
development, including, but not limited to the following items:

i. Market analysis of proposed use;

ii. Proposed ownership method;

iii. Proposed operation and maintenance of development and landscaping;

iv. Provisions to assure permanence and maintenance of common open spaces through
homeowner association formation, condominium development, or other means acceptable
to the County;

v. General timetable for development, including future phases;

vi. Impact on community facilities and services including but not limited to streets, schools,
parks, medical, fire, police, water, sewer, storm drainage, solid waste and public
transportation;

vii. Compatibility with surrounding land uses; and,

viii. An assessment of how the project is consistent with the purpose of the Comprehensive
Plan and base zone, as well as MPDO criteria, and where the project differs from existing
standards for similar uses or facilities outside without the MPDO.

(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 19.30.070-1. Site Plan Submittal Requirements

<p>| (a) General Information. | (i) 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); |
| (ii) Engineer Scale, north arrow, legend and date; |
| (b) Existing Conditions. | (i) All major physiographic features, such as, critical areas and shorelines, on or abutting the site; |
| (ii) 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; |
| (c) Existing and Proposed Development. | (i) 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; |
| (ii) Proposed location and dimension of community and other open space; |
| (iii) 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; |
| (iv) The location, right-of-way widths, pavement widths, curbs, gutters, culverts and names of |</p>
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<td>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>
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<td>(v) Location, dimension and design of off-street parking facilities, showing points of ingress to and egress from the site;</td>
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<td>(vi) Existing and proposed land uses, including primary and accessory;</td>
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<td>(vii) Existing and proposed pedestrian and vehicular circulation patterns, and where specified, sidewalks, trails and bicycle paths;</td>
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<td>(viii) Existing and proposed landscaping, sitescreening and street trees, where required;</td>
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<td>(ix) 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>
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<td>(x) 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>
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<td>(xi) The existing on-site sewage system components and reserve areas and the proposed location for on-site sewage systems and soil test pits for all affected lots not served by an on-site sewage system or other approved wastewater treatment system. The location of structures on the adjoining lots when within 100 feet of a well or on-site sewage disposal system;</td>
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<td>(xii) The location of all existing and proposed storm drainage facilities;</td>
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<td>(d) Floodplain Development.</td>
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<td>A site plan for development in the 100-year floodplain shall also include the following information:</td>
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<td>(i) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.</td>
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<td>(ii) The boundaries of the 100-year floodplain, the boundaries of floodways where floodways have been established, and the 100-year base flood elevations where base flood elevations have been established.</td>
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The Yakima County Code is current through Ordinance 1-2019, passed February 12, 2019.

| (iii) | The boundaries of the 10 and 25-year floodplain using the flood risk maps provided by Yakima County as part of the mandatory pre-application conference. |
| (iv)  | Other information as may be required by YCC Titles 13, 16A, 16C or 16D. |

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.071 Site Plans for Project Permits – Boundary Line Adjustments.
In addition to the requirements listed in Subsections 19.30.070(1) and (2) above, a boundary line adjustment shall show the location and dimensions of all structures/improvements existing upon the affected lots and the distance between each such structure/improvement when they are located within 100 linear feet of all existing and proposed boundary lines.

(Ord. 7-2013 § 1 (Exh. A) (part), 2015).

19.30.072 Site Plans for Project Permits – Preliminary Short Plats.
(1) Preliminary Short Plats. In addition to the requirements listed in Subsection 19.30.070(1) and (2) above a preliminary short plat application shall show the following items where applicable:
   
   (a) Location of the subdivision in range, township and section;
   
   (b) Existing and Proposed Conditions:
      
      (i) Approximate location of all natural features including, but not limited to areas covered by water and the location, width, name and direction of flow of all watercourses; and
   
      (ii) For projects with more than four lots, the location, name, right-of-way width, approximate radii of curves and approximate grades of all proposed streets, alleys or roads within or on the boundary of the proposed subdivision;
   
      (iii) The location, size and use of all contemplated and existing public areas within the proposed short subdivision. Areas for public use, approved by the Reviewing Official, shall be dedicated for such use and indicated on the final plat before recording;
   
      (iv) Minimum building setback lines according to applicable development regulations, including buffers adjacent to critical areas and designated resource lands. A “typical lot” may show setbacks for all regular shaped interior lots. All setback lines must be shown on irregular shaped and corner lots.

(2) Final Short Plat. The final short 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).

19.30.073 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;

(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.

(h) 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.
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;
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(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.
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).
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.

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 in 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. Amendments to Development Agreements. When a request for a modification to a development agreement is proposed, the public hearing shall be conducted by the hearing body indicated in 16B.03.080 Table 3-3; and

5. 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.