

# **BOARD OF YAKIMA COUNTY COMMISSIONERS**

## **ORDINANCE 9- 2019**

### **IN THE MATTER OF AMENDING YAKIMA COUNTY CODE TITLE 19 – UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE 2019 TEXT AMENDMENTS.**

#### **GENERAL**

**WHEREAS**, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners (Board) adopted the Yakima County Comprehensive Plan - *Horizon 2040*, on June 27, 2017, and adopted development regulations – Yakima County Code (YCC) Title 19, on May 5, 2015; and

**WHEREAS**, RCW 36.70A.130 requires that Yakima County as a “fully planning” county; shall update its comprehensive plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

**WHEREAS**, under RCW 36.70A.130, the plan and development regulations are subject to continuing review and evaluation, but the plan may be amended no more than one time per year; and

**WHEREAS**, as part of its comprehensive plan and development regulations update process, the County has established a public participation program, YCC 16B.10, which sets forth minimum requirements for ensuring adequate public notification and opportunities for comment and participation in the amendment process; and

#### **2019 TEXT AMENDMENTS**

**WHEREAS**, Yakima County Planning Division initiated five development regulation text amendments (LRN2019-00001 – Cargo Containers, LRN2019-00003 – Site Screening, LRN2019-00006 – Signs Chapter, LRN2019-00013 – Master Plan Development Overlay, and LRN2019-00014 – Allowable Land Uses) to amend portions of YCC Title 19 Unified Land Development Code; and

**WHEREAS**, LRN2019-00006 (Signs Chapter) text amendment to YCC Title 19, was presented to the Planning Commission for their review on April 10, 2019; and

**WHEREAS**, LRN2019-00001 (Cargo Containers) text amendment to YCC Title 19, was presented to the Planning Commission for their review on June 12, 2019; and

**WHEREAS**, LRN2019-00013 (Master Plan Development Overlay) text amendment to YCC Title 19, was presented to the Planning Commission for their review on August 14, 2019; and

**WHEREAS**, on August 29, 2019, Yakima County provided a 60-Day notice to the Department of Commerce, as required by RCW 36.70A.106 on these three proposed development regulation amendments; and

**WHEREAS**, the Planning Commission conducted a properly advertised and noticed public hearing on September 11, 2019, to hear testimony on the proposed text amendments (LRN2019-00001 – Cargo Containers, LRN2019-00006 – Signs Chapter, and LRN2019-00013 – Master Plan Development Overlay); and

**WHEREAS**, the Planning Commission held their deliberations on September 11, 2019; and

**WHEREAS**, LRN2019-00003 (Site Screening) text amendment to YCC Title 19, was presented to the Planning Commission for their review on September 11, 2019; and

**WHEREAS**, LRN2019-00014 (Allowable Land Uses) text amendment to YCC Title 19, was presented to the Planning Commission for their review on October 9, 2019; and

**WHEREAS**, on September 20, 2019, Yakima County provided a 60-Day notice to the Department of Commerce, as required by RCW 36.70A.106 on these additional two proposed development regulation amendments; and

**WHEREAS**, the Planning Commission conducted a properly advertised and noticed public hearing on October 9, 2019, to hear testimony on the proposed text amendments (LRN2019-00003 – Site Screening and LRN2019-00014 – Allowable Land Uses); and

**WHEREAS**, the Planning Commission, having carefully considered the staff recommendation, and the written and oral testimonies in its deliberations presented to the Board of Yakima County Commissioners on October 9, 2019, their Findings and Recommendations on the proposed text amendments; and

**WHEREAS**, the proposed text amendments to YCC Title 19, were presented to the Board of Yakima County Commissioners for their review on December 9, 2019; and

**WHEREAS**, the Board of Yakima County Commissioners conducted a properly advertised public hearing on December 10, 2019, to hear testimony on the proposed text amendments outlined in the Planning Commission recommendations; and

**WHEREAS**, the Board of Yakima County Commissioners held their deliberations on December 10, 2019, immediately after the close of the open record

public hearing and did adopt motions approving, denying or modifying the proposed text amendments; and

**WHEREAS**, Yakima County initiated text amendments must be processed in compliance with the State Environmental Policy Act (SEPA); and

**WHEREAS**, on November 14, 2019, Yakima County staff issued a Determination of Non-Significance for the 2019 Development Regulation Text Amendments (SEP2018-00040 and SEP2019-00028) which analyzed the environmental and growth management impacts of all proposed actions and considered all submitted comments from agencies and parties of record; and

### **OTHER**

**WHEREAS**, the Board of Yakima County Commissioners considered the proposed text amendments to YCC Title 19, concurrently in order to ascertain their cumulative effects, as set forth in SEPA documents referenced above; and

**WHEREAS**, the Board has determined that all development regulation amendments are internally consistent; now therefore,

**BE IT HEREBY ORDAINED** by the Board of Yakima County Commissioners:

#### **Section 1. Reasons for Action.**

The 2019 amendments before the Board of Yakima County Commissioners are as follows:

- A. Yakima County staff initiated proposed development regulation text amendments (LRN2019-00001, LRN2019-00003, LRN2019-00006, LRN2019-00013, and LRN2019-00014) to portions of YCC Title 19 and considered part of the normal Yakima County amendment cycle.

Staff reports for the each of development regulation text were provided to the Planning Commission that identified specific issues and recommended approval, modification or denial of the proposed amendments. Following public testimony and deliberations, the Planning Commission has determined which of the proposed amendments are needed to correct errors, address deficiencies or more closely correspond to the goals, policies and intent of *Horizon 2040* and presented their findings and recommendations to the Board of Yakima County Commissioners for their consideration. The Board of Yakima County Commissioners then reviewed said amendment requests, held public hearing and decided to approve, modify or deny the proposed amendments.

#### **Section 2. Findings.**

- A. Compliance with Growth Management Act. The Board of Yakima County Commissioners find that the amendments to YCC Title 19, adopted by this ordinance are in substantial compliance with RCW 36.70A (the Growth Management Act, or GMA). The Comprehensive Plan is internally consistent and policies within and among elements are complementary, not contradictory. The Comprehensive Plan contains policies, implementation measures, and procedures which provide for its review and adjustment if internal conflicts are discovered.
- B. State Environmental Policy Act (SEPA). Yakima County adopted *Horizon 2040* on June 27, 2017, and adopted by reference *Plan 2015's*, Chapter III Environmental Analysis. *Plan 2015* was originally designed to integrate SEPA and GMA consistent with the provisions of WAC 197-11-210 through 197-11-235. Along with the issuance of the November 14, 2019, *Final Notice of Determination of Non-Significance for the 2019 Text Amendments* (SEP2018-00040 and SEP2019-00028), provides the environmental evaluation and documentation required under SEPA for the plan, development regulation, and emergency UGA amendments.
- C. Analysis of Cumulative Effects. The cumulative effects have been considered as part of the SEPA review process outlined in subsection B. above.
- D. The Board of Yakima County Commissioners adopts the five staff-initiated proposed development regulation text amendments (LRN2019-00001, LRN2019-00003, LRN2019-00006, LRN2019-00013, and LRN2019-00014) as detailed in the Findings and Recommendations of the Planning Commission dated October 9, 2019, which includes:
- i. LRN2019-00001/SEP2018-00040 (see Exhibit 1)
    - 1. Cargo Containers and Trailers as Storage Units – Revise YCC 19.18.020(4) to clarify how many units may be permitted as accessory uses in various zones; to revise where refrigerated units may be located; to eliminate requirements for roof structures and placement on permanent foundations; to revise painting, sitedscreening, and landscaping requirements; and to clarify that building permits are required for their placement.
  - ii. LRN2019-00003/SEP2019-00028 (see Exhibit 2)
    - 1. Sitedscreening and Landscaping – Updates to YCC 19.21, Sitedscreening and Landscaping, to simplify and to eliminate redundancies and ambiguities.
  - iii. LRN2019-00006/SEP2018-00040 (see Exhibit 3)

1. Signs (Chapter 19.20) Update – Text amendments to the YCC Signs Ordinance (Chapter 19.20 and associated chapters) to comply with the U.S. Supreme Court Decision Reed v. Gilbert.

iv. LRN2019-00013/SEP2018-00040 (see Exhibit 4)

1. Master Planned Development Overlay Code Chapter – The proposed text amendments to Chapter 19.17, the Master Planned Development Overlay (MPDO), would strengthen the text to ensure that MPDO proposals would include an overall public benefit prior to any relief of development standards.


v. LRN2019-00014/SEP2019-00028 (see Exhibit 5)

1. Update to YCC Table 19.14-1 Allowable Land Uses – Update the Allowable Land Uses Table to correct a mistake that inadvertently left Convenience Stores off the land use table in the Commercial Zoning Districts.

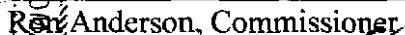
Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity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


Section 5. Effective Date. Pursuant to the Growth Management Act (RCW 36.70A), Yakima County must publish a Notice of Adoption within 10 days after the Board's approval of this ordinance, thus starting the required 60-day appeal period. Therefore, this ordinance becomes effective on the 61<sup>st</sup> day after posting of the Notice of Adoption, unless appealed.


**DONE** this 17th day of December 2019

  
Michael D. Leita, Chairman

*EXCUSED*

  
Ron Anderson, Commissioner

  
Norm Childress, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County, Washington*

  
Attest: Melissa Paul  
Clerk of the Board

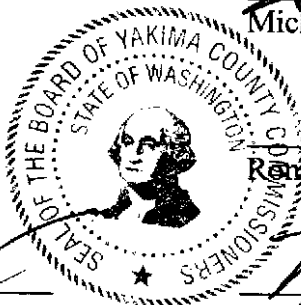


Exhibit 1 – LRN2019-00001/SEP2018-00040: Cargo Containers and Trailers as Storage Units (YCC Title 19 text amendment attached)

Exhibit 2 – LRN2019-00003/SEP2019-00028: Sitescreening and Landscaping (YCC Title 19 text amendment attached)

Exhibit 3 – LRN2019-00006/SEP2018-00040: Signs (Chapter 19.20) Update (YCC Title 19 text amendment attached)

Exhibit 4 – LRN2019-00013/SEP2018-00040: Master Planned Development Overlay code update (YCC Title 19 text amendment attached)

Exhibit 5 – LRN2019-00014/SEP2019-00028: Update to YCC Table 19.14-1 Allowable Land Uses (YCC Title 19 text amendment attached)

Exhibit 1

## Chapter 19.18

### SPECIAL USES AND STANDARDS

[...]

#### 19.18.20 Accessory Buildings and Uses.

Accessory uses are customarily incidental and subordinate to the principal use of a structure or site. Therefore, new accessory uses may only be permitted when a principal use has been established. They must be: clearly secondary to, supportive of, and compatible with the principal use(s); consistent with the purpose of the zoning district; and comply with this Title. The land use category of an accessory use shall be the same as that of the principal use(s) as listed in Table 19.14-1, unless otherwise specified.

- (1) Accessory Housing. [...]
- (2) Accessory Residential Kitchens. [.]
- (3) Agricultural Buildings. [...]
- (4) Cargo Containers and Semi-truck Trailers (wheels and axels removed\*) used as Storage Units.

(\*Note: Semi-truck trailers must have their wheels and axels removed in order to be eligible for use as accessory storage. This is a requirement under YCC Title 13 (Yakima County Building Code) in order to receive a building permit.)

(a) Storage During Construction. Cargo containers and semi-truck trailers are allowed, subject to permits required by YCC 13, as temporary accessory uses for storage in unlimited numbers in all zoning districts during the time when a building permit allows construction activity to take place on the property, and as provided in Subsection (d) below.

(b) Permanent Storage. Cargo containers and/or semi-truck trailers shall be are allowed as a permanent accessory uses for the storage of items owned by the property owner, the on-site business, or the property's renter. Such accessory uses are subject to permits required by YCC 13, must meet all the limitations in Table 19.18-1, and require land use review in accordance with YCC Table 19.14-1 or YCC 19.33, except as exempted by YCC 19.30.030(1)(d) storage facility or other use within the AG, FW, MIN, SCC, LCC, GC, M-1 and M-2 zoning districts.

Table 19.18-1. Limitations on Cargo Containers and Semi-Truck Trailers <sup>(1)</sup>

	SR, R-1, R-2, R-3, RS, RT	HTC, B-1, B-2, LCC, SCC, GC	M-1, M-2, R-10/5, R/ELDP, AG, FW, MIN
Number allowed per lot	One per two acres or portion thereof <sup>2</sup>	One per acre or portion thereof <sup>1</sup>	Unlimited
Painting <sup>4</sup>	Required	Required	Not Required
Sitescreening and Landscaping	Accessory uses are subject to sitescreening and landscaping requirements of the primary use under Chapter 19.21.		
Location	Prohibited in front yard <sup>(5)</sup>	Prohibited in front yard <sup>(5)</sup>	Permitted in front yard <sup>(5)</sup>

Notes:

(2) For example: parcels 2.00 acres or less are allowed one accessory storage unit (a cargo container or a semi-truck trailer); parcels

2.1- 4.00 acres are allowed two accessory storage units; parcels 4.01-6.00 acres are allowed three accessory storage units; etc.).

1 (a) Containers/trailers not meeting all the limitations of Table 19.18-1 are classified as "storage facilities" on Table 19.14-1, rather than as accessory uses. (b) —Cargo containers and/or semi-truck trailers are allowed as an accessory use to a permitted business in the AG, FW, R/ELDP 40, R-10/5, SCC, LCC, GC, M-1 and M-2 zoning districts, provided: (b) Containers/trailers are subject to building setbacks required by YCC 16C, YCC 16D, and YCC 19.



(3) For example: parcels 1.00 acre or less are allowed one accessory storage unit (a cargo container or a semi-truck trailer); parcels 1.1- 2.00 acres are allowed two accessory storage units; parcels 2.01-3.00 acres are allowed three accessory storage units; etc.).

(4) If required by Table 19.18-1, accessory cargo containers or semi-truck trailers must be fully painted so as to remove all original markings, labels or logos. All signage retained or placed on the cargo container or semi-truck trailer must meet the sign requirements under Chapter 19.20.

(5) Subject to building setbacks required by 16C, 16D, and 19.

(i) — ~~In addition, All refrigerated cargo containers or semi-truck trailers located outside of a designated loading dock or loading bay shall be outside of and greater than 2500 feet from any existing residential SR, R-1, R-2, and R-3 zoning districts;.~~

(ii) — ~~Within Urban Growth Areas, the container is subject to site plan approval and sitescreeing Standard A Open Area Landscaping, or higher, as indicated in Chapter 19.21; and~~

(iii) — ~~Not more than one cargo container per lot shall be permitted in any allowed zone other than M-1 and M-2 except as provided in Subsection (d) below.~~

(iv) — ~~All cargo containers or semi-truck trailers must be fully painted so as to remove all original markings, labels or logos. All permitted signage placed on the cargo container or semi truck trailer associated with the primary use must meet the sign requirements under Chapter 19.20.~~

(c) — ~~Cargo containers and/or semi-truck trailers may be used for donation of household goods in the SCC, LCC, GC, M-1 and M-2 zoning districts.~~

(d) — ~~Outside of urban residential zoning districts up to two cargo containers may be used for no longer than 6 months of temporary storage. Containers used for permanent storage must be incorporated as modular components of a single accessory garage or storage building when a design has been proposed for approval under YCC Title 13. The cargo containers must be fully incorporated into a building with a roof structure for weather protection pitched adequately for drainage and placed on a permanent foundation and painted as an integrated building.~~

(5) Garages. [...]

(6) Garden Sheds, Gazebos and Play Houses within a Side or Rear Setback. [.]

(7) Greenhouses. [...]

(8) Swimming Pools. [...]

(9) Yard or Garage Sales. [.]

(Ord. 6-2018 § 2(G)(i)(3) (Exh. 6(3)), 2018; Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

[...]



**Chapter 19.21**

**SITESCREEING AND LANDSCAPING**

**Sections:**

- 19.21.010 Legislative Intent.
- 19.21.20 General Provisions and Requirements.
- 19.21.030 Specific Requirements.

**19.21.010 Legislative Intent.**

This Chapter is intended:

- (1) To consolidate and establish landscaping standards that will: promote low-impact development practices, such as bioretention, as defined in Section 19.01.070; allow landscaping to also be used to satisfy drainage needs; reduce stormwater runoff pollution, temperature, and volume; aid in energy conservation and outdoor livability by providing shade and shelter from the wind; provide for recreation and open space; maintain and increase property values; improve the overall appearance of the community to increase its marketability; and protect the character of adjacent residential zoning districts.
- (2) To establish sitescreeing standards to provide a-visual buffers between uses of different intensity, and between streets and structures, reduce erosion and stormwater runoff, protect property values, and eliminate potential land use conflicts by mitigating adverse impacts from dust, odor, litter, noise, glare, lights, signs, buildings or parking areas.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.21.20 General Provisions and Requirements.**

- (1) **Sitescreeing and Landscaping Plan.** The site plan submitted by an applicant shall include a sitescreeing and landscaping plan depicting the location, height, size, and type of all plantings and fences under the requirements of this Chapter. A development authorization issued by the Reviewing Official may condition the approval of an application to require the applicant to submit documentation prepared by a landscape architect or a landscape contractor certifying the sitescreeing and landscaping plan will meet the planting and other requirements of this Chapter.
- (2) **Existing Plant Material.** When an applicant wishes to retain existing plant material and a landscape architect or landscaping contractor is required by Subsection 19.21.020(1) to submit documentation, he shall include an evaluation on whether those materials are healthy and will satisfy the purpose intent of this ~~Section~~Chapter.
- (3) **Design Guidelines Authorized.** The Administrative Official may publish sitescreeing and landscaping design guidelines that include a list of Yakima County-appropriate plant species to allow for choices for sitescreeing and landscaping. The guidelines may also include examples on using plant materials, (regarding size, spacing, and species,) to ensure quality, create the sense of entry into a building or complex, define and enliven public spaces, and provide a sense of character. The guidelines may also include examples for appropriate landscaping to mitigate adverse impacts when approving:
  - (a) Setback reductions from resource land for especially sensitive land uses (See Section 19.18.205);
  - (b) Especially sensitive land uses, other than the first dwelling to be located on a lot in AG or FW zones (See Section 19.18.205);
  - (c) Clustered lots in rural and resource areas (See Section 19.34.035);
  - (d) Special exception lots (See Section ~~19.34.035~~19.11.010(3)(c)(v)); and
  - (e) Concentrated animal feeding operations.
- (4) **Time of Completion.** All sitescreeing and landscaping, including irrigation systems needed to maintain the plantings, shall be installed prior to occupancy or commencement of use. Where compliance with this requirement is

not possible because of bona fide seasonal planting limitations, the applicant may request a time extension under YCC Section 16B.07.050. However, no permanent Certificate of Occupancy shall be issued until all required sitescreening and landscaping is completed for each phase of a project.

(5) **Retention and Maintenance.** All sitescreening and landscaping shall be maintained in accordance with this Chapter. It is the property owner's obligation and responsibility to maintain the approved sitescreening and landscaping. If the sitescreening and/or landscaping deteriorates or is not maintained in a condition consistent with plan approval, the County may require necessary maintenance to be performed and assess the costs to the property owner. These costs shall constitute a lien on the property, from the date of filing a notice of lien with the County Auditor. The lien shall state the legal description of the property, the costs assessed, and be applied in the manner provided by County code and State law. Such lien may be foreclosed by the County in the manner provided by law.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).

#### **19.21.030 Specific Requirements.**

(1) **Sitescreening and Landscaping Required - Exceptions.** Any proposed new use, including any outdoor storage area, shall provide maintained landscape planting and sitescreening under this Chapter to accomplish the legislative intent stated in Section 19.21.010. This requirement does not apply to:

- (a) single family homes and duplexes on individual lots and their accessory uses,
- (b) home businesses,
- (c) accessory dwellings, -and
- (d) changes of use within multiple-use complexes,
- (e) Type I uses generally not subject to project review under Section 19.30.030(1)(d), and
- (f) modifications to existing uses being reviewed under Section 19.35.030;.

~~provided that~~ In addition, when approving long subdivisions the Reviewing Official may require appropriate perimeter sitescreening when approving long subdivisions and an property owners association or other entity for its perpetual maintenance. In this Section "proposed new use" includes new uses and modifications to existing uses being reviewed under this Title.

(2) **Standards.** Sites shall be planted under the following standards:

(a) Sitescreen /and Landscape Planting\* Types.

(\*Note: See Subsection 19.21.030(2)(h) for plant selection guidelines.)

(i) **Standard A: (Open Area Landscaping with Trees).** Standard A plantings ~~shall include~~ are required to meet the legislative intent as stated in Section 19.21.010. Sshrubs and/or groundcover plants, including and/or xeriscape, shall be species that will achieve a maximum approximate height of no more than three feet. In addition, Tees-trees\*\* shall be included throughout the planting area and be spaced no more than 30 feet apart on center.

(\*\*Note: See Subsection 19.21.030(2)(i) for tree standards.)

(ii) **Standard B: Partia Low Buffer).** Standard B plantings ~~are intended to~~ shall provide a continuous screen that will achieve and maintain a three to four-foot tall screen height within three years of project completion so as to buffer views into and out of the site; provided that (the plants shall be evergreen when adjacent to parking areas to block headlights), while maintaining buffered views into and out of the site. Shrubs of a species that will achieve a minimum height of three feet shall be included for the entire length of the planting area, and shall be maintained at a height between three and four feet. Groundcovers shall be included as necessary to fill in the planting area. If used as an alternative site screen to shrubs, trees should cover the length of the planting area and be spaced no more than 30 feet apart on center.

(iii) **Standard C: (Visual Screen).** Standard C ~~Sitescreening is intended to provide a continuous visual~~

screen between different uses. Sitescreening Standard C shall consist of at least one of the alternatives below as proposed by the applicant:

C-1: at a minimum consist of a six-foot high, site obscuring fence made of wood, masonry block, concrete or vinyl material. Fencing shall be of uniform aesthetic appearance on both sides;

C-2: Where required, A plantings strip shall be selected to provide a continuous screen at least six feet high within three years of project completion that will ensure residential privacy and screen views such as, but not limited to, area lighting, headlights, traffic, and service areas; The planting area shall include shrubs that will provide a continuous screen at a minimum height of six feet within three years of planting.

C-3: A planting strip of Trees that will be selected and spaced to, if used as an alternative site screen to shrubs, should provide ^continuous canopy of and shall be spaced at intervals resulting in touching of branches that will grow to at least ten feet high after within ten years of normal growth project completion.

(b) Property Perimeters along Street Frontages.

(i) The type of plantings specified below shall be provided inside the property lines that abut public roads:

(A) Along the street frontage of properties zoned RS, RT, SR, R-1, R-2, and R-3: a minimum six-foot wide planting area of Standard A (Open Area Landscaping with Trees) is required. If a fence is provided, landscaping must be placed on the exterior (street side) of the fence.

(B) Along the street frontage of properties zoned B-1, B-2, SCC, LCC, HTC, GC, M-1, and M-2, except where buildings are built with no setback from the property line: a minimum three-foot wide planting area of Standard B Portia (Low Buffer) is required. A minimum ten-foot wide Standard B planting area is required if the street frontage faces a property zoned R-1, R-2, R-3, RS or RT.

(ii) Fences and landscaping shall comply with the vision clearance triangle standards of Subsection 19.10.040(7). However, where the applicant elects to provide plantings within all vision clearance triangles on the property and within the rights-of-way adjacent to all clear view triangles, an increase of ten percentage points in the maximum impervious surface limit shall be granted by the Administrative Official; provided, that the plantings in the public rights-of-way are acceptable to the County Engineer.

(c) Property Perimeters Not along Street Frontages. A-pPlanting strips as specified by Table 19.21-1 shall be provided along all property lines that abut other parcels, except where adjacent to railroads or where buildings are lawfully built with no setback from the property line. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in Table 19.21-1. The owners of adjacent properties may enter into a written agreement to consolidate their perimeter plantings along shared boundaries. Therefore, instead of each property providing a separate planting strip, they together could provide one planting strip, so long as the required planting type and width, as indicated in the table, is provided. The agreement shall be recorded and enforceable on both parties under Section 19.21.020(5).

(d) Landscaping in Other Areas of Sites. All other developed portions of the development project area located within a zone shown in Table 19.21-1 not covered by structures, hard surfaces, or other prescribed plantings shall be planted in Standard A onen-tOpen area-Area landscapingLandscaping with Trees); provided, that the total maximum required sitescreening and landscaping is fifteen percent of the development project area. For projects with multiple phases, this requirement applies to the area of each phase when it is developed.

Table 19.21-1. Required Planting Standards along-for Property Perimeters that are Not along Street Frontages

Legend: Standard A: (Open Area Landscaping with Trees), at least 10 feet wide. Standard B: Partial (Low Buffer), at least 3 feet wide. Standard C: (Visual Screen), at least 3 feet wide. (Refer to Section 19.21.030(2)(a) for descriptions)											
ZONE OF PROPERTY PROPOSED FOR DEVELOPMENT	ZONE OF ADJACENT PROPERTY										
	RT	RS SR R-1 R-2	R-3		B-1	B-2	SCC LCC HTC	GC		M-1	M-2
RT	B	C	C		B	B	B	B			
RS, SR, R-1 & R-2	C	C	C		B	B	B	B			
R-3	B	B	A		B	B	C	C			
B-1	B	B	B		A	B	B	B			
B-2	B	C	B		B	A	A	B			
SCC, LCC & HTC	C	C	C		B	A	A	A			
GC	C	C	C		B	B	A	A			
M-1	C	C	C		C	B	B	B		A	
M-2	C	C	C		C	C	B	B		A	

(e) Landscaping of Parking Lots.

(i) Parking lots within Urban Growth Areas, RS, HTC, and RT zones shall be landscaped a minimum of ten percent of the total area used for parking spaces and maneuvering to and from those spaces. This landscaping area may be included to satisfy the lot coverage (impermeable surface) requirements.

(ii) A standard of one shade tree from an approved list in the landscaping guidelines authorized by Section 19.21.020(3), or as approved by the Reviewing Official, shall be planted for every 14 parking stalls within Urban Growth Areas, RS, HTC, and RT zones. Such shade trees shall be provided in-between parking stalls such that no more than 14 continuous single-row parking stalls or 28 continuous double-row parking stalls will exist within the parking lot.

(iii) Landscaping shall consist of combinations of trees, shrubs, and groundcover with careful consideration to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

(iv) Landscaping shall be located within the parking area, such as in-between parking spaces or in parking "islands," or around the perimeter of the parking lot.

(v) Parking lots are subject to the perimeter landscaping standards listed in Subsections 19.21.030(2)(b) and 19.21.030(2)(c). However, for each additional shade tree provided within the parking area that exceeds the minimum number of shade trees required by Subsection (ii) above, the required number of perimeter trees shall be reduced by 1.5 trees, rounded down to the next whole number.

(vi) Every parking lot serving a Type 2 or Type 3 use, or a commercial or industrial use that abuts property zoned R-1, R-2, R-3, RS or RT and serves a Type 2 use, a Type 3 use, a commercial use, or an industrial use shall be separated from such property by a solid wall, or view-obscuring fence, or landscaped berm at least six feet in height, or landscaped with a 3-foot width of Standard C sitescreening. The Reviewing Official may increase the height, depth and content of said screening, fencing and/or landscaping as necessary to adequately protect adjacent single-family residential development. The screening

shall be provided and maintained along the property line of such lot. Ingress and egress locations shall meet the vision clearance triangle standards of Subsection 19.10.040(7).

~~(f) --- Sitescreening Commercial or Industrial Uses. When Table 19.21-1 does not specify a required planting, a 10-foot wide Standard A planting shall be provided for a commercial or industrial use that abuts or faces a property zoned RS, RT, SR, R-1, R-2, R-3, B-1, B-2, SCC, LCC, HTC, or GC.~~

(gf) Sitescreening for Other Projects. Sitescreening may be required in all zones as a condition of approval for the projects listed below. The function of such sitescreening is to mitigate the impacts of dust, odors, noise, glare, lights, buildings, parking lots, and traffic on especially sensitive land uses. The recommended sitescreening and landscaping design guidelines authorized by Section 19.21.020(23) may include a list of preferred species and site layout recommendations for effective sitescreening for the following project types:

- (i) Setback reductions from resource land for especially sensitive land uses (See Section 19.18.205);
- (ii) Especially sensitive land uses, other than the first dwelling to be located on a lot in AG or FW zones (Section 19.18.205);
- (iii) Clustered lots in rural and resource areas (Section 19.34.035);
- (iv) Special exception lots (Section 19.11.010(3)); and
- (v) Concentrated animal feeding operations.

(hg) Other Sitescreening and Landscaping Requirements. In addition to the sitescreening and landscaping requirements of this Chapter, specific requirements for the following uses are found in the following Chapters and Sections:

- ~~(i) Mobile/manufactured home parks (Section 19.18.270, 19.18.280, 19.18.290 and 19.18.300);~~
- ~~(ii) Comprehensive design plans for administratively adjusting sign standards (Section 19.35.020(7));~~
- ~~(iii) Master planned resorts (Section 19.11.050);~~
- ~~(iv) Master planned development overlays (Section 19.17.040);-and~~
- ~~(v) Mini-storage (Section 19.18.320); and~~
- ~~(vi) Parking and Loading (Chapter 19.22).~~

(ih) Plant Selection. Plantings shall ~~may~~ consist of a mix of evergreen and deciduous species including living trees, shrubs (including arborvitae), and ground-only covers interspersed with accents such as, but not limited to, grass, bark, gravel, river rock, red rock, shale, and basalt. ~~Shrubs and ground covers shall be chosen arranged and of suitable size at planting to result in landscaping that will meet the size requirements of this Chapter within three years of planting.~~ The applicant is encouraged to utilize plant materials that complement the natural character of the Yakima region and that are adaptable to the climatic, topographic and hydrologic characteristics of the site, including xeriscape and native plants. In selecting species, the applicant is encouraged to utilize plant materials that reduce or eliminate the need for fertilizers, herbicides, or other chemical controls.

(ji) Trees.

- (i) Deciduous trees shall meet the most recent American National Standards Institute (ANSI) standards for a one and one-half-inch caliper tree at the time of planting.<sup>5</sup>
- (iii) Trees to be located in the vicinity of overhead power lines shall be limited to a mature height of 25 feet to avoid conflict with utility lines and maintenance crews.
- (iv) Trees shall be located within the landscaping plan, so that plantings are outside of easements for underground utilities, aside from underground utilities, and away from streetlights to avoid conflicts with

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5 Evergreen trees, excluding arborvitae, shall be a minimum of six feet tall at the time of planting.

their maintenance and functions.

(kj) Location.

(i) All required sitescreeing shall:

- (A) Be located on the perimeter of a parcel upon which the development occurs; provided that the sitescreeing does not need to be located on the portions of a parcel's perimeter that are adjacent to areas on the parcel that are not being developed; and further provided that the sitescreeing may be located along the perimeter of the development project area when the proposed development will occupy only a portion of a large parcel;
- (B) Extend from lot line to lot line unless conforming to the provisions in Subsection A above or a natural physical feature, such as a stream or steep slope, makes this impractical;
- (C) ~~Comply with the vision clearance triangles of Chapter 19.10.040(7) and~~ Not interfere with sight distances and pedestrian and traffic safety; and
- (D) Be located within the property boundaries of the site and not on any portion of a public or private street, dedicated right-of-way, access easement ~~or vision clearance triangle~~, except as provided in Section ~~19.10.040(7)~~ 19.21.030(2)(b)(ii).

(ii) All required landscaping shall:

- (A) Be dispersed strategically throughout the site, including within tree wells, along the foundations of buildings, and along the perimeter of the site;
- (B) Be integrated with sitescreeing as appropriate;
- (C) ~~Comply with vision clearance triangles of Chapter 19.10.040(7) and~~ Not interfere with sight distances and pedestrian and traffic safety; and
- (D) Be located within the property boundaries of the site and not on any portion of a public or private street, dedicated right-of-way, access easement ~~or vision clearance triangle~~, except as provided in Section 19.21.030(2)(b)(ii).

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

\\Nt2\Planning\Long Range\Projects\Plan Amendments\2019 Plan Amendments\LRN19-003 Site Screening\LRN19-003  
Sitescreening and Landscaping PC Recommendation.docx



### Exhibit 3

Yakima County Code  
Subtitle 19.0 Introduction and  
Administration

**Subtitle 19.0 Introduction and Administration**

**GENERAL PROVISIONS**

Sections:

- 19.01.010 Introduction.
- 19.01.20 Compliance.
- 19.01.030 Severability and Validity.
- 19.01.040 Repealer.
- 19.01.050 Authority.
- 19.01.060 Enforcement.
- 19.01.070 Definitions.

**19.01.010 Introduction.**

- (1) Title. Title 19 of the Yakima County Code constitutes and may be cited as the Unified Land Development Code (ULDC).
- (2) Legislative Intent. To improve public service and efficiency, the Board of Yakima County Commissioners has adopted this Title, which consolidates several of the County's development-related codes into a single document. This Title applies to all of unincorporated Yakima County within the County's land-use jurisdiction and includes:
  - (a) Subtitle 19.0 Introduction, code organization, administration and definitions of terms;
  - (b) Subtitle 19.1 Land use zoning districts and use regulations and stormwater and erosion control;
  - (c) Subtitle 19.2 Development standards for signs; site screening and landscaping; parking and loading; transportation and circulation; sewer and water;
  - (d) Subtitle 19.3 Procedures for the development and division of land; amendment of the code; and processing under the State Environmental Policy Act (SEPA).
- (3) Organization. The text of this Title is organized:
  - (a) Title. This Title in its entirety is Title 19 of the Yakima County Code.
  - (b) Subtitles. Subtitles are numbered as 19.#, establish the major categories and start new Chapter number series.
  - (c) Chapters. Chapters are numbered as 19.##, with the second group of numbers representing the Chapter number, the first digit of which is the Subtitle number.
  - (d) Sections. Sections are numbered as 19.##.###, with the second group of numbers representing the Chapter number and the third group of numbers representing the Section number.
  - (e) Subsections. Subsections levels are indicated by alphanumeric characters in the following hierarchy:
    - (1),
    - (a) , (i) and (A).

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.01.20 Compliance.**

- (1) Development Permit Compliance Required.
  - (a) Applications for development may be approved or approved with conditions if the application conforms to adopted County and State rules and regulations or variations permitted by law, including:
    - (i) Chapter 43.21C RCW (State Environmental Policy) and Yakima County SEPA Rules (Ch. 16.04 YCC);
    - (ii) Chapter 58.17 RCW (Subdivisions);

- (iv) Chapter 36.70B RCW (Local Project Review);
- (v) Yakima Health District Board of Public Health - water and sewer rules and regulations;
- (vi) Yakima County Code:
  - (A) Title 12, Water and Sewage;
  - (B) Title 13, Building and Construction;
  - (C) Unified Land Development Code;
  - (D) Title 16B, Project Permit Administration;
  - (E) Titles 16A and 16C, Critical Areas and Yakima County Code Title 16D, Regional Shoreline Master Program;
- (vii) Comprehensive plans adopted by Yakima County, Yakima County Regional Shoreline Master Program, subarea plans and their official maps.

(b) No development shall occur nor shall any building or other structure be constructed, erected, repaired, improved, altered, enlarged, moved, removed, converted, or demolished; nor shall any use or occupancy of premises within the County be commenced or changed; nor shall any condition of or upon real property be caused or maintained, after the effective date of this Title, except as authorized by this Title and in conformity and full compliance with conditions established. It is unlawful for any person, firm or corporation to erect, construct, establish, move into, alter, enlarge, use or cause to be used, any buildings, structures, improvements or use of premises contrary to this Title. Where this Title imposes greater restrictions than those imposed or required by other rules, regulations or ordinances, this Title shall control.

(c) Development permits issued on the basis of plans and applications and conditions of approval imposed by the Reviewing Official authorize only the use, arrangement and construction set forth in the approved plans and application with any associated conditions of approval and the final site plan. Any use, arrangement, or construction inconsistent with that authorized violates this Title and is punishable as provided in YCC Chapter 16B.11.

(2) Site Plan Compliance Required. Whenever any site plan is required by operation of this Title and is part of any approval of development or modification of development, the final site plan shall be binding on all existing or subsequent owners and occupiers of the property. The owner and/or occupier of any property, development, or structure that is the subject of a final site plan shall be required to maintain the property and development in full compliance with the terms and conditions of the approved final site plan and any associated terms and conditions of approval for the development. Failure to do so shall constitute a violation of this Title and is punishable as provided in YCC Chapter 16B.11.

(3) No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore, issued by the Building Official under RCW 19.27 and YCC Title 13. No building permit shall be issued except in conformity with this Title.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.01.030 Severability and Validity.**

If it should be found by a court of competent jurisdiction that any portion of this Title, including adopted text and maps, does not qualify under the authority of Chapter 35.63 RCW, such finding shall not affect the validity of the remainder of this Title.

If any provision of this Title, including adopted text and maps, or applying the provision to any person or circumstances, is held invalid, then the rest of this Title or applying the provision to other persons or circumstances shall not be affected. The Board of Yakima County Commissioners hereby declares it would have enacted the remainder of these regulations even without any such provision judged to be invalid.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.01.040 Chapter Code**

This title when adopted shall replace and supersede:

- (1) Subdivision Ordinance (Title 14, Yakima County Code).
- (2) Zoning (Title 15, Yakima County Code).
- (3) Urban Growth Area Zoning (Title 15A, Yakima County Code).

References to these titles and other Titles of County Code, notably YCC Title 16B Project Permit Administration and YCC Chapter 16.04 SEPA shall be corrected consistent with the proper citations to Chapters, Sections and Subsections within YCC Title 19.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.01.050 Authority.**

(1) This Title is enacted under authority granted to Yakima County by Article XI, Section II, of the Washington State Constitution and Chapters 36.70 and 36.70A of the Revised Code of Washington.

(2) Designation of Reviewing Official.

(a) Decisions made by officials under the authority of this Title shall be final unless appealed to the Hearing Examiner under YCC Title 16B.

(b) Unless otherwise noted, the Planning Director of the Yakima County Planning Division ("Director") or the director's designee shall be the Administrative Official and shall interpret and apply this Title.

(c) Where noted in this Title, the County Engineer shall interpret and apply this Title relating to transportation and circulation facilities.

(d) The Yakima County Building Official shall interpret and apply YCC Title 13 and shall have the following powers and responsibilities:

- (i) Issue development permits for permitted uses where authorized in compliance with this Title;
- (ii) Conduct inspections to determine compliance or noncompliance with the terms of this Title;
- (iii) Revoke, in writing, a permit or approval issued contrary to this Title or based on a false statement or misrepresentation in the application;
- (iv) Stop, by written order, work being done contrary to the development permit or to this Title. Such written order, posted on the premises involved, shall not be removed except by order of the Building Official. Removal without such order shall constitute a violation of this Title;
- (v) Institute or cause to be instituted any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or occupancy of a structure or land, and/or restrain, correct, or abate such violation; and
- (vi) Perform any other act or duty authorized or assigned to him under provisions of this Title.

(e) The Public Services Director will consult with Reviewing Officials designated by this Title concerning project permits subject to this Title and YCC Chapter 12.10.

(3) Interpretation and Application of This Title. Unless otherwise noted and as provided in YCC Section 16B.03.070, it shall be the responsibility of the Administrative Official to interpret and apply this Title. An interpretation shall be subject to appeal under YCC Chapter 16B.09. The Administrative Official's response shall be in writing and kept on permanent file.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.01.060 Enforcement.**

(1) It shall be the duty of the Administrative Official to determine the applicability of this Title for enforcement purposes. All departments, officials and public employees of the County vested with the duty or authority to issue permits, shall conform to this Title and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this Title. Any permit, certificate or

licensing and building codes. Any provision of this Title, intentionally or otherwise, shall be void. The Building Official shall carry out Chapter 13.25 of the Yakima County Code, when a violation has been determined under the provisions of YCC Title 13.

(2) The Building Official is authorized to perform interim and final inspections of all development and modifications to development to assure it has been established and/or constructed in conformance with the final site plan and associated terms and conditions of approval. The Building Official may coordinate such inspections with the inspections required by other applicable codes or ordinances. When the development, as built, conforms to the final site plan, the Building Official shall so certify on the face of the site plan on file with the County.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).

#### 19.01.070 Definitions.

For this Title, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified unless the context requires a different meaning. Where terms are not defined, they shall have the ordinary accepted meaning within the context with which they are used. Where an activity or land use could fall under two definitions, the more specific shall apply. The Webster's Ninth New Collegiate Dictionary, with the assistance of the American Planning Association Planning Advisory Service's "A Planner's Dictionary" and Black's Legal Dictionary shall be the sources for ordinary accepted meaning and for the definition of words not defined below. Specific examples are included as illustrations, but are not intended to restrict a more general definition.

##### (1) "A" Definitions.

Accepted agricultural management practices	"Accepted agricultural management practices" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain farm income and customarily utilized in conjunction with agricultural use. This definition specifically includes new modes of operation or technology for conducting commercial agriculture.
Access	"Access" means a legally available and physically practical area for the perpetual use of motor vehicle ingress and egress to a lot. In determining practicality, the topography, drainage, potential for erosion, underlying ownership and other factors may be considered.
Access driveway	"Access driveway" means an entrance roadway from a street or alley to a parking facility.
Access easement	"Access easement" means any public or private easement for the purpose of ingress and egress that may be owned by the underlying owners of land over which it crosses.
Access road	"Access road" means a street that is not a classified street.

access road, Interior	"Interior access road" means a local access road within the boundaries of a proposed plat or short plat.
access road, Perimeter/connecting	"Perimeter/connecting access road" means a local access road along the perimeter of a plat or short plat, and/or connecting the interior local access roads within a plat or short plat to an existing public road.
Accessory building or structure	"Accessory building or structure" means a building or part of a building or structure that is subordinate to the operation or enjoyment of a lawful use, and the use of which is incidental to, that of the main building, structure or use on the same lot.
Accessory use	"Accessory use" means a land use that is incidental and subordinate to the principal use of a site. Therefore, accessory uses may only be permitted when a principal permitted use has been established. They must be: clearly secondary to, supportive of and compatible with the principal use; consistent with the purpose of the zoning district; and comply with the provisions of this Title. The land use category of an accessory use shall be the same as that of the principal uses as listed in Chapters 19.11 through 19.18, unless otherwise specified.
Administrative Adjustment	"Administrative adjustment of standard" means a change, either an increase or decrease, in one or more of the development standards of this Title in accordance with the provisions of Chapter 19.35.
Administrative Official	"Administrative Official" means the duly appointed Yakima County Planning Director or the Director's designee. This term is synonymous with "Director" or "Administrator".
ADT (Average Daily Trips)	"ADT" means the average trips expected on a road/street on any given day.
Adult day care center	See definition for "Day care facility".
Adult entertainment facility	"Adult entertainment facility" means an adult cabaret, adult motion picture theater, adult retail store, or a commercial establishment that includes an adult sales practice as those terms are defined in the adult entertainment licensing provisions in YCC Chapter 5.06. Adult arcades as defined in YCC Chapter 5.06 are expressly prohibited by this Title.
Adult family home	"Adult family home" means a regular family abode, licensed by the state, in which a person or persons provide personal care, special care, room and board to more than one, but not more than six adults who are not related by blood or marriage to the person or persons providing the services.
Agency with jurisdiction	"Agency with jurisdiction" for the purposes of this Title, means any agency with authority to approve, veto, or finance, all or part of any project permit application as defined by this Title.
Agricultural building	"Agricultural building" means a structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit and other agricultural products. Controlled atmosphere and cold storage warehouses are not agricultural buildings (see Agricultural related industries). An agriculture building shall not be used for human habitation, or a place of employment where agricultural products are processed, treated or packaged nor shall it be a place used by the public.
Agricultural land	"Agricultural land" means land primarily or historically devoted to the commercial production of horticultural, agronomic, or specialty crops, as well as apiary and animal production. This definition also includes rangelands and fallow lands.
Agricultural market	"Agricultural market" means a use primarily engaged in the retail sale of fresh, regionally grown agricultural products. An Agricultural Market may include as incidental and accessory to the principal use, the sale of factory sealed or prepackaged food products such as boxes of apples or other fruit, jams, jellies and baked goods and other value-added products using produce grown regionally, and some limited non-food items. This definition does not include the sale of livestock.
Agricultural product support	"Agricultural product support" means a business that provides a product or service intended for use in the processing, storage, preservation, or distribution of agricultural commodities.
Agricultural service establishment	"Agricultural service establishment" means those uses specifically engaged in performing agricultural or horticultural services on a fee or contract basis, including but not limited to the following: (1) Crop dusting and spraying services; (2) Harvesting and plowing services; (3) Agricultural land grading services; (4) Specialized farm equipment service and repair, excluding automotive paint, maintenance, or body and repair; (5) Large animal veterinary services; and (6) Agricultural fertilizer and chemical product application services.

Agricultural stand	"Agricultural stand" means a structure, or portion thereof, up to 1,000 square feet in area used for the retail sale of agricultural and related incidental products, excluding livestock, primarily grown on the premises.
Agricultural tourist operation, (ATO)	<p>"Agricultural tourist operation" refers to a working farm, including an approved winery, distillery or brewery (domestic or micro) or any agricultural, horticultural, or agribusiness operation that is open to the public for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. These activities must be related to the agricultural products grown or produced on site and incidental to the primary operation on the site. This term includes farm tours, hayrides, corn mazes, pumpkin patches, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above and similar uses. The retail sales of agricultural related products is considered accessory and subordinate to the agricultural operation when the products sold are grown or produced on site.</p> <p>(1) Retail Agricultural Tourist Operation: is one that may include eating and food preparation facilities with event facilities for seminars or other social gatherings.</p> <p>(2) Destination Agricultural Tourist Operation: is one that consists of an assortment of uses over and above any uses associated with retail level operation but may include overnight lodging facilities up to 12 guest rooms, with event facilities for seminars, weddings and other social gatherings.</p> <p>(3) Resort Agricultural Tourist Operation: is one that consists of an assortment of uses over and above any uses associated with retail or destination level operation. These accessory uses can be anything related to the agricultural operation that enhances the tourist related experience, with a dedicated area for seminars, weddings and other social gatherings, and RV park accommodations.</p>
Agriculturally related industry	<p>"Agriculturally related industry" means specifically:</p> <p>(1) Packing plants - may include, but are not limited to, the following activities: washing, sorting, crating and other functional operations such as drying, field crushing or other preparation in which the chemical and physical composition of the agricultural product remains essentially unaltered.</p> <p>(2) Processing plants - may include, but are not limited to, those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product.</p> <p>(3) Storage facilities - include bin storage lots, controlled atmosphere and cold storage warehouses, and warehouses for the storage of processed and/or packaged agricultural products. (This definition does not include processing activities or slaughter houses, animal reduction yards and tallow works.)</p>
Agriculture	"Agriculture" means the tilling of the soil, the raising of crops, the gathering and harvesting of native plants, horticulture, viticulture, floriculture, apiary, livestock farming, dairying, animal feeding operations, animal husbandry, composting associated with the primary agricultural use, land application of soil amendments or agricultural waste at agronomic rates, and farm oriented storage for commercial value. Synonymous with farming or ranching.
Airport operations	"Airport operations" means activities, uses, structures and facilities that are located on and necessary to the operation of the Airport. These activities and facilities include runways, taxiways, parking ramps and aprons, navigation and radar/radio communication facilities and equipment, safety and emergency facilities and storage and maintenance facilities.
Airport or landing field	<p>"Airport or landing field" means any area of land or water used or intended to be used for the landing and taking off of aircraft. Hangars and other appurtenant buildings, storage areas and open spaces necessary for airport operation are also included within this definition. "Landing field" means a geographic area that is designed or occasionally utilized for aircraft operations, but is not primarily used for aviation related activities. Airports and landing fields are further defined as follows:</p> <p>(1) Personal use - A facility with a limited number of privately owned aircraft for the personal use of the owner or tenant of the site, with no commercial operations other than crop dusting.</p> <p>(2) Restricted use - A facility with exclusive rights or use reserved to the owner for personal or commercial use. This shall include owners or tenants of a planned development zoning district, industry or institution.</p> <p>(3) Public use - Any facility available for public use.</p>
Airport special definitions	<p>"Airport special definitions." The following terms are established for the purpose of protecting the airspace of regulated airports (see also Chapter 19.17):</p> <p>(1) "Airspace Hazard" means any structure, tree, or use of land which compromises public safety or obstructs the airspace required for the safe operation of aircraft in or around an airport, as determined by the Reviewing Official under this Title.</p> <p>(2) "Airspace Obstruction" means any structure, tree, land mass, smoke or steam or use of land which penetrates the primary, approach, transitional, horizontal or conical surface of an airport as defined by Federal Aviation Regulation (FAR), Part 77.</p> <p>(3) "Aviation Deed Declaration" means a declarative covenant which recognizes the preexistence of the airport and the right of over flight recorded for all uses within the approach</p>



	<p>and transitional surfaces of the conical surface area.</p> <p>(4) "Avigation Easement" means an easement granted for the free and unobstructed use and passage of aircraft over, across, and through the airspace above, or in the vicinity of property.</p> <p>(5) "Civil Airport Imaginary Surfaces" means the imaginary airspace (primary, approach, transitional, horizontal and conical surfaces) designated by the Federal Aviation Administration and as defined by FAR, Part 77.</p> <p>(6) "Established Airport Elevation" means the highest point of an airport's usable landing area, measured in feet above mean sea level.</p> <p>(7) "Hazard to Air Navigation" means an official determination by the FAA that an airspace obstruction constitutes a hazard to air navigation. The FAA determination that an airspace obstruction does not constitute a "hazard to air navigation" under federal regulations does not prevent the Reviewing Official from determining that it is an airspace hazard of potentially incompatible land use under this Title.</p> <p>(8) "Potentially Incompatible Land Use" means land uses deemed potentially incompatible within the airport overlay include:</p> <ul style="list-style-type: none"> <li>(a) Those land uses located in the primary Airport Overlay, being an area bounded by the limits of the approach surface and the transitional surface within the conical surface area, that are of such intensity as to potentially endanger public health, safety or welfare. Such uses include manufactured or mobile home parks, schools, places of public assembly and multi-family residential uses;</li> <li>(b) Those land uses within the primary or secondary Airport Overlay constituting airspace hazards, as determined by the Reviewing Official.</li> </ul> <p>(9) "Runway Protection Zone" means a trapezoidal area representing the ground level at the innermost portion of the runway approach as defined in the respective airport master plan.</p>
Alley	"Alley" means a strip of land dedicated to public use providing vehicular and pedestrian access to the rear side of properties which abut and are served by a public road. (A public or private easement primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.)
Alteration	"Alteration" means the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in changes to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat.
Amateur radio antenna and support structure	"Amateur radio antenna and support structure" means any device for receiving or transmitting radio frequency signals, including any tower, pole, mast tree, or guy wire, used to support an amateur radio antenna.
Amendments	"Amendments" means a change prior to final approval or recording of a previously approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots, tracts or parcels.
Amusement park	"Amusement park" means a permanent indoor and/or outdoor facility, which may include structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or the sale of items and buildings for shows and entertainment. Also see "Outdoor Commercial Amusement".
Anemometer	"Anemometer" means a research device for measuring wind speed and is regulated as a wind tower for the purposes of this Title. An anemometer is considered a temporary use when removed after a period of 3 years or less.
Animal clinic/hospital	"Animal clinic/hospital" means a structure used for veterinary care of sick or injured animals. The boarding of animals is limited to short-term care and is accessory to the principal use. This definition does not include kennels.
Animal feeding operation	"Animal feeding operation" means a lot or facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and, where crops, vegetation forage growth, or post-harvest residues are not sustained over any portion of the lot or facility in the normal growing season, and as further defined in the Code of Federal Regulations (CFR, currently 40 CFR 122).
animal feeding operation, Concentrated	"Concentrated Animal feeding operation" means an animal feeding operation where more than 1,000 animal units are confined at the facility; and as further defined in the Code of Federal Regulations and regulated as a CAFO by the Washington State Department of Ecology. Concentrated animal feeding operations include: structure or pens for the concentrated feeding or holding of animals or poultry including, but not limited to, horses, cattle, sheep or swine. This definition includes dairy confinement areas, slaughter houses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms, but does not include animal husbandry.
Animal husbandry	"Animal husbandry" means the raising of domesticated farm animals when in the case of dairy cows, beef cattle, horses, ponies, mules, llamas, goats and sheep their primary source of food,

	other than during the winter months is from grazing in the pasture where they are kept.
Antique store	"Antique store" means an establishment offering for sale articles such as glass, china, furniture, or similar furnishings and decorations which have intrinsic value and significance as a result of age (generally 50 years or older), design or sentiment.
Apartment	"Apartment" means a room or suite of two or more rooms in a multi-family dwelling, occupied or suitable for occupancy as a residence for one family. This definition does not include "Accessory Apartments".
Appeal	"Appeal" means a request for review of an Administrative Official's or Hearing Examiner's written decision, determination, order or official interpretation.
Applicant	"Applicant" means a person submitting an application for any permit or approval required by this Title and who is the owner of the subject property or the authorized agent of the owner, as defined by this Title.
Application for development	"Application for development" means the application form and all accompanying documents and exhibits required by this Title or the Administrative Official.
Aquaculture	"Aquaculture" means keeping or raising aquatic plants or animals including, but not limited to, fish hatcheries and fish farms. This definition excludes commercial aquacultural processing, packing and storage plants. When aquaculture is clearly accessory to other land uses, such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it shall be subject to requirements applicable to the principal use. Commercial aquacultural processing, packing and storage may be considered, where appropriate, under other commercial or industrial categories.
Arterial	"Arterial" means a principal (primary), minor or collector arterial as designated by the WSDOT or proposed in the Transportation Plan or adopted in the Comprehensive Plans. Synonymous with Federal Highway Administration definition.
Attached	"Attached" means in the case of dwellings, two or more dwellings connected by a common vertical wall or roof line or in the case of multi-story buildings by a common ceiling/floor.
Auction house	"Auction house" means a structure or enclosure where goods and/ or livestock are sold by auction.
Automobile body shop	"Automobile body shop" means a facility which provides collision repair services, including body frame straightening, replacement of damaged parts and painting.
Automotive parts and supply	"Automotive parts and supply" means use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers or recreation vehicles. Stores that sell new automobile parts and accessories; may also include minor parts installation.
Automotive repair services	"Automotive repair services" means any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including, but not limited to body, fender, muffler, or upholstery work, oil change and lubrication but excludes dismantling or salvage.
Automotive service station	"Automotive service station" means a facility to supply motor fuel and other petroleum products to motor vehicles, including lubrication, and providing minor repair service and incidental sales or motor vehicle accessories.
Automotive, truck, manufactured home and/or travel trailer sales	"Automotive, truck, manufactured home and/or travel trailer sales" means a place used for the display, sale or rental of new or used automobiles, trucks, manufactured and mobile homes, travel trailers and campers.
Automotive wrecking, dismantling, salvage or junk yard	"Automobile wrecking, dismantling, salvage or junk yard" means a place used for the storage and/or sale of used automobile parts or other salvage materials and for the storage, dismantling, sorting, cleaning, or baling of wrecked automobiles, trucks, trailers, machinery and other discarded or salvage materials.

## (2) "B" Definitions.

Balloon sign	See definition for "sign, Balloon".
Banner	See definition for "sign, Banner".
Battery exchange stations	"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under

	RCW 19.27.540.
Beacon	"Beacon" means any light with one or more beams directed at one or more points not on the same lot as the light source.
Bed and breakfast (B & B) inn	"Bed and breakfast inn" means a structure designed for and occupied as a single-family residence with not more than five guestrooms used to provide temporary traveler's accommodations and meals for a fee for not more than 30 days. Bed and breakfast inns with three or more guest rooms are licensed under the Department of Health's transient accommodation license.
Beverage industries	"Beverage industries" means the production, processing and/or packaging of milk, soft drinks, fruit juices and other drinks.
Binding site plan	"Binding site plan" means a drawing or drawings to a scale of not less than one inch to one hundred feet which: (1) Identifies and shows the areas and locations of all streets, roads, drainage systems, improvements, utilities, open spaces, dedications, lots, tracts, spaces and any other matters specified in this Title and any other applicable ordinances; (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan, and (3) Contains provisions making any development upon land covered by the plan be in conformity with the site plan.
Bingo parlor	See definition for "Game room".
Bioretention	"Bioretention" means the process in which contaminants and sedimentation are removed from stormwater runoff. Stormwater is collected into the treatment area that consists of a grass buffer strip, sand bed, ponding area, organic layer or mulch layer, planting soil, and plants. Runoff passes first over or through a sand bed, which slows the runoff's velocity, distributes it evenly along the length of the ponding area that consists of a surface organic layer and/or groundcover and the underlying planting soil. The ponding area is graded, its center depressed. Water is ponded and gradually infiltrates the bioretention area or is evapotranspired. The bioretention area is graded to divert excess runoff away from itself. Stored water in the bioretention area planting soil exfiltrates over a period of days into the underlying soils.
Block	"Block" means a group of lots, tracts or parcels within well-defined and fixed boundaries.
Board of County Commissioners	"Board of County Commissioners", also abbreviated as "BOCC", or "Board", is the legislative authority of Yakima County.
Boarding or lodging house	"Boarding or lodging house" means one or more buildings, cabins, that are permanently established on site with not more than five guest rooms where lodging and meals may be provided for compensation for not more than ten persons, but shall not include apartments, family home services, health care facilities, day care centers, residential care facilities. Any number of guest rooms over five shall be considered an overnight lodging facility. Boarding or lodging houses with three or more guest rooms are licensed under the Department of Health's transient accommodation license.
Bond	"Bond" means any form of a surety bond in an amount and form satisfactory to the Board (BOCC). All bonds shall be approved by the BOCC whenever a bond is required by these regulations.
Bond, Maintenance	"Bond, Maintenance" means an insurance bond, usually for a two-year period.
Bond, Project	"Bond, Project" means a bond for construction project.
Boundary line adjustment	"Boundary line adjustment" means an action that involves the adjustment of common property lines through a boundary line correction or modification process, as set forth in this Title.
brewery, Domestic	"Brewery, domestic" means a facility where sixty thousand barrels or more of beer are processed and manufactured per year. A domestic brewery can include hop fields, grain fields, tasting and sales rooms. (Definition based on RCW 66.24.240(1).)
brewery, Micro	"Brewery, micro" means a facility where less than sixty thousand barrels of beer are processed and manufactured per year. A microbrewery can include hop fields, grain fields, tasting and sales rooms. (Based on RCW 66.24.244(1).)
brokerage offices, Transportation	"Brokerage offices, transportation" means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo.
Buildable area	"Buildable area" means that area of a lot, tract or parcel remaining after minimum required setbacks, yard areas, open space, sanitary control areas, on-site sewage system and reserve

	areas, where designated by the Yakima Health District, and excepting any floodplains, wetlands, steep slopes or manmade conditions or restrictions that would prevent construction of a habitable structure under existing County development standards.
Buildable land	"Buildable land" (for the purposes of calculating land supply for Urban Growth Areas) means land within or near the urban areas that is suitable and available for residential, commercial, and industrial uses and includes both vacant land and developed land that in the opinion of County, is likely to be redeveloped.
Buildable Lot	"Buildable lot" means that which contains a buildable area.
Building	"Building" means any structure built for the support, shelter or enclosure of persons, animals, uses or property of any kind. Where this Title requires, or where special authority granted pursuant to this Title requires that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides". Also see definition for "structure".
Building area	"Building area" means the area of a lot or parcel that delineates the limits of where a building may be lawfully placed.
Building code	"Building code" means YCC Title 13 and any other related codes as amended and adopted by Yakima County.
Building height	"Building height" means the vertical distance from grade plane to the average height of the highest roof surface.
Building Official	"Building Official" means that person or persons designated by the legislative body to enforce the provisions of the building code and the assigned provisions of this Title.
Building site	"Building site" means an area of land, consisting of one or more lots or portions of lots, that is: (1) Capable of being developed under current federal, state and local statutes, including zoning and use provisions, dimensional standards, minimum lot area, minimum lot area for construction, minimum lot width, shoreline master program provisions, critical area provisions and health and safety provisions; or (2) Currently legally developed.
Building space	"Building space" means the three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, yard setbacks and building coverage.
Business school	"Business school" means a commercial or public school providing instruction solely in professional skills such as: business management, accounting, secretarial skills, sales, marketing and merchandising.
Butcher shop	"Butcher shop" means a custom retail meat cutting operation. This definition does not include slaughtering, but does include other accessory uses such as frozen food lockers.

## (3) "C" Definitions.

Camp	"Camp" means a public or private place that offers outdoor recreational activities that may have common eating and sleeping facilities and where recreational activities or religious retreats are organized and conducted in a group under supervision and such group activities constitute the majority of the stay.
Campground	"Campground" means any parcel or tract of real property that is used or designed for camping or outdoor recreation and containing two or more camping spaces offered for the use of the public or members of an organization. [Based in part on RCW 19.105.300(13), National Association of RV Parks and Campgrounds research, and ANSI A 119.4]
Camping	"Camping" means erecting a tent or shelter or arranging bedding, or both, or parking a vehicle for the purpose of remaining overnight on land. (WAC 332-52-10)
Camping or recreational vehicle	"Camping or recreational vehicle" means vacation trailer, park trailer, fifth-wheel, self-propelled vehicle or structure equipped with wheels for highway use that is designed for human occupancy and is used for temporary, recreational or emergency purposes, but not for residential purposes. Said vehicle may be equipped with plumbing, including sink and/or toilet.
Camping site	"Camping site" means a space designed or used for the purpose of locating a trailer, tent, tent trailer, pick-up camper, or other similar device used for land-based portable shelter within an RV park or campground. (RCW 19.05.300(3))
Camping units	"Camping units" means any portable structure, shelter or vehicle designed and intended for occupancy by persons engaged in RV activities or camping within an RV park or campground.

	The basic units are: recreational vehicles, tent, portable camping cabin, tepee, yurt or other portable shelter.
Car wash	"Car wash" means a business engaged in washing, waxing and/or polishing cars and small trucks. Includes self-service car washes, automated car washes, manned car washes and auto detailing.
Card room	See definition for "Game room".
Caretaker dwelling	"Caretaker dwelling" means a single-family dwelling unit for the occupancy of guards, watchmen, or property caretakers which is accessory to a permitted use.
Center line of right-of-way	"Center line of right-of-way" means the mid-point between the future alignments of the opposite edges of right-of-way. When the County Engineer determines that the centerline will be relocated, the future centerline shall be used.
Certificate of water availability	"Certificate of water availability" means documentation submitted by the applicant at the time of application showing evidence of an adequate water supply for the proposed structure requiring potable water.
Change of use	"Change of use" means a change from one use listed in Chapter 19.14 Table of Permitted Land Uses to another use listed in the table.
Charging levels	"Charging levels" means the standardized indicators of electric force, or voltage, that an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications: (1) Level 1 is considered slow charging (120 volt AC). (2) Level 2 is considered medium charging (208 or 240 volt AC). (3) Level 3 is considered fast or rapid charging (480 volt AC).
Chicanes	"Chicanes" means the narrowing, curving and/or widening of a roadway.
Church or other place of worship	"Church or other place of worship" means a structure or group of structures that by design and construction are primarily used for organized religious services and instruction.
City	"City" means an incorporated city or town within its respective Urban Growth Area.
Classified street	"Classified street" means a street designated by the Federal Highway Administration as an arterial or collector, or proposed for such designation by the comprehensive plan.
Clean and sober facility	"Clean & sober facility" means a commercial business providing a dwelling or building for occupation by rehabilitated alcohol and/or drug users during their re-entry into the community. The Clean & Sober Facility provides residentially oriented facilities for the rehabilitation or social adjustment of persons who may need supervision or assistance in becoming socially reoriented, but who do not need institutional care. (Also see Halfway House.)
Clinic	"Clinic" means a structure for the medical examination and treatment of human patients, but without provision for keeping such patients overnight on the premises.
Closed record appeal	"Closed record appeal" means an administrative appeal or hearing, conducted by the Board of County Commissioners following an open record hearing conducted by the Hearing Examiner on a project permit application. The appeal or hearing is on the record with only appeal argument allowed. See also RCW 36.70B.020(1).
Cluster development	"Cluster development" means the arrangement or grouping of dwellings or lots to increase densities (e.g. smaller lots) on some portions of the property to preserve the remainder for either: agricultural or forest use; future infill development within urban areas; open space and other amenities associated with the property; and/or to locate on-site utility (water and sewer) system.
Collector	"Collector" means streets that are minor tributaries, gathering traffic from numerous smaller (local) streets and delivering it to and from minor arterials, as designated by the Federal Highway Administration.
Collector lines, electrical	"Collector lines, electrical" means electrical lines necessary to deliver power from a commercial energy resource facility to electric substations or interconnection facilities associated with existing or proposed transmission lines.
Commercial services	"Commercial services" means technical services and specialized care services such as lawn and garden care and delivery services, except as otherwise regulated.
Communication tower	"Communication tower" means any tower, pole, mast, whip or antenna or any combination thereof used for transmitting electronic communication through the air. This definition includes towers erected for use in the amateur radio service.

Communication tower height	"Communication tower height" means the vertical distance above the ground measured to the highest point of the communication tower.
Community center	"Community center" means a facility owned and operated by a public agency or nonprofit corporation, provided, that the principal use of the facility is for public assistance, community improvement or public assembly.
Community on-site sewage disposal system	"Community on-site sewage disposal system" means an on-site sewage disposal system that serves more than one lot within a land division or more than one individual use on a lot.
Community open space	"Community open space" means a parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use, enjoyment, as well as the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open spaces. Community open space may include neighborhood and community parks, commons, plazas, community green or lawn, landscaped buffers, or other areas, decorative plantings, formal and informal gardens, pedestrian walkways or paths, and active or passive recreation areas (swimming pools, tennis courts, playgrounds, etc.). Community open space shall not include street rights-of-way or any area within a residential lot.
Community water supply system	"Community Water Supply System" means any publicly or privately owned system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is furnished to any community, collection, or number of individuals, but excluding a water system serving one single-family residence.
Community youth center	"Community youth center" means a structure open to the general public that is owned or operated by Yakima County or another public agency or charitable nonprofit agency and that is used predominantly by children for cultural, educational, recreational or social purposes.
Compatibility	"Compatibility" means the characteristics of different uses or developments that permit them to be located near each other in harmony with or without special mitigation measures.
Comprehensive Plan	"Comprehensive Plan" means the Comprehensive Plans and any supplemental or Neighborhood plans officially adopted under RCW Chapters 36.70 and 36.70A, specifically: (1) The Yakima Urban Area Comprehensive Plan 2025, including the West Valley Neighborhood Plan and Terrace Heights Neighborhood Plan; (2) The Yakima County Comprehensive Plan; (3) The relevant portions of the Union Gap Comprehensive Plan. (4) A comprehensive plan adopted by a city or town council.
Conditions of approval	"Condition of approval" means restrictions or requirements required by a Reviewing Official pursuant to authority granted by this Title.
Connectivity	"Connectivity" means a system of streets with multiple routes and connections serving the same origins and destinations.
Construction plan	"Construction plan" means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Board as a condition of the approval of the plat.
Consulting services	See definition for "Professional business".
Context Sensitive Solutions (CSS)	"Context Sensitive Solutions" means a transportation facility design that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility. CSS is an approach that considers the total context within which a transportation improvement project will exist.
Convalescent or nursing home	"Convalescent or nursing home" means an establishment providing nursing, dietary and other personal services to convalescents, invalids or aged persons, but not mental cases and cases for contagious or communicable diseases which are customarily treated in sanitariums and hospitals.
Convenience store	"Convenience store" means a building not greater than 4,000 square feet that is used for retail sales of packaged or prepared food, beverages, lottery tickets, tobacco products, and limited stock of groceries or similar products for the traveling public or neighborhood residents. May include automotive fuel dispensing services.
Cosmetic Services	"Cosmetic Services" means tattooing, body piercing and similar services.
County	"County" means Yakima County.
County Auditor	"County Auditor" shall be defined in RCW Chapter 36.22 as it now exists or is hereafter amended.

County Engineer	"County Engineer" shall be defined as RCW Chapter 36.40 as it now exists or is hereafter amended.
County public road standards	"County public road standards" means as assigned and approved by the County Engineer.
County Treasurer	"County Treasurer" shall be defined in RCW Chapter 36.29 as it now exists or is hereafter amended.
Crime Prevention Through Environmental Design (CPTED)	"Crime prevention through environmental design" means a multi-disciplinary approach to deterring criminal behavior through environmental design. Specifically altering the physical design of the communities in which humans reside and congregate in order to deter criminal activity is the main goal of CPTED.
Crisis residential facility	"Crisis residential facility" means a protective residential facility operated to provide secure or semi-secure temporary shelter for children under the age of eighteen years.
Critical areas	"Critical areas" means all unincorporated lands under Yakima County's land use jurisdiction that are regulated under the Critical Areas Ordinance, Regional Shoreline Master Program and mean, generally, areas with a critical recharging effect on aquifers used for potable water, wetlands, hydrologically related critical areas (frequently flooded areas, wetlands), geologically hazardous areas, drainages, and fish and wildlife habitat conservation areas.
Cul-de-sac bulb	"Cul-de-sac bulb" is a road closed at one end by a circular area of sufficient size for turning vehicles around.
curb, Barrier	"Barrier curb" means a curb designed to prevent vehicles from access to sidewalks.
curb, Low impact design	"Low-impact design curb" means a curb with an approved alternative design that incorporates low-impact stormwater management design.
curb, Mountable	"Mountable curb" means a curb, including a rolled curb, designed to allow for vehicle access to sidewalks.

## (4) "D" Definitions.

Dangerous waste	"Dangerous waste" means those solid wastes designated in Washington Administrative Code, hereafter, "WAC" 173-303-70 through 173-303-103 as dangerous or extremely hazardous waste.
Day	"Day" means calendar day, unless specified otherwise. For purposes of computing any period of time, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.
Day care center	"Day care center" means a day care facility that supplies care, attention, supervision and oversight serving children regardless of whether such services are provided for compensation, as governed by Washington State DSHS licensing provisions for said day care use and conducted in accordance with said State DSHS requirements.
Day care facility	"Day care facility" means a building or structure that an agency, person or persons regularly provide care for a group of non-related individuals (children or adults) for periods of less than twenty-four hours a day. This includes family day care homes and day care centers.
Day care home, family	"Day care home, family" means family day care home located in a private home that supplies care, attention, supervision and oversight for children, as governed by Washington State DSHS licensing provision for said day care use and conducted in accordance with said State DSHS requirements.
Decision maker	"Decision maker" means the person or body that is authorized by Yakima County Code to render the final decision on a project permit application. Table 3-1 in Title 16B designates the decision maker by project permit procedure type.
Dedication	"Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which property has been devoted. The intention to dedicate shall be evidence by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit, provided that no affirmative duty to maintain or improve any dedicated land shall devolve upon Yakima County except by

	resolution of the Board of Yakima County Commissioners adopted for the purpose of undertaking a specified duty or duties as to specifically described land.
Delicatessen and other specialty food stores.	"Delicatessen and other specialty food stores" means retail food stores selling ready to eat food products such as cooked meats, prepared salads or other specialty food items. This definition includes seafood, health food and other specialty food stores having seating for no more than five (5) persons.
Density	"Density" means the method of describing the intensity of development patterns typically measured in dwelling units per acre. Gross density includes the entire property, whereas net density refers to the land available for development (e.g., less roads and critical areas).
Department	"Department" means the Yakima County Planning Division of the Public Services Department.
Designated classified road or street	"Designated classified road or street" means a corridor or alignment for the improvement of an existing facility or the addition of a future arterial or collector public road improvement that has been designated by Yakima County, on a map or in an adopted plan or comprehensive plan element, or has been identified through early assistance as necessary to provide a higher functional classification.
Desk top publishing	"Desk top publishing" means activity related to the use of computers in order to produce documents for personal use or for other uses.
Development	"Development" means any work, condition, or activity which requires a permit or approval under the Unified Land Development Code, Critical Areas Ordinance, Regional Shoreline Master Program, or YCC Title 13.
Development authorization	"Development authorization" means written authorization for development or modification of development as defined in this Title.
Development, planned residential	"Development, planned residential" means in the residential districts, the coordinated development of a single lot of not less than 12,000 square feet with a number of residential units (not less than three), residential structures and/or dwelling types including, but not limited to: apartment complexes and mobile home parks, which are designed to: (1) Maintain the character of the residential neighborhood; (2) Provide compatibility between various types of dwelling units, off-street parking and other uses with the site; (3) Share such site amenities as off-street parking, access drives, open space and recreational facilities. This definition includes the clustering of residential units on a single lot. In commercial districts, "planned residential development" means a mixed use development combining multi-family residential and commercial use into a single coordinated project.
Distillery	"Distillery" means a facility where more than 60,000 gallons of spirits are processed and manufactured per year. A distillery can include fields, tasting and sales rooms. (Based on RCW 66.24.140(1)).
Distillery, craft	"Distillery, craft" means a facility where 60,000 gallons or less of spirits are processed and manufactured per year. A craft distillery can include fields, tasting and sales rooms. (Based on RCW 66.24.140(1)).
Division of land	"Division of land" for purposes of this Title is any transaction or action that alters or affects the shape, size or legal description of any part of an owner's "land" through boundary correction or modification, long or short subdivision, binding site plan, or as otherwise permitted by law. Sale of a condominium apartment and rental or lease of a building, facility or structure which does not alter or affect the legal description of an owner's "land" shall not constitute a division of land.
Domestic farm animal	"Domestic farm animal" means animals domesticated by man to live in a tame condition. This definition includes dairy cows, beef cattle, horses, ponies, mules, llamas, alpacas, goats, sheep, rabbits, poultry and swine.
Double plumbing dry side sewer	"Double plumbing dry side sewer" means private sewer lines installed at the time of on-site sewage disposal system construction that will connect the structure's wastewater system to a public sewer when the public sewer becomes available.
Drive-through food and beverage vendor	"Drive-through food and beverage vendor" means an establishment where food or other retail items are sold from a drive-up window to a person driving a vehicle. Such establishments may include juice bars, and mobile food vendors, but do not include establishments where an adult sales practice as defined in YCC Chapter 5.06 occurs.
Driveway	"Driveway" means a means of vehicular access, beginning at the property line of a lot, tract or parcel of land abutting a public or private road that provides access to an addressable structure or unit on that lot. A driveway does not serve any other lot, parcel or tract of land and shall not



	be identified by a separate road name.
Driveway, private shared	"Private shared driveway" means a means of vehicular access, beginning at the property line of a lot, tract or parcel of land abutting a public or private road that provides access up to four separate addressable structures, lots or units, as per Chapter 19.23.
Drugstore	"Drugstore" means a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and non-prescription medicines, but where non-medical products are sold as well.
Dry line sewer	"Dry line sewer" means a public or private sewer lateral that is intended for future connection to the regional public sewer system.
Dwelling	"Dwelling" means a building, structure or portion thereof designed exclusively for residential purposes.
Dwelling, multiple-family	"Dwelling, multiple-family" means a structure or structures or portion thereof, designed exclusively for residential purposes and containing three or more attached dwelling units on a lot. See also "Apartments".
Dwelling, single-family	"Dwelling, single-family" means a detached structure designed exclusively for residential purposes containing no more than one dwelling unit. An accessory kitchen may be authorized for a single family dwelling. However, a dwelling unit with a second kitchen will not be considered to be a single family dwelling if the structure is arranged so that the structure contains complete, independent separate living area that does not qualify as an accessory apartment. Single-family dwellings are further classified by their nature of construction as follows: (1) Site built - constructed primarily at the occupancy site and permanently affixed to the ground by a foundation. (2) Modular Home - See "Modular Home". (3) Manufactured Home - See "Manufactured Home" and "Mobile Home".
Dwelling, single-family attached	"Dwelling, single-family attached" or "common wall" unit means two single-family dwellings that are attached, but with each dwelling unit located entirely on its own lot.
Dwelling, single-family detached	"Dwelling, single-family detached" means one dwelling unit located on one lot and not attached to any other dwelling unit.
Dwelling, two-family	"Dwelling, two-family" means a structure designed exclusively for residential purposes and containing two attached dwelling units on the same lot. This definition includes the term "duplex".
Dwelling unit	"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, food preparation, cooking and sanitation plumbing and electrical wiring or fuel fixtures for ovens and other cooking appliances whether or not such cabinets, fixtures and appliances are installed. Dwelling unit does not include recreational vehicles.
dwelling unit, Accessory (ADU)	"Accessory dwelling unit" means a structure meeting the purpose and requirements of Section 19.18.020 that is attached to a single-family home, or detached garage with living facilities for one individual or family separate from the primary single-family. In areas specified, accessory dwellings may be detached from other structures.

## (5) "E" Definitions.

Earthen material	"Earthen material" means sand, gravel, rock, aggregate and/or soil.
Easement	"Easement" is a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes.
Electric vehicle	"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for locomotive purpose. Electric vehicle includes: (1) Battery electric vehicle; (2) Plug-in hybrid electric vehicle; (3) Neighborhood electric vehicle; and (4) Medium speed electric vehicle.
Electric vehicle charging station	"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric vehicle infrastructure (EVI)	"Electric vehicle infrastructure" or "EVI" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including electric vehicle charging stations, rapid charging stations, and battery exchange stations.
Energy resource facility	"Energy resource facility" means those land uses involved in the production, distribution and sale of energy products by utilizing either renewable or nonrenewable energy resources such as: wind, solar, hydroelectric, geothermal, biomass, coal, oil or natural gas.
Environmental review	"Environmental review" means the procedures and requirements established by the State Environmental Policy Act, RCW Chapter 43.21C as it now exists or is hereafter amended.
Especially sensitive land uses (ESLU)	"Especially sensitive land uses" means those that are, by their nature, especially sensitive to farm, forest or mineral resource, linear transmission facilities and management practices. These land uses include dwellings (excluding caretaker dwellings), schools, day care facilities, churches or other places of worship or assembly, medical facilities such as hospitals, clinics and convalescent care facilities, outdoor recreational facilities and similar uses.
Espresso/coffee drive-through facility	"Espresso/coffee drive-through facility" means a place used to sell coffee and associated items from a drive-up window to a person driving a vehicle, but does not include establishments where an adult sales practice as defined in YCC Chapter 5.06 occurs.
Espresso/coffee stand	"Espresso/coffee stand" means a place used to sell coffee and associated items from a counter area commonly inside a building and/or structure.
Existing use	"Existing use" means a use or development legally existing or legally established prior to the effective date of this Title that has been or would be classified under this Title as a permitted, administrative or conditional use in the appropriate zoning district.

## (6) "F" Definitions.

Family	<p>"Family" means individuals, consisting of two or more persons related by blood, marriage, adoption (or a group of not more than five persons, excluding servants, who are not related by blood or marriage) living together as a single housekeeping unit in a dwelling unit.</p> <p>(1) The term "family" shall also include:</p> <ul style="list-style-type: none"> <li>(a) State licensed adult family homes required to be recognized as residential use pursuant to RCW 70.128; 175;</li> <li>(b) State licensed foster family homes and group care facilities as defined in RCW 74.15.180, subject to the exclusion of Subsection (2) of this Section;</li> <li>(c) Group homes for the disabled and consensual living arrangements equivalent to a familial setting required to be accommodated as residential uses pursuant to the Fair Housing Act amendments as the same exists or is hereafter amended and the Washington Housing Policy Act. RCW 35.63.220 and RCW 35A.63.240, respectively.</li> </ul> <p>(2) The term "family" shall exclude individuals residing in halfway houses, crisis residential centers as defined in RCW 74.15.020(3)(g), group homes licensed for juvenile offenders or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.</p>
Family home services	<p>"Family home services" means and includes the following:</p> <p>(1) Adult day care home. - "Adult day care home" means a regular family abode of a person or persons providing personal care, or special care for less than twenty-four hours to more than one but not more than six adults who are not related by blood or marriage to the person providing the services.</p> <p>(2) Adult family home. - "Adult family home" means a regular family abode of a person or persons providing personal care, or special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person providing the services.</p> <p>(3) Family day care home, child. "Child family day-care home" means a licensed child day care facility in the family residence of a state licensee providing regularly scheduled child day care for not more than twelve children in the family living quarters, including children who reside at the home.</p> <p>(4) Foster family home. "Foster family home" means a dwelling unit in which foster care is provided on a twenty-four hour basis for not more than six unrelated children, expectant mothers or persons with development disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or disabled person is placed as part of the family, and the dwelling unit is governed by the state foster care home licensing provisions and conducted in accordance with state requirements.</p> <p>(5) Group care facility, small. "Small group care facility" means a facility for handicapped, physically disabled or developmentally disabled adults, or dependent or pre-delinquent children, plus house parents, providing facilities residentially oriented in a home-like environment directed to allow a degree of community participation and human dignity not provided in an</p>

	<p>institutional atmosphere for only six or less such persons, plus house parents. Does not include "halfway house".</p> <p>(6) Licensed boarding home, small. - "Small licensed boarding home" means any home or other institution however named which is advertised, announced or maintained for the express or implied purpose of providing domiciliary assisted living services and enhanced adult residential care to three to six aged persons not related by blood or marriage.</p> <p>(7) Safe/shelter home. "Safe/shelter home" means a place of temporary refuge (e.g. shelter) that includes access to adequate food and clothing offered on a twenty-four hour, seven day-per-week basis to victims of domestic violence and their children. A safe home is a component of or has a working agreement with a domestic violence service for up to two lodging units. A shelter home includes three or more lodging units.</p>
Farm labor center	"Farm labor center" means a facility of more than eight farm labor shelters on a single lot. The shelters may either be attached, clustered in a group, or a combination thereof.
Farm labor shelter	"Farm labor shelter" means a dwelling unit used exclusively as housing for farm laborers and their immediate family members. Farm labor shelters may either be attached clustered in a group, or a combination thereof. This definition does not include camping or recreational vehicles, or mobile homes.
Feedlot	"Feedlot". (See "Animal feeding operation" and "Concentrated animal feeding operation".)
Fence	"Fence" means a barrier intended to prevent escape or intrusion, to mark a boundary or prevents people or animals from entering or leaving and are made of posts and wire or boards.
Final plat	"Final Plat" means the final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this RCW 58.17 and this Title.
Finding	"Finding" means a conclusion reached by the Reviewing Official in a review process and based on the evidence available therein.
	"Flag" means a piece of cloth, attached to a staff or pole, with distinctive colors, patterns or symbols.
Flea market	"Flea market" means an occasional or periodic market usually held in an open area, but which may be held indoors, where an individual or groups of individual sellers offer goods for sale to the public. A key element to flea markets is that there are no long-term leases between the sellers and operators and that often the sellers use their own vehicles for display or set up temporary tables or booths for their wares. (See definition for "Yard sales").
Flood damage	"Flood damage" means damages within the meaning of this Title shall include harmful inundation, water erosion of soil, stream banks and beds, stream channel shifting and changes, harmful deposition by water of eroded and shifting soils and debris upon property or in the beds of streams or other bodies of water, damages by high water to public roads, highways, bridges, utilities and to works built for protection against floods or inundation, the interruption by floods of travel, communication and commerce, and all other high water influences and results which injuriously affect the public health and the safety of property (RCW 86.16.120).
Flood risk map	"Flood risk map" means the flood boundaries for the 10, 25 and 50-year flood magnitudes as determined by FEMA, and contained in the Yakima County Flood Risk Database.
Floodplain	"Floodplain" means a land area adjoining a river, stream, watercourse or lake that has been determined likely to flood. The extent of the floodplain may vary with the frequency of flooding being considered.
Floodplain, one-hundred year	"Floodplain, one hundred-year" means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. Synonymous with the base flood extent in areas established by the Federal Emergency Management Agency (FEMA), as per FEMA Floodplain Management Bulletin 1-98 Use of Flood Insurance Study Data as Available Data).
Flood-prone	"Flood-prone" means a land area for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by information observable in the field such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data.
Floodway	"Floodway" means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
Food preparation	"Food preparation" means a business, service or facility dealing with the preparation of food items for off-site consumption. Includes: confectioneries, catering services and preparation of food items for wholesale.

Forest industries	<p>"Forest industries" include sawmills, shake and shingle mills, chippers, pole yards, log dumps, log sorting and storage areas, scaling stations, temporary crew quarters, forest industry storage and maintenance facilities, forest industry residue dumps and other uses involved in the harvesting and primary processing of timber, provided that:</p> <p>(1) The intent of the processing is initial reduction in bulk and/or to facilitate transport to secondary processing centers, although it may also include the finishing of lumber into boards, studs, timbers, and similar sawmill type products; and</p> <p>(2) Such uses shall not include the manufacture of furnished wood products such as furniture, plywood or paper, trusses, laminated products, etc.</p>
Fraternal organizations, lodges and clubs	"Fraternal organizations, lodges and clubs" means a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and informal written membership requirements. May include eating facilities, or meeting or reception halls.
Full-movement intersection	"Full-movement intersection" means an intersection that allows turns onto and from each intersecting roadway.

(7) "G" Definitions. <sup>6</sup>

Game room	"Game room" means a commercial facility or a portion thereof, open to the general public, in which card games, pool, electronic games, bingo, etc., are played; provided, however, that this definition shall exclude "Social Card Room" as defined herein. Also, see "Meeting Hall".
Garage	"Garage" means an accessory building or an accessory portion of the main building, designed or used only for storage by the occupants of the main building.
Gift shop	"Gift shop" means a business primarily engaged in the retail sale of combined lines of gifts and novelty merchandise, souvenirs, greeting cards, balloons, holiday decorations, curios, crafts, and miscellaneous small art goods.
Glamping	"Glamping" means a form of 'glamorous camping' at a transient occupancy facility, where guests occupy detached permanent upscale tent units or similar units (tepees and yurts) and vintage recreational vehicles but which are not conventional hotel, motel or cabin facilities and are not camping as defined within County Code. Payment for accommodations specifically includes overnight lodging, and transient occupancy tax. Glamping facilities with three or more units are licensed under the Department of Health's transient accommodation license.
Glare	"Glare" means the reflection of harsh, bright light.
Grade	"Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or when the property line is more than five feet from the building, between the building and a line five feet from the building.
Grade plane	"Grade plane" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.
Gross floor	"Gross floor" means the total square footage of all floors in a structure as measured from the interior surface of each exterior wall of the structure and including halls, lobbies, enclosed porches and fully enclosed recreational areas and balconies, but excluding stairways, elevator shafts, attic space, mechanical rooms, restrooms, uncovered steps and fire escapes, private garages, carports and off-street parking and loading spaces.
Group home	"Group home" means a place for handicapped, physically or developmentally disabled adults or dependent or pre-delinquent children providing special care in a homelike environment. This definition does not include homes of this nature for six or fewer persons, excluding house parents which are protected by state or federal law as residential uses.
Guest ranch	"Guest ranch" means a specialized camp offering activities such as western ranching and offering sleeping and eating accommodations and outdoor recreational activities directly related to existing ranching operations. Guest ranches with three or more guest rooms are licensed under the Department of Health's transient accommodation license.

## 6 "H" Definitions.

The Yakima County Code is current through Ordinance 7-2018, passed December 18, 2018.

Halfway house	"Halfway house" means residentially oriented facilities that provide: (1) State licensed group care homes for juvenile delinquents; (2) Houses providing residence in lieu of institutional sentencing; (3) Houses providing residence to individuals needing correctional institutionalization; and (4) Detoxification centers licensed by the state where alcohol and drug abusers can be placed in lieu of incarceration for detoxification and treatment from effects of alcohol and drugs. Also see Clean & Sober.
Hard surfaced	"Hard surfaced" means a surface made of Portland cement concrete, asphalt concrete or bituminous surface treatment (BST) materials and constructed following proper engineering practices.
Hazardous materials	"Hazardous materials" means any item listed as hazardous by a Federal Agency, the State Department of Ecology or the Yakima Regional Clean Air Agency.
Hazardous waste	"Hazardous waste" means and includes all dangerous and extremely hazardous waste, including petroleum contaminated soils. Hazardous waste management, treatment or storage facilities, whether on or off-site, are subject to the requirements of Chapter 70.105 RCW and the state siting criteria adopted pursuant to statute.
Hazardous waste generator	"Hazardous waste generator" means any person or site whose act or process produces dangerous waste or whose act or process first causes a dangerous waste to become subject to the Dangerous Waste Regulations, Chapter 173-303 WAC.
Hazardous waste, off-site	"Hazardous waste, off-site" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.
Hazardous waste, on-site	"Hazardous waste, on-site" means hazardous waste treatment and storage facilities that treat and store wastes generated on the same lot.
Hazardous waste, storage	"Hazardous waste, storage" means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.
Hazardous waste, treatment	"Hazardous waste, treatment" means the physical, chemical or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.
Health care facilities	"Health care facilities" means and includes the terms alcoholism/substance abuse treatment facility, hospice, hospital, psychiatric hospital, convalescent or nursing home ambulatory surgical facility, sanitarium that are further defined as follows: (1) "Alcoholism/substance abuse treatment facility" means a private place or establishment, other than a hospital, licensed by the state and operated primarily for the inpatient treatment of alcoholism and other substance abuse problems. May include outpatient treatment. (2) "Convalescent or nursing home" means any home place or institution that operates or maintains facilities providing convalescent or chronic care, or both for a period in excess of 24 consecutive hours, who by reason of illness or infirmity are unable properly to care for themselves. (3) "Hospice care" means palliative care provided to a terminally ill person in a place of temporary or permanent residence that alleviates physical symptoms, including pain, as well as alleviates the emotional and spiritual discomfort associated with dying. (4) "Hospital" means an institution providing clinical, temporary and emergency services of a medical or surgical nature to human patients that are licensed by state law to provide facilities and services for surgery, obstetrics and general medical practice, as distinguished from clinical treatment of mental and nervous disorders. (5) "Sanitarium or sanatorium" means a health station or retreat or other place where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to patients and injured persons and is licensed by state agencies under provision of law to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders.
Hearing Examiner	"Hearing Examiner" or "Examiner" means that person appointed by the Board of Commissioners to conduct open record hearings on project permit applications.
Historic landmark	"Historic landmark" means an individual site or feature (which may or may not be a structure), or a site with a structure or structures on it, of particular importance because of its unique architectural, historical, cultural, or archaeological features.
Home business	"Home business" means the accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services in the home.
Home business, major	"Home business, major" means any occupation, that is clearly secondary to the main use of the

	premises as a dwelling place, and does not change the character thereof or have any exterior evidence of such secondary use (e.g., outward physical appearance, outdoor storage of materials, supplies or vehicles, noise, electrical interference, lighting, vibrations) other than signing as permitted in the zoning district in which it is situated. Major home businesses may be conducted within the dwelling unit, attached or detached garage, or accessory structure, by members of a family residing in the dwelling, and non-resident individuals, when authorized in accordance with Chapter 19.18.
Home business, minor	"Home business, minor" means any occupation that is clearly secondary to the main use of the premises, as a dwelling place and does not change the character thereof or have any exterior evidence of such secondary uses (e.g., outward physical appearance, storage of materials, supplies or vehicles, noise, electrical interference) other than signing, as permitted in the zoning district in that it is situated. Minor home businesses are conducted within the dwelling unit and/or attached garage by members of a family residing in the dwelling. Minor home businesses are limited to those of a service character, but may include limited retail sales directly related to the home business.
Home occupation, business administration	"Home occupation, business administration" means the accessory use of a dwelling as an administrative office for an occupation conducted away from the home. The home is used for phone calls, mail and completing paperwork associated with business. This definition does not include manufacturing, sales, repair or other services.
Homeowners association	"Homeowners association" means a community association, other than a condominium association, in which individual owners share ownership or maintenance responsibilities for open space or facilities.
Hulk hauler	"Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle or scrap processor in substantially the same form in which they are obtained. A hulk hauler may not sell secondhand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, that may be sold to a licensed vehicle wrecker or disposed of at a public facility for waste disposal. (RCW 46.79.010).

## (9) "I" Definitions.

ICC valuation data	"ICC valuation data" means the latest data adopted by the Building Official representing average cost for most buildings produced from the building valuation data published in the Building Safety Journal by the International Codes Council.
Impervious surface	"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. It includes most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, patios and other similar structures.
Incompatible	"Incompatible" means the transfer over a property line of negative economic or environmental effects, including but not limited to: traffic, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses or density, height, or mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
Individual on-site sewage disposal system	"Individual on-site sewage disposal system" means an on-site sewage disposal system serving only one lot within a development.
Individual well	"Individual Well" means a water well used for individual use. The well is an excavation or structure created in the ground by digging, driving, boring or drilling to access groundwater in underground aquifers. The well water is drawn by a pump, or using containers, such as buckets, that are raised mechanically or by hand. Wells can vary greatly in depth, water volume and water quality. Well water typically contains more minerals in solution than surface water and may require treatment to soften the water by removing minerals such as arsenic, iron and manganese.
Industrial development, major	"Industrial development, major" means a master planned location for a specific manufacturing, industrial, or commercial business that: (1) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (2) Is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multi-tenant office parks.
Intensity	"Intensity" means a combination of factors (such as visual appearance and building size, traffic generation, noise, dust, light, and economic value) associated with a particular use that determines the potential impact of that use on neighboring land uses. The higher the intensity
	the greater the possible impact on neighboring land uses. Generally the intensity of a land use will determine its compatibility with other types of land uses.
Irrigation and/or drainage facilities	"Irrigation and/or drainage facilities" means all irrigation and/or drainage structures, including, but not limited to, standpipes, weir boxes, pipelines, ditches, pump houses, culverts, etc.

## (10) "J" Definitions.

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## (11) "K" Definitions.

Kennel	"Kennel" means a building, enclosure or portion of any premises in or at which dogs are boarded or kept or maintained by any person other than the owner thereof, or in or at which six or more dogs over the age of four months are kept or maintained. This definition shall include boarding and fostering kennels, rehabilitation centers for other animals, but not pet shops, animal hospitals or zoos.
Kitchen	"Kitchen" means a room or an area equipped with permanent provisions for preparing and cooking food. Such provisions [may] include cabinetry, plumbing and electrical wiring or fuel fixtures for ovens and other cooking appliances whether or not such cabinets, fixtures and appliances are installed.
Kitchen, accessory residential	"Kitchen, accessory residential" means a second kitchen, in addition to the principal kitchen serving the single-family dwelling that is incidental to the primary single-family dwelling and is located in the same dwelling or on the same lot. This definition does not include catering kitchens operated as a home business.

## (12) "L" Definitions.

Land	"Land" means a legally created lot, tract, parcel, site or division that is shown on an officially recorded plat or short plat, or is specifically described as a separate unit of property on a deed executed prior to May 28, 1975.
Land Division	See definition of "Division of land".
Land use	"Land use" means the manner in which land and structures are used.
Landscape architect	"Landscape architect" means a person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the State Licensing Board through certification as a landscape architect.
Landscape contractor	"Landscape contractor" means a business licensed by the state and principally engaged in the decorative and functional alteration, planting, and maintenance of grounds.
Landscaping	"Landscaping" means the arrangement and planting of trees, grass, ground cover, shrubs, flowers, xeriscaping, and the placement of site screening, pedestrian or bicycle pathways to achieve functional and/or aesthetic enhancement.
Large on-site sewage system	"Large on-site sewage system" means an on-site sewage system with design flows of between three thousand five hundred gallons per day and one hundred thousand gallons per day.
Legislative body	"Legislative body" means the Board of Yakima County Commissioners.
Linear transmission facility	"Linear transmission facility" means those physical facilities necessary for the distribution of energy resources to serve a broader community or regional area, including but not limited to: (1) Electrical transmission lines 150 kV or greater; (2) Pipelines for petroleum or petroleum products with an inside diameter of six (6) inches or greater and exceeding five (5) miles in length; (3) Pipelines for natural gas, synthetic natural gas, or liquid propane gas with an inside diameter of twelve (12) inches or greater and exceeding five (5) miles in length; (4) Underground gas storage facilities with capacity exceeding 100x10 <sup>6</sup> standard cubic feet per day; and (5) Other similar utility or energy facilities not meeting the definition of "Utility Services".

Linear transmission facility, minor revision	"Linear transmission facility, minor revision" means revisions to an existing linear transmission facility that are within the scope of previous environmental review, are generally consistent with permit conditions, and do not constitute a major deviation from the permit. If multiple requests for minor revisions to the same project are submitted, they shall be considered cumulatively.
Livestock event facility	"Livestock event facility" means those uses normally established for the purpose of holding livestock oriented events, such as rodeos, horsemanship competitions, or team penning. This definition also includes practice facilities for such events if open to the public, riding clubs, or other groups.
Loading space	"Loading space" means an off-street space on the same lot with a structure or use, or contiguous to a group of structures or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials and which abuts a street, alley or other appropriate means of access and egress.
Local street system	"Local street system" means the interconnected system of unclassified collectors and local access streets providing access to a development from classified collector or arterial streets.
Lot	"Lot" means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, being of sufficient area and dimension to meet minimum zoning requirements and intended to be used, developed or built upon as a unit, as opposed to a fractional portion thereof.
Lot area	"Lot area" means the total horizontal area within the boundary lines of a lot.
lot, Corner	"Corner lot" means a lot abutting two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees. See <a href="#">Figure</a>

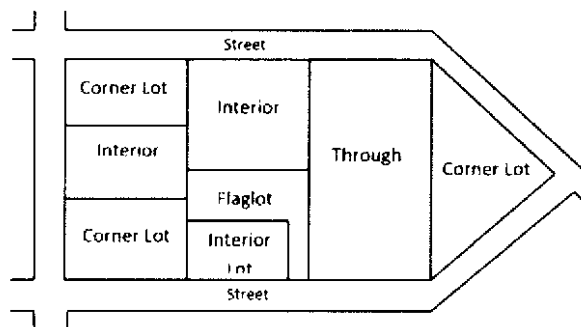
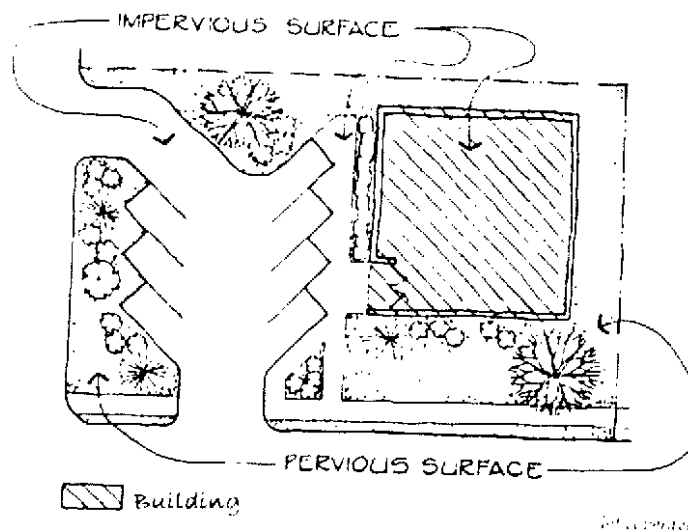


FIG. 2-2

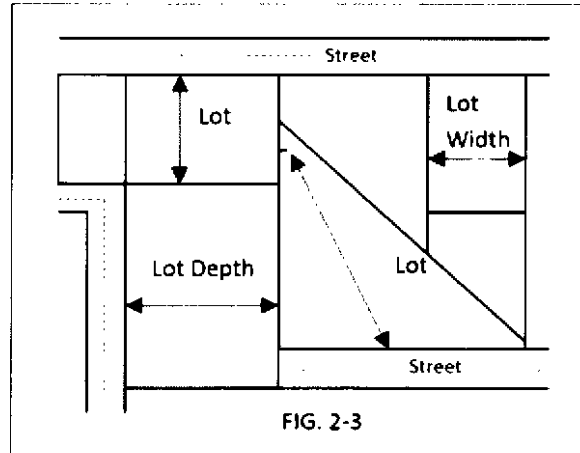
Lot coverage	"Lot coverage" means the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces.
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Lot depth

“Lot depth” means the horizontal length of a straight line drawn from the mid-point of the front lot line to the midpoint of the rear lot line. See Figure 2-3.

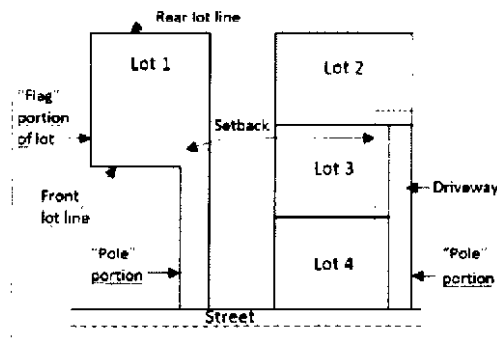


lot, Exterior

“Exterior lot” means any lot located outside the boundaries of a proposed plat or short plat.

lot, Flag

“Flag lot” means a lot or parcel that has access to a road, street or easement, by means of a narrow strip of lot or easement.



Lot 1 is a flaglot whose flagpole is part of the lot.

Lots 2, 3 and 4 are also flaglots because they obtain access via a narrow strip of easement that is part of Lots 3 and 4.

The area within the driveway easement is included in the lot area calculations for Lots 3 and 4.

lot, Interior

“Interior lot” means any lot located within the boundaries of a proposed plat or short plat.

lot line, Front

“Front lot line” means the property line separating the lot from the road. For the purpose of establishing the front lot line for a corner lot, through lot or flag lot, the following shall apply:

- (1) In the case of a corner lot or through lot, the front lot line shall be the property line with the narrowest road frontage, except, the Building Official or his designee, shall designate the front lot line for corner lots or through lots in residential zoning districts.
- (2) For a flag lot, when the access easement or right-of-way extends across the lot, the front lot line shall be the line separating the lot from the right-of-way or access easement. When the right-of-way or access easement does not extend across the property, the front line shall be determined by the Building Official. Where the Building Official determines the front of the lot, consideration will be given to owner preference and public safety issues.

lot line, Interior

“Interior lot line” means in the case of zero lot line development, the property line separating a zero lot line from:

- (1) Another zero lot line or

(2) Adjoining common open space. See Figure 2-4.

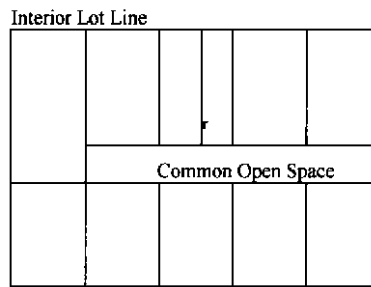


FIG. 2-4

lot line, Rear	<p>“Rear lot line” means the property line that is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or where the rear line of the lot is formed by two or more lines, the following shall apply:</p> <p>(1) For a triangular or gore shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line;</p> <p>(2) In the case of a trapezoidal lot, the rear line that is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line;</p> <p>(3) In the case of a pentagonal lot, the rear boundary that includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.</p>
lot line, Side	<p>“Side lot line” means any lot boundary line not a front lot line or rear lot line.</p>
lot, Nonconforming	<p>“Nonconforming lot” means a lot that was lawfully established prior to the adoption or applicable amendment of this Title, which fails to conform to the present area or dimensional requirements of this Title, excluding undersized lots as defined below.</p>
lot, Resultant	<p>“Resultant lot” means the newly created unit of property in an application processed in accordance with this Title and is a fractional part of subdivided lands having fixed boundaries. The resultant lot may not contain sufficient area and dimension to meet minimum zoning requirements for width and area if the application altered one or more nonconforming lots in any way. The term shall be synonymous with “new lots” or “newly created lots.”</p>
lot, Taxable	<p>“Taxable lot” is a parcel which appears on the Yakima County Assessor’s map and has been assigned a tax parcel number by the Assessor. Tax parcel numbers are assigned for billing purposes. A tax parcel number is not necessarily an indication that the lot was legally created.</p>
lot, Through	<p>“Through lot” means an interior lot having frontage on two streets.</p>
lot, Undersized	<p>“Undersized lot” means small lots, clustered lots and parcels reconfigured from existing parcels as authorized by Yakima County pursuant to applications submitted after May 20, 1997 renders a resulting parcel undersized rather than nonconforming in status.</p>
Lot width	<p>“Lot width” means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines, provided that the length of the line constituting the rear line of the required front yard shall never be less than fifty feet.</p>
Low impact design	<p>“Low impact design” means stormwater management and land development strategies that emphasizes conservation and use of existing natural site features integrated with disturbed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial and industrial settings. Low impact design addresses stormwater management and land development that is applied at the parcel and subdivisions scale that emphasis conservation and use of on-site natural features.</p>

### (13) “M” Definitions.

MAI	<p>“MAI” means an appraisal performed by an appraiser who has completed the MAI Appraisal Institute’s class offerings and holds the designation Member of the Appraisal Institute (MAI).</p>
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Manufactured home	"Manufactured home" means a factory assembled single-family dwelling as also defined by WAC 296-150M and built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act. A manufactured home also: includes plumbing, heating, air conditioning, and electrical systems; is built on a permanent chassis; and can be transported in one or more sections. The distinction between a single-wide, double-wide or triple-wide manufactured home relates to the corresponding number of sections the home is delivered to the site. The term shall not include mobile home, recreational vehicle, commercial coach, camping vehicle, travel trailer, tip-out, or any other similar vehicle not labeled as a manufactured home under federal or state law.
Manufactured structure	"Manufactured structure" means a building manufactured with the intent of being transported to a fixed site and constructed in accordance with the International Building Codes as adopted by the County.
Marina	"Marina" means a dock or basin providing moorage for watercraft and may offer supply, repair, rental or other support facilities. A marina may be either open to the public or for private use.
Massage therapy/spa	"Massage therapy/spa" means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The terms includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.
Master planned development	"Master planned development" means any urban development approved under Subtitle 19.1 of this Title. Planned Residential Development, Planned Commercial Development, Planned Industrial Development and Planned Mixed-Use Development.
Master planned resort	"Master planned resort" means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on rural destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.
Meeting or reception hall	"Meeting hall or reception hall" means a facility that groups or organizations come together for meetings and social events. This definition includes private bridge club type card rooms, Grange Halls, etc.
Mid-block pathway	"Mid-block pathway" means a public or private right-of-way across or within a block to be used by pedestrians which may also be used as a utility easement.
Mineral batching	"Mineral batching" includes the batching of sand and gravel or rock into asphalt or cement concrete.
Mineral processing	"Mineral processing" means the crushing, non-chemical washing (including sedimentation ponds), screening, sorting, stockpiling and blending of rock, sand, gravel and other earth, natural materials and/or precious metals. Processing does not include batching of sand and gravel or rock into asphaltic or Portland cement concrete products, the manufacturing of products such as concrete pipe, bricks, concrete forms and the like or the chemical blending or extraction of precious or semi-precious minerals.
Mineral resources	"Mineral resources" means rock, gravel, sand and metallic and non-metallic substances of commercial value.
Mining	"Mining" means all or any part of, the process involved in quarrying, mineral extraction, crushing, asphalt mixing plants, concrete batch plants, or other uses of a similar nature, but does not include petroleum or natural gas exploration or production.
Mining site/operation	"Mining site/operation" means a tract of land and the operations necessary to excavate, process, stockpile, or remove materials such as sand, gravel, aggregate, rock or other mineral resources. The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this Title, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g. residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if: processing of the material does not occur on the property; the activity is completed quickly, does not occur over an extended period of time, and on-site stockpiles are fully depleted; and a mining permit is not required from the Department of Natural Resources.
Mixed use building	"Mixed use building" means a building in a commercial district or planned development used partly for residential use and partly for a community facility or commercial use.
Mixed use development	"Mixed use development" means use of the land or structure for two or more different uses.

Mobile home	"Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than HUD Manufactured Housing Code, and acceptable under applicable state codes in effect at the time of construction or the introduction of the home into the state. This definition does not include: modular homes, manufactured homes; park models; or camping vehicles, travel trailers, tip-outs, commercial coaches, recreational vehicles, motor homes and any other similar vehicle that are not intended, designed, constructed or used for residential purposes.
Mobile home park expansion	"Mobile home park expansion" means the preparation of additional sites for mobile or manufactured homes (including the installation of utilities, final site grading, the pouring of concrete pads and the construction of streets).
Mobile or manufactured home park	"Mobile or manufactured home park" means a parcel of land utilized for the placement of two or more mobile homes, and/or manufactured homes. Except, this definition does not include permitted mobile home or manufactured home sales lots, or manufactured homes in approved farm labor shelters or centers.
Modification (of use or development)	"Modification (of use or development)" means any change or alteration in the occupancy, arrangement, placement or construction of any existing use, structure or associated site improvement, and any change or alteration of land.
Modular home	"Modular home" means a residential structure that meets the requirements of the International Building Code and is constructed in a factory and transported to the building site. Modular homes are not subject to special review; they are subject to the same review standards as a site built home.
Motel	"Motel" means an individual building or group of attached or detached buildings containing guest rooms, together with conveniently located parking space on the same lot, which are designed, used or intended to be used for the accommodation of automobile transients. The term includes auto courts, motor lodges and tourist courts. See also definition for "overnight lodging facility."
Multiple occupancy building	"Multiple occupancy building" means a single structure housing more than one retail business, office or commercial venture.
Multiple-use complex	"Multiple-use complex" means a group of two or more uses sharing the same lot, access and/or parking facilities, or a coordinated site plan. For purposes of calculating sign area each multiple-use complex shall be considered a single use.
Municipal solid waste landfill unit (MSWLF unit)	"Municipal solid waste landfill unit" means a discrete area of land or an excavation that receives household waste, and that is not a land application site, surface impoundment, injection well, or pile, as those terms are defined under Chapter 173-350 WAC, Solid waste handling standards or Chapter 173-218 WAC, underground injection control program. A MSWLF unit also may receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally-exempt small quantity generator waste, and industrial solid waste. Such landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion.

(14) "N" Definitions.

Natural stream	"Natural stream" means a natural, e.g. (rivers, rivulet or brook), body of running water flowing on or under the earth that flows in a channel or water-course.
Nonagricultural accessory use	"Nonagricultural accessory use" means nonagricultural accessory uses and activities that are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses. (RCW 36.70A.177(3)(b)(ii))
Nonagricultural use	"Nonagricultural use" means one that does not meet the definition of agriculture.
Nonconforming building or structure	"Nonconforming building or structure" means a building or structure that was lawfully established prior to the adoption or applicable amendment of this Title, which fails by reason of such adoption or amendment to conform to the present setback, lot coverage, or other development requirements of this Title.
Nonconforming lot	"Nonconforming lot". See definition of "Lot, nonconforming".
Nonconforming use	"Nonconforming use" means a use of land, buildings or structures that were lawfully established prior to the adoption or applicable amendment of this Title and since maintained, that fails by reason of such adoption or amendment to conform to the present land use regulations established by this Title.

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

Occasion	"Occasion" means a special event or a specific time when something is possible or when something will happen.
Occupancy	"Occupancy" means the purpose for which a structure, portion of a structure, or lot is used or intended to be used. For purposes of this Title, a change of occupancy is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of use.
Occupied	"Occupied" means to reside in, make use of for amusement, educational or similar purposes, to make use of for commercial purposes, or to make use of for industrial purposes and includes the term designed or intended to be occupied.
Off-road vehicle (ORV)	"Off-road vehicle (ORV)" means any motorized vehicle designed for or capable of cross-country travel without benefit of a road or trail, or immediately over land, snow, ice, marsh or other wetland types, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle; an ATV; an off-highway vehicle, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle; an amphibious machine; a ground effect air cushion vehicle; or other means of transportation deriving motive power from a source other than muscle or wind.
Off-road vehicle recreation facilities	<p>"Off-road vehicle recreation facilities" means facilities that include motor-cross courses, jeep courses, snowmobile courses and similar facilities where there have been physical improvements made to the property either deliberately or inherently. However, use of "Off-road recreation vehicles" shall not constitute "Off-road vehicle recreation facilities" where the vehicle is:</p> <p>(1) Used for farming, military, fire, emergency, or law enforcement purposes;</p> <p>(2) Used by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which the company has an easement;</p> <p>(3) A construction or logging vehicle used in performance of the vehicle's common function; or</p> <p>(4) Agricultural or garden equipment, like tractors or lawnmowers, used for their intended purpose.</p>
Open record hearing	"Open record hearing" means a public hearing, conducted by the Hearing Examiner. The hearing creates the evidentiary record pursuant to procedures prescribed by ordinance or resolution. Open record hearings either result in a recommendation to the Board of Commissioners or a final decision on a project permit application, or constitute an appeal of an administrative decision on a project permit application. See also RCW 36.70B.020(3).
Open space	<p>"Open space" means any land or area, the preservation of which in its present use would:</p> <p>(1) Conserve and enhance natural or scenic resources; or</p> <p>(2) Protect streams or water supply; or</p> <p>(3) Promote conservation of soils, wetlands, beaches, or tidal marshes; or</p> <p>(4) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or</p> <p>(5) Enhance recreation opportunities.</p> <p>As referred to in the clustering provisions of this Title, open spaces also means a defined portion of the property on which no residential, commercial, or industrial buildings are located; except, agricultural buildings and buildings enclosing utility improvements, such as a pumping station or well house. When constructed, such improvements shall be of a nature that will not preclude use of the land for future development once the appropriate zoning, utilities (public water and sewer service) and other infrastructure is in place. Covenants may be required to assure control of noxious weeds, fire hazards, abandoned orchards and other nuisances.</p>
Open space, common	"Open space, common" means open space within or related to a development that is not dedicated for public use, but is designed, intended and legally committed for the common use or enjoyment of the residents of the development.
Open space, management plan, farm or forest	"Open space, management plan, farm or forest" means a site plan and supporting documents for a defined area that controls the development of the site and identifies permitted uses, construction activities, vegetation and a party or parties responsible for maintaining the site.

Optional consolidated permit review	"Optional consolidated permit review" means that process authorized by RCW 36.70B.060 and 36.70B.120 that is the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all project permits requested by an applicant for all or part of a project action and a designated permit coordinator.
Outdoor amusements	"Outdoor amusements" means those amusements including: fairgrounds, outdoor sports facilities, racetracks, and other similar uses, not otherwise specifically defined.
Outdoor living area	"Outdoor living area" means an on-site area of lawn, garden, court, patio, pool or balcony in addition to the required off-street parking areas, driveways, service areas or areas of unstable slope.
Overnight lodging facility	"Overnight lodging facility" means a commercial establishment consisting of motel and hotel units, cabins, that are permanently established on site and in which there are six or more guest rooms for transient lodging accommodations on a daily rate to the general public. Such establishments may include additional services such as restaurants, meeting rooms, spas, concierge services, and recreational facilities. This definition is inclusive of "glamping," but does not include mobile homes, camping or recreational vehicles. Overnight lodging facilities are licensed under the Department of Health's transient accommodation license.
Owner	"Owner" means that person shown on the records of the County Auditor to be the owner of a particular property and in control of that property, and any person, agent, firm, corporation, or partnership that alone, jointly, or severally with others: (1) Has legal or equitable title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof, such as a contract vendor; and (2) Has charge, care, or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner.

(16) "P" Definitions.

Parcel	"Parcel" means any portion, piece or division of land; fractional part or subdivision of block, according to plat or survey; portion of platted territory measured and set apart for individual and private use and occupancy.
parcel, Remainder	"Remainder parcel" means the remainder parcel of a cluster development, or land division in a zone with flexible parcel sizes. In a cluster development, the remainder parcel contains land within the development and is devoted to open space, resource or other authorized use. The remainder parcel may or may not also include land eligible for further division if the development contains unused density.
Park	"Park" means a public or privately owned area with facilities for active or passive recreation by the public.
Park model	"Park model" means a recreational park trailer, as defined by WAC 296-150P-0020 and approved as such by the Washington State Department of Labor and Industries, as evidenced by a State-plan insignia. (See WAC 296-150P.)
Parking angle	"Parking angle" means the angle formed by a parking stall and the edge of a parking bay, wall or driveway of the parking facility, ranging from zero to ninety degrees.
Parking bay	"Parking bay" means the section of a parking facility containing a driveway or parking aisle and containing one or two rows of parking stalls.
Parking lot	"Parking lot" means a facility designed to serve parking for five (5) or more parking spaces.
parking, Off-street	"Off-street parking" means a parking space and associated driveway located beyond the right-of-way of a highway, street or alley.
Parking space	"Parking space" means an off-street area that is paved, drained, maintained and used for the temporary storage of one motor vehicle.
Parking stall	"Parking stall" means a clearly marked area that one vehicle is to be parked, a parking space.
parking, Tandem	"Tandem parking" means the placement of parking spaces one behind the other, so that the space nearest the driveway or street access serves as the only means of access to the other space.
Parkway	"Parkway" means a type of limited access roadway that typically includes a landscaped median and landscaping or an open space on either side.
Party of record	"Party of record" means the applicant and any other person who has submitted written comment on any action or proposed action, or who has appeared at a public hearing or public meeting and signed an official register requesting notice of further action.

Permit	"Permit" means written governmental approval issued by an authorized official, empowering the holder thereof to take some action permitted only upon issuance of written approval.
Personal services	"Personal services" means a business providing specialized services such as: interior home or business design, shopping services, except as otherwise regulated.
Personal wind energy tower	"Personal wind energy tower" means a system designed for providing a source of electrical power to an existing or new building or facilities, wherein the power generated is used primarily for on-site consumption and generates 25kW or less. The system consists of a vertical or horizontal wind turbine and associated controls and may include a tower.
Personal wireless services	"Personal wireless services," as defined in RCW 58.17.040(8), means any federally licensed personal wireless service. This definition also include "personal wireless facilities," as defined in RCW 58.17.040(8), means unstaffed facilities used for the transmission or reception, or both, of wireless communication services including, but not limited to, antenna arrays, transmission cables, equipment shelters, and support structures.
Pet	"Pet" means a domesticated animal kept for pleasure or as a hobby rather than utility.
Pet day care	"Pet day care" means a building or structure that an agency, person or persons regularly provide care for pets, but not including overnight stays. Uses not meeting this definition shall be considered kennels.
Planning Commission	"Planning Commission" means the Planning Commission duly constituted by the Yakima County Legislative Body.
Planning Division	"Planning Division" means the Yakima County Planning Division of the Public Services Department.
Plat or Regular plat	"Plat" or "Regular plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other division and dedications.
Policy plan map	"Policy plan map" means the official Future Land Use Map adopted in a comprehensive plan or sub-area plan. This definition includes any overlay maps adopted in a comprehensive plan or sub-area plan.
Preliminary plat	"Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this Title. The preliminary plat shall serve as the basis for the approval or disapproval of the general layout of a subdivision.
Preschool	See definition for "Day care center".
Private access easement	"Private access easement" means any private easement for the purpose of ingress and egress that is not dedicated to the public and that is owned by the underlying owners of land over which it crosses.
Private road	"Private Road" means a road not accepted for maintenance by the County, the State Department of Transportation, or any other political subdivision of the State.
Private water system	See definition for "Water System, Individual".
Product assemblage	"Product assemblage" means a business or service involved in assembling products for off-site sales.
Professional business	"Professional business" means a business primarily engaged in administrative or service related functions and dependent upon professional staff such as lawyers, doctors, realtors, travel agents, bankers, accountants, engineers, and consultants, or providing administrative governmental services.
Professional land surveyor	"Professional land surveyor" means an individual licensed by the state to practice land surveying under the provision of RCW 18.43. Synonymous with Surveyor.
Project permit or project permit application	"Project permit" or "project permit application", or "project application", or "permit", means any land use or environmental permit or license required for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional use permits, Shoreline permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or sub-area plan, but excluding the adoption or amendment of a comprehensive plan, sub-area plan, or development regulations, except as otherwise specifically included in this Section. See also RCW 36.70B.020(4).
Property owner	"Property owner" means the legal owner or owners of the property.

Public buildings and uses	"Public buildings and uses" means those public or quasi-public buildings and uses of a public works, public service, public safety or public utility nature not defined or listed elsewhere in this Title. These buildings and uses characteristically may be hard to locate, need close proximity to utility corridors, require a location within a service area or specific site, or need access onto an urban arterial or rural collector. Such buildings and uses include, but are not limited to: water towers, park & ride lots, interpretive centers, rest stops, parks and road maintenance stockpile sites, road de-icer structures, government-owned fueling stations and the like.
Public facilities	"Public facilities" means and includes streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, storm and sanitary sewer systems, water systems, parks and recreational facilities and schools.
Public hearing	"Public hearing" means a meeting open to the public that is announced and advertised in advance that the public is given an opportunity to participate.
Public meeting	"Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application fee. See also RCW 36.70B.020(5).
Public nuisances	"Public nuisances" means any use, activity or structure that interferes with the enjoyment and use of one's property by endangering personal health or safety and/or failing to conform with the provisions, intent, or standards of the district that the use, activity or structure occurs. (Also see YCC Title 13.) This definition includes any violation of the provisions of this Title. Any violation of this Title shall be subject to prevention or abatement in an action at equity to the same extent as are other public nuisances.
Public road	"Public road" means an improved road maintained by a city, the State, the County or the federal government.
Public sewer system	"Public sewer system" means a sewerage system that is owned or operated by a city, town, municipal corporation, County, political subdivision of the State, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal and approved or under permit from the Department of Ecology. Also see definition for "Community on-site sewage disposal system".
Public water system	"Public water system" means a water system serving two or more non-farm residences. See WAC 246-290-020. Also see definition for "Water System, Public" and definition for "Community water supply system".
Public water system, area-wide	"Public water system". See definition for "Water supply system, Area-wide".

(17) "Q" Definitions.

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(18) "R" Definitions.

Rapid charging station	"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.
Recreational screen	"Recreational screen" means a protective device for recreational purposes designed to keep recreational equipment within or outside of a designated area. Such uses are typically associated with schools, parks, golf courses, swimming pools, ball fields and playgrounds.
Recreational use	"Recreational use" means and includes a wide range of establishments that operate facilities or provide services to meet varied cultural, entertainment, and recreational interests of their patrons. Such establishments typically operate facilities or provide services that enable patrons to: (1) Participate in recreational activities, such as physical exercise, golf, bowling, swimming, skating, shooting, boating or other amateur sporting activities; or (2) Pursue amusement, hobby, and leisure-time interests, such as hunting, fishing, sightseeing, gambling, scenic touring and other forms of tourism.



Recreational vehicle	"Recreational vehicle" means a vehicle built on a single chassis and designed to be self-propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, houseboats, and campers not meeting the specifications required for a manufactured home or mobile home.
Recreational vehicle park	"Recreational vehicle park" means a facility, governed by a set of public or private management rules that accommodates recreational vehicles on camping spaces. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect to water, sewage disposal, electric power, telephone and sometimes cable television.
Recycling center	"Recycling center" means a facility where discarded household products, such as aluminum and tin cans, glass, paper, plastic and other similar products are deposited, packed and stored for future reprocessing.
Refuse landfill	"Refuse landfill" means an area devoted to the disposal of refuse, including incineration, reduction, or disposal of ashes, garbage, combustible or noncombustible refuse, offal or dead animals. This definition shall include municipal solid waste landfills, inert waste disposal sites, and demolition waste disposal sites as those terms are defined by Washington Administrative Code.
Registered design professional	"Registered design professional" means an individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state.
Registered engineer	"Registered engineer" means an individual, licensed by the state to practice civil engineering.
Reserve strip	"Reserve strip" means a narrow strip of land located on the property of a proposed development permanently dedicated by the property owner to the county/city for the purpose of granting to the county/city the right to control the access of motor vehicles to and from the property.
Residential care facility	"Residential care facility" means a facility that is licensed to care for at least five functionally disabled persons.
Residential density	"Residential density" means the number of dwelling units per net acre of land. This term includes dwelling unit density.
Resource lands	"Resource lands" means those lands that are designated by the comprehensive plan as having long term commercial significance for the production of agricultural products, timber or the extraction of minerals.
Restaurant	"Restaurant" means an establishment where food and beverages are prepared, cooked, served, and consumed primarily within the principal building.
Retail services	"Retail services" means uses providing services, as opposed to products to the general public. Examples are eating and drinking establishments, motels, real estate and financial offices and uses providing health education and social services.
Retail trade	"Retail trade" means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Lumberyards, office supply stores, nurseries, butcher shops, paint stores and similar uses shall be considered as retail trade establishments even though a portion of their business may be to contractors or other business establishments.
Retirement home	"Retirement home" means an establishment providing domestic care for elderly persons who are not in need of medical or nursing treatment except in the case of temporary illness. Such establishment may offer minimal convenience services, but focus on attracting elderly residents so as to provide a social support system among the residents. This definition does not include nursing, convalescent or rest homes, hospitals or sanitariums.
Reviewing Official	"Reviewing Official" means Administrative Official, Building Official, Hearing Examiner, or the Board of County Commissioners, when engaged in any review or decision-making procedure under the provision of the Titles of Yakima County Code listed in Section 16B.01.020.
Rezone	"Rezone" means to change the zoning district classification of particular lots or parcel of land.
Right-of-way, public	"Right-of-way, public" means land deeded or dedicated to, or purchased by Yakima County for existing or future public pedestrian or vehicular access.
Road	"Road" means an open way for vehicles, persons and animals, especially one lying outside of an urban district, that is improved (and maintained) portions of a right-of-way, easements, dedications, or similar reservations, that provide vehicular circulation or principal means of

	access to abutting properties. The improvements may also include utilities, pedestrian walkways, open space and recreation areas, cut and fill slopes, and drainage. "Road" also means street.
Road improvement district	"Road improvement district" means a special assessment district established in accordance with RCW 36.88 for the purpose of improving a road or roads for the benefit of adjacent to property owners.
road, Local access	"Local access road" means a public road not designated as a principal arterial, minor arterial, or collector arterial by the County. The primary purpose of a local access road is to connect property along the local access road with the arterial street system.
road, Private	"Private road" means a road not designed, built, or maintained by Yakima County, the Washington State Department of Transportation or any other political subdivision of the state. This definition does not include driveways. (Also see the definition of "access easement.")
road, Public	"Public road" means the physical improvement of the public right-of-way, including, but not limited to, surfacing, curbs, gutters and drainage facilities which is maintained and kept open by Yakima County or the State of Washington for public vehicular and pedestrian use.
Road, Yakima County System access	"Yakima County System access road" means a public road accepted into the County system and maintained by Yakima County for public use.

(19) "S" Definitions.

Satellite Management Agency	"Satellite Management Agency" - means an individual, purveyor, or entity approved by DOH (pursuant to WAC 246-295) to provide ownership and/or management and operation services to water systems.
Satellite utility system	"Satellite utility system" means a public or privately owned community water or sewer system that is operated as independent system until it can be included as part of a larger system.
School	"School" means a structure and accessory facilities that prescribed courses are taught. This definition includes elementary, junior high or high schools and institutions of higher learning, but does not include commercial schools, nursery schools, kindergartens, or day nurseries, except when operated in conjunction with a public, private or parochial school.
school, Vocational	"Vocational school" means the commercial use of a structure or land for teaching arts, crafts, or trades.
Seasonal agricultural land use	"Seasonal agricultural land use" means outdoor crop production as used in the context of use of existing gravel roads in Section 19.23.060 and includes use of a related agricultural building such as a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, to be used only by the property owner or his or her agent in the conduct of farming the property. This definition excludes other types of commercial structures and activities, such as dairies, wineries with tasting rooms and agricultural tourist operations.
Second hand store	"Second hand store" means a retail business that primarily sells used goods such as clothing, household items, books, furniture, appliances and other merchandise not generally considered to be antiques. (See "Antique store".)
Segregation	"Segregation" means any division of land undertaken by the County Assessor for taxation purposes. Such segregations may not constitute lots or parcels for development purposes.
Setback	"Setback" means the minimum horizontal distance required from the property line to the wall line of a building or structure, except where otherwise specified by this Title.
Setback, front	"Front setback" means the minimum horizontal distance measured perpendicularly from the centerline of the adjacent right-of-way to the nearest wall of the structure. Where there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline.
Setback, side and rear	"Side and rear setback" means the minimum horizontal distance measured perpendicularly from the nearest property line to the nearest wall of the structure. Except, that a side setback on a corner lot, along the adjacent right-of-way shall be measured perpendicularly from the centerline of the right-of-way. When there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline.
sewer system, Community	"Community sewer system" means small, self-contained sewage treatment facilities built to serve developed areas generally found outside public sewer service areas.
sewer system, Individual	"Individual sewer system" means a system designed and constructed on-site to dispose of sewage from one or two structures. Septic tank systems are the most common form of individual sewer system.
sewer system, Regional	"Regional sewer system" means a sanitary sewer system operated by a municipality or special purpose district, including facilities to collect, transmit, store, treat or dispose of wastewater.
Short plat	"Short plat" means the map or representation of a short subdivision.
Short subdivision	"Short subdivision" means the division or re-division of land into four or fewer lots, tracts, parcels, sites or divisions for

Sign	<p>the purpose of sale, lease or transfer of ownership. However, the number of lots, tracts or parcels to be regulated as short subdivisions may be increased within Urban Growth Areas to maximum of nine, as authorized by RCW 58.17.020(6).</p> <p>"Sign" means a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure (including, but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) that is used for visual communication (to announce, direct attention to, or advertise) to the public and visible to the public right of way. Letters, figures, symbols or logos, with or without illumination, or any medium including its structural component parts, used or intended to attract attention to the subject matter that identifies, advertises and/or promotes a product, good, service, place, person, firm, merchandise, point of sale or business. A sign also includes any item attached to sign structures, such as balloons, streamers, pennants, flags, inflatables or similar devices intended to attract attention.</p>
sign, Abandoned	<p>"Abandoned sign" means any sign located on property that is vacant and unoccupied for a period of six months or more, or any sign that pertains to any occupant, business or event unrelated to the present occupant or use that is not an allowed off-premises sign. <del>May include hazardous or dilapidated sign.</del> Abandoned sign also includes signs that are broken, defaced, faded, rusted, peeled or otherwise deteriorated and are not repaired within 30 days after the County provides notice of the condition.</p>
Sign area	<p>"Sign area" means that area contained within one or more perimeters that enclose the entire sign cabinet, and a rectilinear shape encompassing individual letters with no background, but excluding any support or framing structure that does not contain a logo or other symbol which advertises or promotes merchandise, services, goods, or entertainment. For example: the sign area in Figure 8-1 is the sum of the areas of the sign faces "a", "b" and "c".</p>

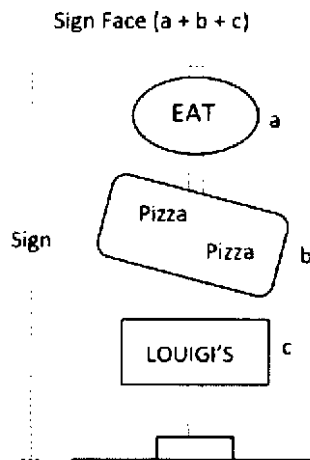
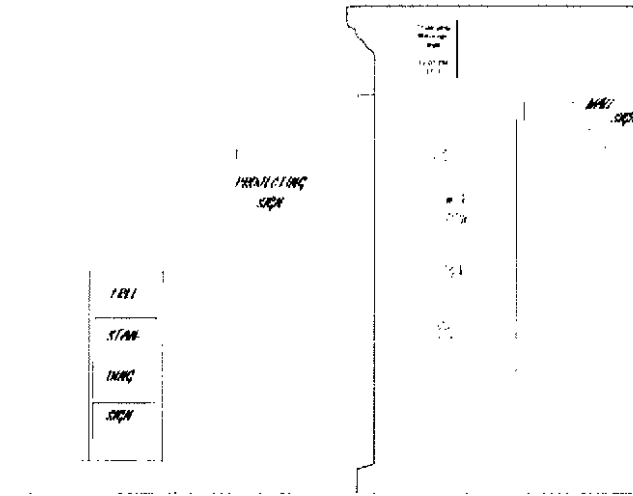


FIG. 8-1

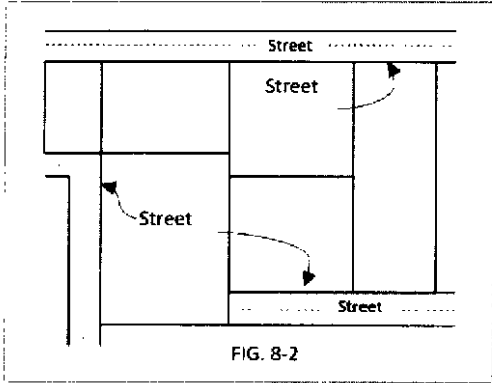
sign, Balloon	<p>"Balloon sign" means one or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.</p>
sign, Banner	<p>"Banner" means any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges that is not a "flag" as defined herein. National, state, local flags or any official flag at an institution or business will not be considered banners.</p>
sign, Billboard	<p>"Billboard, sign" means a structure for the permanent display of off-premise advertising that directs attention to a business, product, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Large outdoor advertising sign containing a message, commercial or otherwise, usually unrelated to the use or activity on the property on which the sign is located and/or to any use or activity in the immediate area (such as is the case with an off-premises sign) and which is customarily leased for commercial purposes.</p>
Sign cabinet	<p>"Sign cabinet" means the module or background containing the advertising message, but excluding sign supports, architectural framing or other decorative features, that contain no written or advertising copy.</p>
sign, Canopy	<p>"Canopy sign" means any sign that is part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.</p>
sign, Changing message center	<p>"Changing message center sign" means an electronically or manually controlled sign where different automatic changing messages and/or images, are shown on the lamp bank. This definition includes, but are not limited to, product pricing, time and temperature displays. This definition does not include video signs.</p>
sign, Construction	<p>"Construction sign" means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and to show the design of the building or the purpose that the building is intended.</p>

sign, Directional	"Directional sign" means a sign erected for the purpose of facilitating or controlling the efficient and safe movement of pedestrians or vehicles within a multi-tenant development. See also "off-premises directional sign" and "on-premises directional sign." See definitions for "Off-Premises directional sign" and "On-Premises directional sign".
sign, Flag	See definition for Flag.
sign, Flashing	"Flashing sign" means an electric sign or a portion thereof (except: changing message center sign or video sign) that changes light intensity in a sudden transitory burst, or switches on and off in a constant pattern in which more than one-third of the non-constant light source is off at any one time.
sign, Freestanding	"Freestanding sign" means any sign supported by one or more uprights, poles or braces in or upon the ground.



sign, Freeway	"Freeway sign" means an on-premises sign for certain businesses near Interstate Highway 82, in accordance with YCC 19.20.150.
sign, Grand opening	"Grand opening sign" means temporary signs, posters, banners, strings of lights, cluster of flags, balloons, searchlights used to announce the opening of a completely new enterprise or the opening of an enterprise under new management.
sign, Hazardous	"Hazardous Sign" means a sign that by reason of inadequate maintenance, dilapidation, or obsolescence creates a hazard to public health, safety or welfare.
Sign height	"Sign height" means the vertical distance measured from the grade below the sign or upper surface of the nearest street curb, whichever permits the greatest height, to the highest point of the sign.
sign, Kiosk	"Kiosk" means a system or display placed in a public place that enables consumers to have instant access to information and directions related to specific services and attractions.
Sign manufacturing and assembly	"Sign manufacturing and assembly" means the design, manufacturing and assembly of metal cased, thermo-formed, wooden, stone, neon, internally lit or electronic signs.
sign, Monument	"Monument sign" means a freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
sign, Off-Premises	"Off-Premises sign" means a sign that advertises or promotes merchandise, services, goods, or entertainment that are sold, produced, manufactured or furnished at a place other than on the property on which said sign is located.
sign, Off-Premises directional	"Off-Premises directional sign" means an off-premises sign with directions to a particular business.
sign, On-Premises	"On-Premises sign" means a sign incidental to a lawful use of the premises on which it is located, advertising the business transacted, services rendered, goods sold or products produced on the premises or the name of the business, name of the person, firm or corporation occupying the premises.
sign, On-Premises directional	"On-Premises directional sign" means a sign directing pedestrian or vehicular traffic to parking, entrances, exits, service areas, or other on-site locations of a particular business.
sign, Permanent	"Permanent sign" means a sign constructed of weather resistant material and intended for permanent use and that does not otherwise meet the definition of "temporary sign" or fall under any other provision of the sign code.
sign, Political	"Political sign" means a sign advertising a candidate or candidates for public elective offices, or a political party, or a sign urging a particular vote on a public issue decided by ballot.

sign, Portable	"Portable sign" means a sign made of wood, metal, plastic or other durable material that is not permanently attached to the ground or a structure. This definition includes sidewalk signs, sandwich boards and portable reader boards.
sign, Projecting	"Projecting sign" means a sign, other than a wall sign, that is attached to and projects from a structure or building face.
sign, Real estate	"Real estate sign" means any sign pertaining to the sale, lease or rental of land or buildings.
sign, Roof	"Roof sign" means a sign erected or mounted on a roof of a building or that is wholly dependent upon a structure, building and/or projects above the highest point of a building with a flat roof, the eave line of a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
Sign setback	"Sign setback" means the horizontal distance from the property line to the nearest edge of the sign cabinet or sign.
sign, Subdivision identification	"Subdivision identification sign" means a sign consisting of the name of a residential subdivision.
sign, Temporary	"Temporary sign" means any sign, poster, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability or rot prevention; <b>banner, pennant, valance, or advertising display constructed of cloth, paper, canvas, cardboard, or other light non-durable materials</b> used temporarily and is not permanently mounted, painted or otherwise affixed to a permanent structure or building. Temporary signs may only be made of non-durable materials including, but not limited to, paper, corrugated board, flexible plastics, foamcore board, and/or signs painted with water soluble paints or chalks. Signs made of other materials shall be considered permanent and are subject to the permanent sign regulations of this chapter. Types of displays included in this category are: grand opening, special sales and special events and yard/garage sale signs.
sign, Video	"Video sign" means an LED sign that displays all types of information from videos and commercials to flash animation and computer graphics, images and text in any combination.
sign, Wall	"Wall sign" means any on-premises sign attached to or painted directly on or erected against and parallel to the wall of a building. This definition includes canopy signs.
sign, Window	"Window sign" means any sign, picture, symbol or combination thereof, designed to communicate information about an activity, a business, person, commodity, product, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.
Site improvement	"Site improvement" means any structure or other addition to land.
site improvement, Required	"Required site improvement" means any specific design, construction requirement or site improvement that is a condition of approval for any permit issued under the provisions of this Title or is a part of any site plan approved under the provisions of this Title.
Site plan	"Site plan" means a sketch drawn to scale showing the actual dimensions and shape of the lot to be built upon, the sizes and location of existing buildings on the lot, and the location and dimensions of the proposed building, structure or alteration. The site plan incorporates such additional factors as landscaping, drainage, and others as may be specified.
Social card room	"Social card room" means a commercial facility or portion thereof, open to the general public, that house-banked social card games are played, as that term is defined by RCW 9.46.0282 (or as the same may be subsequently amended hereafter), or in which other activities occur that constitute gambling and are authorized by the Washington State Gambling Commission under RCW 9.46.070 (or as the same may be subsequently amended hereafter), to the extent that said activities include any gambling activity engaging in the use of, or associated with, slot machines (whether mechanical or electronic) or any gambling activity engaging in the use of, or associated with, any other electronic mechanism including video terminals.
Solid Waste	"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid materials that are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes, but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, wood waste, dangerous waste and problem wastes.
Solid waste drop box site	"Solid waste drop box site" means a location for the placement of a drop box facility for disposal of solid waste and recyclable materials.
Solid waste transfer station	"Solid waste transfer station" means a permanent, fixed location for the disposal of solid waste and recyclable materials for transport to a waste handling facility.
Special flood hazard area	"Special flood hazard area" means the land in the floodplain identified by the Federal Emergency Management Agency that is subject to a one percent or greater chance of flooding in any given year, commonly known as the one-hundred-year floodplain (base flood).
Specialty food store/food store, specialty	"Specialty food store/Food store, specialty". See "Delicatessen".
standard, General	"General standard" means any standard not capable of precise numerical definition, but which expresses the policies of the community in this Title and which may be applied by the Reviewing Official during Type 1, Type 2 or Type 3

	review.
standard, Specific	"Specific standard" means those numerical standards established in Chapters 19.10.
State Environmental Policy Act (SEPA)	"State Environmental Policy Act (SEPA)" - "SEPA" means the State Environmental Policy Act (Chapter 43.21C RCW), its implementing rules (Chapter 197-11 WAC), and the County's SEPA procedures.
Stockpiling of Earthen materials	"Stockpiling of Earthen materials" means permanent and/or continuous use for storage of rock, gravel, rubble, sand or soil.
Storage facilities, bulk	"Storage facilities, bulk" means either enclosed (see warehouse) or outdoor areas designed for the storage of either large quantities of materials or materials of large size. Includes the storage of vehicles when such storage is not incidental and subordinate to another land use and is not vehicle parking, automotive wrecking/dismantling yards or vehicle sales lots. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive wrecking/dismantling.
Storage facilities, commercial	"Storage facilities, commercial" means enclosed storage areas designated as support facilities for commercial activities and used for the storage of retail materials. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive wrecking/dismantling.
Storage facilities, mini	"Storage facilities, mini" means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or businesses for self-service storage of personal property, and/or recreational vehicles within the structure or screened fenced areas where allowed. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive wrecking/dismantling.
storage, Vehicle	"Vehicle storage" means keeping vehicles on a given site that are not actively used by the principal occupants of the site. This definition does not include automotive wrecking/dismantling yards or vehicle sales lots. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive wrecking/dismantling.
Streams	"Streams" means water contained within a channel, either perennial or intermittent, in which fish may spawn, reside, or through which they may pass. Streams include natural watercourses modified by man. They do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, canals, stormwater runoff facilities, or other artificial watercourses.
Street	"Street" means public or private road.
Street frontage	"Street frontage" means the length in feet of a property line or lot line bordering a public road or street. For corner lots each street-side property line shall be a separate street frontage. The frontage for a single use or development on two or more lots shall be the sum of the individual lot frontages.
 <p>FIG. 8-2</p>	
Structural alterations	<p>"Structural alterations" means:</p> <ol style="list-style-type: none"> <li>(1) Any change in a major component or other supporting members of the structure, including foundations, bearing walls, beams, columns, floor or roof joists, girders, rafters; or</li> <li>(2) Any change in the exterior lines or configuration of a structure if such changes result in the enlargement of the structure.</li> </ol>
Structure	"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, and as defined under Title 13.
structure, Temporary	"Temporary structure" means a structure without foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
Subdivider	"Subdivider" shall be defined as a person, including a corporate person, who undertakes to create, alter or expand a subdivision or short subdivision.
Subdivision	"Subdivision" is the division or re-division of land into five or more lots, tracts, parcels, sites or divisions for the purpose

	of sale, lease or transfer of ownership.
Substantial completion	"Substantial completion" when referring to transportation facilities, means that all public or private facilities are constructed, functional and operational, even though they may not be fully completed nor provisionally accepted, including sewer and water systems, storm drainage facilities and street improvements (including construction of the initial lift of asphalt or other approved surfacing), but not necessarily including sidewalks, or electrical, gas, telephone or cable services; and that the project is in full compliance with the erosion control ordinance.
Substantial improvements	"Substantial improvements" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either: (1) Before the improvement or repair is started; or (2) Before the damage occurred to a structure that has been damaged and is being restored. For the purpose of this definition "substantial improvements" occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The total value of all improvements to an individual structure undertaken subsequent to October 1, 1995, the effective date of Title 16A, shall be used to define "substantial improvements" for said structure. The term does not, however, include either: (1) Any project for improvement to a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to assure safe living conditions, or (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.
Swimming pool	"Swimming pool" means a contained body of water, used for swimming or bathing purposes, either above ground level or below ground level, with the depth of the container being more than eighteen (18) inches or they are being more than thirty-eight (38) square feet.

## (20) "T" Definitions.

Tasting room	"Tasting room" means a facility at which guests may sample and purchase alcoholic beverages and where retail sales of merchandise related to the products being tasted are sold. Level 1 food service may be offered, subject to Yakima Health District licensing, not to exceed the terms of the development authorization and zoning district.
Tavern	"Tavern" means an establishment operated primarily for the sale of wine and beer.
Technical equipment	"Technical equipment" means medical, dental, fire suppression, restaurant, etc.
Tent	"Tent" means a temporary structure, enclosure or shelter constructed of fabric or pliable material supported in any manner, except by air or the contents it protects.
Towing services	"Towing services" means a service to haul or tow vehicles for service, repair or temporary storage. Any facility except for wrecking yards, storing a vehicle as required under RCW 46.55. Hulk Haulers are not included under this definition.
Tract	"Tract" means land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, critical areas, surface water retention, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential dwelling construction.
Transient	"Transient" means any guest, resident, or other occupant to whom lodging and other services are furnished under a license to use real property for less than one month or less than thirty continuous days if the rental period does not begin on the first day of the month. An occupant remaining in continuous occupancy for thirty days or more is considered a nontransient upon the thirtieth day. An occupant who contracts in advance and does remain in continuous occupancy for the initial thirty days will be considered a nontransient from the start of the occupancy. (WAC 458-20-166(2))
Transient accommodation	"Transient accommodations" means any facility such as a hotel, motel, condominium, resort or any other facility or place offering three or more lodging units to travelers and transient guests. (RCW 70.62.210(1))
Transmission lines	"Transmission lines" means 150 kV or greater electric voltage lines, carry the bulk transfer of electrical energy, from generating power plants (in this case, the energy resource facilities) to substations.
Transportation brokerage offices	"Transportation brokerage offices" means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo.
Travel agency	See definition for "Professional Business".
Tree well	"Tree well" means an opening in the ground surrounding the base of the tree trunk not covered by sidewalk or paving.

(21) "U" Definitions. <sup>7</sup>

## 7 "V" Definitions.

Chapter 19.01 GENERAL PROVISIONS	
Unclassified collectors	"Unclassified collectors" means a collector street or road that is not part of the federally classified system.
U-Pick	"U-Pick" means a (U-pick or pick your own) farm that is a type of farm where customers are allowed to harvest their own produce.
Urban Area, FHWA	"Urban Area, FHWA" means that area designated urban by the Federal Highway Administration.
Urban Growth Area	"Urban Growth Area" means that area where growth is expected to occur the next twenty years; and, based on studies to date, the area in which urban level public services can be most economically provided.
Urban services	"Urban services" means and includes, but is not limited to public water or sewer lines, neighborhood parks, street lights, police and fire protection.
Urbanizing	"Urbanizing" means to make urban in nature or character.
Use	"Use" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied or maintained together with any associated site improvements.
use, Administrative	"Administrative use" means those uses set forth and defined in the text and tables of Chapter 19.31 of this Title and are generally permitted throughout the district. However, review by the Administrative Official is required in order to ensure compatibility with: the intent and character of the district, the provisions and standards of this Title, and the policies of the Comprehensive Plans.
use, Conditional	"Conditional use" means those uses set forth and defined in the text and tables of Chapter 19.31 of this Title and are considered generally incompatible with adjacent and abutting property because of their size, emissions, traffic generation, neighborhood character or for other reasons. However, they may be compatible with other uses in the district if they are properly sited and designed. Conditional uses may be permitted by the Hearing Examiner when he determines, after holding a public hearing that the use complies with provisions and standards of this Title; and that difficulties related to the compatibility, the provisions of public services and the policies of the Comprehensive Plans have been adequately resolved.
use, Existing or development	"Existing use or development" means a use or development legally existing or legally established prior to the effective date of this Title has been or would be classified under this Title as a permitted, administrative or conditional use in a particular district even though the use has not been through Type 1, 2, or 3 review and may or may not conform to the standards of this Title. This definition includes any existing permitted, administrative or conditional use with an approved modification under Chapter 19.35.
use, Permitted	"Permitted use" means those uses set forth and defined in the text and tables of Subtitle 19.1 of this Title are considered compatible and are permitted on any site in the district provided district standards are met. The Administrative Official shall review permitted uses for compliance with the provisions and standards of this Title.
use, Principal	"Principal use" means the primary or predominant use to which a structure, part of a structure, or lot is or may be devoted.
use, Temporary	"Temporary use" means a use established under Section 19.18.480 for fixed period of time with the intent to discontinue such use upon the expiration of the time period.
Utilities	"Utilities" means those businesses, institutions, or organizations which use pipes or conductors, in, under, above, or along streets, alleys or easements to provide a product or service to the public.
Utility services	"Utility services" means electric substations, gas metering stations, sewer lift stations, telephone and communications relay or switching stations, municipal/public water works (including pumping stations and reservoirs), power booster or conversion plants, and similar utility facilities, all with their necessary buildings, apparatus or appurtenances thereto. For purposes of this Title, "Utility Services" does not include linear transmission facilities, local transmission and collection lines, pipes, conductors, or utilities located underground. Utility services are not subject to the minimum lot size requirements of the zoning district in which they are located (except as required for domestic water, sewage disposal and soil percolation rates), provided that they meet all other requirements of the zoning district in which they are located.



Chapter 100.01 GENERAL PROVISIONS

Variance	"Variance" means a modification of the specific regulations of this Title in accordance with the terms of this Title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.
Veterinary clinic	See definition for "Animal clinic/hospital".
Vision clearance triangle	"Vision clearance triangle" means a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorist entering or leaving the intersection.

(23) "W" Definitions.

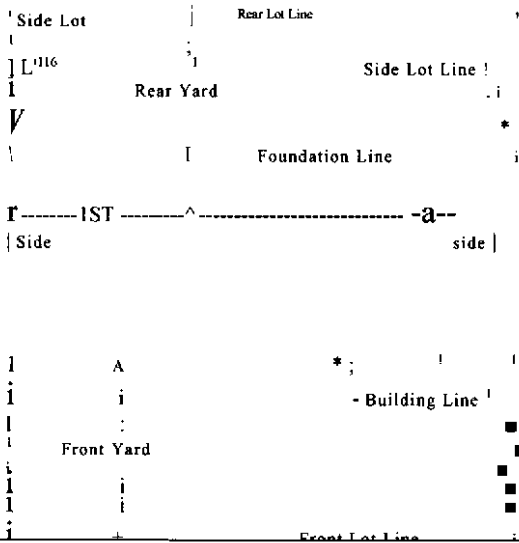
Warehouse	"Warehouse" means a structure used for the storage of goods and materials. Does not include AG related materials.
Waste material processing and junk handling	"Waste material processing and junk handling" means a place where waste, discarded or salvaged metal, used plumbing fixtures, discarded furniture and household equipment, and other materials are bought, sold, exchanged, stored or baled, and places or yards for the storage of salvaged materials and equipment from building demolition and salvaged structural steel materials and equipment, but excluding establishments for the processing and sorting of garbage, or for the sale, purchase, storage or dismantling of automotive vehicles and machinery. This definition does not include the processing, storage or disposal of hazardous materials.
Wastewater spray field	"Wastewater spray field" means a field that is irrigated with wastewater or treated sewage. May include storage lagoons utilized solely for storing wastewater before spraying, but not other wastewater treatment facilities. The application of agricultural waste or treated sewage at agronomic rates for soil enhancement or fertilizer purposes is excluded from this definition. Excludes sprayfield for wastewater defined as hazardous pursuant to Chapter 70.105 RCW.
Water supply system, Area-wide public	"Area-wide public water supply system" means a large Group A public water system designed to expand and serve a broader geographic area.
Water system, public	<p>"Water system, public" means any system subject to the State Board of Health Drinking Water Regulations, Chapter 246-290 WAC, providing piped water for human consumption including:</p> <ul style="list-style-type: none"> <li>(1) Any collection, treatment, storage or distribution facilities which are under the control of the purveyor and used primarily in connection with the system, and</li> <li>(2) Any collection or pretreatment storage facilities which are not under the control of the purveyor but are primarily used in connection with the system.</li> </ul> <p>Group A public water system:</p> <ul style="list-style-type: none"> <li>(1) With 15 or more service connections, regardless of the number of people; or</li> <li>(2) Serving an average of twenty-five or more people per day for 60 days within a calendar year, regardless of the number of service connection.</li> </ul> <p>Group B public water system: a public water system which is not a Group A water system. This would include a water system with fewer than 15 service connections and serving:</p> <ul style="list-style-type: none"> <li>(1) An average of fewer than 25 people for 60 or more days within a calendar year.</li> <li>(2) Any number of people for fewer than 60 days within a calendar year. Also see definition for "Community water supply system".</li> </ul> <p>Public water system excludes a system serving only one single-family residence or a system with four or fewer connections all of which serve residences on the same farm.</p>
Water Users Association (WUA)	"Water Users Association (WUA)" means a group of water users who pool their financial, technical, material and human resources for the operation and maintenance of a water system. A WUA membership depends on one's relationship to a water source, such as groundwater.
Well	"Well" means a hole made to draw up fluids: a hole or shaft that is dug or drilled into the ground in order to obtain water, brine, petroleum, or natural gas; and/or a source of something: a source providing a freely and abundantly available supply of something.
Well control zone	"Well control zone" means a sanitary control area defined by WAC 246-291-125.
Wholesale trade	"Wholesale trade" means those uses primarily engaged in the sale of merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers.
Wind energy tower, personal	"Wind energy tower, personal" means a system designed as providing a source of electrical power to an existing or new building or facilities, wherein the power generated is used primarily for on-site consumption and generates 25kW or less. The system consists of a vertical or horizontal wind turbine and associated controls and may include a tower.
Winery	"Winery" means a facility where wine is processed and manufactured. A winery is specifically designed to include, at a minimum, two or more of the following: vineyards, crushing,

	fermentation, and barrel aging of wine. A winery may also include any of the following: barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include, but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of wine, employee day care, tours, tasting and sales rooms when they are accessory to the on-site production facility and, ancillary retail sales, picnic areas, and food service. Food service is limited by the type of Yakima Health District License, Agricultural Tourist Operation or commercial zoning district where the winery is located.
Wrecking yard	"Wrecking yard" means the place of business where motor vehicles or parts thereof are kept by a motor vehicle wrecker subject to State regulation (Chapter 46.80 RCW).

## (24) "X" Definitions.

Xeriscape	"Xeriscape" means landscaping characterized by the use of vegetation that is drought-tolerant or of low water use in character.
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## (25) "Y" Definitions.

Yard	<p>"Yard" means an open space, other than an enclosed court, on the same lot with the structure, unoccupied from the ground upward.</p> 
Yard, front	"Yard, front" means the open area extending along and parallel to the entire length of the front lot line and measured from the property line to the structure.
Yard, rear	"Yard, rear" means the open area at the rear of the structure extending the entire width of the lot and measured from the structure to the rear property line.
Yard sale	"Yard sale" means a temporary event for the surplussing of unwanted items as an accessory use to a residence or business, in which the event does not exceed 3 days in duration or occur more than twice per calendar year. A yard sale is considered to be occurring whenever goods are on display with the clear intent for public viewing and purchase, and/or there is a sign that announces or publicizes a yard sale. The term "yard sale" includes garage sales, patio sales, estate sales, and moving sales. "Yard sales" do not include flea markets, junkyards, second hand stores, auction houses, and yard sale events not meeting the terms of this definition.
Yard, side	"Yard, side" means an open area between the side wall line of the structure and the side line of the lot.
Yurt	"Yurt" means a typically circular, domed, portable tent.

## (26) "Z" Definitions.

Zero lot line	"Zero lot line" means the location of a dwelling on a lot in such a manner that one of the sides
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	of the dwelling rests directly on a side lot line.
Zoning district	"Zoning district" means a mapped portion of the unincorporated territory of the County within which certain uses of land and structures are permitted and certain other uses of land and structures are prohibited, certain yards and other open spaces are required and specific lot areas established, all as set forth and specified in this Title. This definition also includes the terms "zone" and "use district".

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**Subtitle 19.2 Improvements and Site Design**

## Chapter 19.20

### SIGNS

#### Sections:

- 19.20.010 Legislative Intent.
- 19.20.20 Special Sign Definitions.
- 19.20.030 Development Authorization Required.
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- 19.20.120 On-Premises Directional Signs.
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- 19.20.140 Multiple-Use Complexes.
- 19.20.150 Freeway Signs.

#### **19.20.010 Legislative Intent.**

~~This Chapter accommodates and promotes: sign placement consistent with the character and intent of the zoning districts; proper sign maintenance; elimination of visual clutter; and creative and innovative sign design. To accomplish this purpose, the posting, displaying, erecting, use and maintenance of signs shall occur under this Chapter.~~ The purpose of this chapter is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. It has also been adopted to promote the following:

- (1) ~~Minimum standards in order to promote traffic safety;~~
- (2) Recognition of free speech rights by regulating signs in a content neutral manner:
- (3) The free flow of traffic and to protect pedestrians and motorists from injury and property damage caused by, ~~or attributable to, cluttered, distracting and/or illegible signs;~~
- (4) Provide ~~consistent and compatible sign design standards; and~~
- (5) Adopt understandable regulations which enable the fair and consistent enforcement of this Chapter.

This chapter is not intended to restrict speech on the basis of its content, viewpoint or message. Any classification of signs herein which purports to permit speech by reason of the type of sign, identity of the sign user or otherwise, should be interpreted to allow commercial or non-commercial speech on the sign. Nothing in this chapter should be construed to favor commercial speech over non-commercial speech.

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

#### **19.20.20 Special Sign Definitions.**

For this Chapter, certain abbreviations, terms, phrases, words and derivatives shall be construed as specified in Section 19.01.070.

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

#### **19.20.030 Development Authorization Required.**

Signs governed by this Chapter shall receive a development authorization from the Reviewing Official before being

erected, structurally altered, replaced, or relocated after the adoption of this Title.

(1) **New Signs.** All on-premises signs are accessory uses and shall be subject to the same procedural and review requirements as the principal use, except that new signs accessory to existing or approved uses may be reviewed as modifications to existing or approved uses under Section 19.35.030. Off-premises signs and billboards are permitted as shown in Section 19.20.130. New signs for legal nonconforming uses shall be approved under 19.33.

(2) **Changes or Replacements of Existing Signs.** Structural changes to, or replacement of, existing signs requires Type 1 review and approval by the Administrative Official; provided that:

(a) Structural changes to, or replacement of, existing signs that are, or are for, Type 2 or Type 3 uses shall be reviewed as modifications under Chapter 19.35;

(b) Structural changes to, or replacement of, existing signs that are, or are for, legal nonconforming uses shall be reviewed under the additional provisions of Chapter 19.33; and

(c) No review shall be required when the change or replacement is an exact replacement of a legal conforming sign.

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

**19.20.040 Non-Reviewed Signs.**

Except when otherwise prohibited, the following signs are exempt from the application, permit and fee requirements of this Title when the standards of this Chapter are met:

(1) Window signs;

(2) Point of purchase displays, such as product dispensers;

(3) Gravestones;

(4) Barber poles;

(5) Historical site plaques;

(6) Structures intended for a separate use such as phone booths, Goodwill containers, etc.;

(7) Official and/or legal notices issued by any government agency or body, court, public body, person or officer in performance of a public duty required or provided for under adopted statute, ordinance, or regulation;

(8) Directional, warning or information signs or structures required or authorized by law, or by federal, state, county or city authority;<sup>8</sup>

----- (i) ----- Pole height of twenty feet or less: four feet by six feet.

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8 ~~Official flags of the United States of America, states of the United States, counties, municipalities, official flags of foreign nations, and flags of internationally and nationally recognized organizations~~ Flags. Any flags, subject to the following standards;

(a) --- Residential zoning districts are allowed one flagpole per street frontage.

(b) --- No more than two flags may be flown on a single flagpole.

(c) --- The maximum flagpole height shall be the maximum structure height of the underlying zoning district per YCC 19.11, 19.12, 19.13, and 19.17.

(d) --- Flagpoles shall meet the applicable setback standards for accessory structures.

(e) --- The maximum square footage of a flag shall be as follows:

~~----- (ii) Pole height greater than twenty feet to thirty feet: five feet by eight feet.~~

~~----- (iii) Pole height greater than thirty feet: six feet by ten feet.~~

~~----- (iv) Upon application, flag size may be increased proportionate to the maximum pole height as a modification (YCC Chapter 19.35).~~

(10) ~~-----~~ Political signs which, during a campaign, advertise a candidate or candidates for public elective office, a political party, or promote a position on a public issue, provided:

(a) ~~-----~~ All political signs shall be removed within 15 days following the election, except when a general election follows a primary election; those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to 15 days after the general election; and

(b) ~~-----~~ No political sign shall be erected upon any private property without the permission of the resident or owner, and where there is no occupied structure on the property, no political signs shall be placed thereon without the written consent of the owner of the property;

(44-) ~~-----~~ Construction and real estate signs not exceeding 32 square feet in sign area;

(10421 All temporary signs (See Section 19.20.110);

~~--- On- or off-premises church, school, and community center name and/or reader boards not exceeding 32 square feet in sign area;~~

(14) ~~-----~~ Canopy sign and awning signs;

qu^l On-premises signs not readable from the public right-of-way, i.e. menu boards, etc.;

(12+6> On-premises directional signs conforming to the requirements of Subsection 19.20.120;

(17) ~~-----~~ Signs within sports facilities and arenas designed for view only by patrons inside the facility;

(1318 > Nameplates less than two square feet, such as those for home businesses; and

~~--- Up to four on-premises signs advertising seasonal agricultural products in conjunction with an approved agricultural market or agricultural use not exceeding 32 square feet each; and~~

(1420) Portable sandwich board signs not to exceed 12 square feet per face up to 1 signs per frontage.

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

#### **19.20.050 Prohibited Signs.**

The following signs are prohibited:

(1) Signs on any vehicle or trailer parked on public or private property and visible from a public right-of-way, including trailer-mounted or otherwise portable reader boards. This provision shall not prohibit signs that are painted on or magnetically attached to any vehicle operating in the normal course of business;

(2) Signs that are an imitation of, or resemble an official traffic sign or signal; could cause confusion with any official sign, or that obstruct the visibility of any traffic/street sign or signal;

(3) Signs attached to utility, streetlight and traffic-control standard poles;

(4) On-premises directional signs not conforming to the requirements of Subsection 19.20. 120q-};

(5) Signs in a dilapidated (having peeling paint, cracks or holes, and/or loose or dangling materials) or hazardous condition;

- (6) Abandoned signs;
- (7) Signs on doors, windows, or fire escapes that restrict free ingress or egress;
- (8) Balloon signs;
- (9) Signs erected on trees or drawn on rocks or natural settings, except for approved signs carved in rocks;
- (10) Changing message center signs and video signs along roads/streets having a speed limit higher than forty mph and within UGAs whose city/town would prohibit such signs at the location if they were in the city/town limits;
- (11) Beacons that flash and/or spin, except for those provided for airports and searchlights that direct light beams into the sky;
- (12) Flashing on- or off-premises signs;
- (13) Roof signs; and
- (14) Any other sign not meeting the requirements of this Chapter.

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

**19.20.060 Sign Maintenance Nonconforming signs, maintenance of signs, and removal of signs.**

~~Nothing in this Title shall relieve the owner or user of a legal non-conforming sign or owner of the property on which the non-conforming sign is located from this Chapter regarding safety, maintenance, repair and/or removal of signs.~~

- (1) Nonconforming signs can be found under YCC 19.33.

(2) Maintenance of signs. It is unlawful for any owner of record, lessor, lessee, manager or other person having lawful possession or control over a building, structure or parcel of land to fail to maintain any signs on the building, structure or parcel in compliance with this Chapter and the zoning provisions of this code. Signs placed on public property pursuant to this chapter shall be maintained by the sign owner.<sup>9</sup>

- (1) Construction shall satisfy the requirements of YCC Title 13 and development authorizations issued by the Reviewing Official;

(2) Except for non-reviewed signs and portable signs, all signs shall be permanently attached to a building or the ground;

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<sup>9</sup> Removal of signs. Any vacant and/or unused sign support structures, poles or other remnants of old signs which are currently not in use, or are not proposed for immediate reuse, shall be removed. In addition to the remedies of YCC Title 19, the Administrative Official shall have the authority to require the repair, maintenance or removal of any sign or sign structure which has become dilapidated or represents a hazard to the safety, health or welfare of the public, at the cost of the sign and/or property owner.

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

**19.20.070 Sign Standards.**

This Chapter, including the requirements in Table 19.20-1 "Type of Signs Permitted," Table 19.20-2 "Number of Signs Permitted," Table 19.20-3 "Maximum Sign Area per Sign Face", and Table 19.20-4 "Sign Height and Setbacks," are established for all signs in the zoning districts indicated. All proposed signs are subject to the review procedures of this Title and the standards of this Chapter. Signs for new uses shall be subject to the same procedural and review requirements as the principal use.

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

**19.20.080 General Provisions.**

All signs shall comply with the following provisions:



- (3) Signs attached to a building, shall not exceed the height of the building, except as allowed under this Chapter;
- (4) All signs shall comply with the setback requirements in Table 19.20-4; except, when the side or rear yard is a street frontage, then the front setback shall apply;
- (5) ~~In addition to the sign illumination requirements of Section 19.20.095, Lighting~~ lighting directed on or internal to any sign shall be shaded, screened or directed so the light's intensity or brightness shall not adversely affect neighboring property or motor vehicle safety;
- (6) All signs with their supports, braces, and guy wires shall be maintained in a safe and secure manner;
- (7) The ratio of the area of the sign support, framing structure, and other decorative features that contain no written or advertising copy to the "sign area" shall not be greater than 1:1;
- (8) No signs shall be placed in the vision clearance triangle established in Section 19.10.040050; and
- (9) No sign shall project over any public right-of-way.

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

**19.20.090 Projecting Signs.**

No more than one-third of the height of any projecting sign shall exceed the height of the building to which it is attached;

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

**19.20.095 Sign Illumination.**

(1) General. No temporary or portable sign may be illuminated. No signs located in a residential zone may be illuminated, except that on parcels two (2) acres in size or greater signs may be halo illuminated or illuminated as necessary for allowable digital signs. Permanent signs allowed by this Chapter may be non-illuminated, illuminated by internal light fixtures, halo illuminated, or have external indirect illumination, unless otherwise specified.

(2) Externally illuminated signs.

(a) Except as provided in this Subsection, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare. Light shielding shall ensure that the lamp or light source is not visible beyond the premises and shall further ensure that the light is contained with the sign face.

(b) A light fixture mounted above the sign face may be installed with its bottom opening tilted towards the sign face, provided:

- ..... (i) The bottom opening of the light fixture is flat; and
- (ii) The uppermost portion of the fixture's opening is located no higher than the top of the sign face. Light fixtures aimed and installed in this fashion shall be considered fully shielded.

(3) Internally illuminated signs.

(a) Internally illuminated signs shall be constructed with an opaque background and translucent text and symbols. If the sign owner desires to have the entire sign face visible at night, an external light source may be used to illuminate the sign, subject to this Chapter.

(b) The difference between the off and solid-message measurements using the Electronic Message Centers (EMC) Measurement Criteria shall not exceed 0.3 footcandles at night, utilizing the recommended International Sign Association (ISA) methodology to determine compliance.

(c) All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

(4) Billboards. This Section does not apply to billboards, which are regulated under Section 19.20.130.

#### **19.20.100 Wall Signs.**

All signs placed on walls, mechanical penthouses and surfaces that are 60 degrees or more from horizontal shall conform to the following provisions:

(1) Wall signs may be painted upon, attached flat to, or pinned away from the wall, but shall not project more than 12 inches from the wall, or more than necessary to extend beyond the eave of a roof as provided in (4) below.

(2) The number of wall signs is not regulated; provided the total area of the wall sign(s) shall not exceed the area of the wall to which attached.

(3) Wall signs shall not extend above the height of the wall to which attached, except as provided in (4) below. sign may extend above the sloping eave line of

(4) No more than ten percent of the sign area of a wall with a hip, gambrel, gable, or shed roof. a building

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

#### **19.20.110 Temporary Signs.**

All temporary signs shall conform to the following:

~~(1) -----No temporary sign shall be displayed for more than 30 days at any one time, nor more than ninety days during a calendar year.~~

(21) Only one temporary sign on each street frontage per parcel or lot is permitted.

(32) No temporary sign shall be placed in a required parking space, driveway, or clear-view triangle.

(43) No temporary sign may be placed in the public right-of-way or an easement unless specifically permitted by the County.

(54) Temporary signs placed on the ground shall be separated from parking and driveway areas by a curb or other barrier.

~~(65) No temporary~~A temporary sign shall be displayed more than 15 days promptly removed within 15 days after the event it promotes for which it is intended.

(6) No temporary signs shall exceed 32 square feet in area.

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

#### **19.20.120 On-Premises Directional Signs.**

~~On-premises directional signs may contain both directions and the business name or logo provided the business name or logo shall not exceed 50% of the sign area. All on-premises signs shall meet the general provisions of this Chapter and refer to Table 19.20-3. All on-premises directional signs shall meet the general provisions of this Chapter- and shall not exceed ten square feet per sign face.~~

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

**19.20.130 Off-Premises Signs, Including Billboards.**

(1) Off-Premises Directional Signs. Off-premises directional signs are permitted where indicated in Table 19.20-1; provided, that:

- (a) Each use located in a district where off-premises directional signs are allowed is permitted one off-premises directional sign. ~~The off-premises sign is for the purpose of identifying and/or locating uses selling or producing agricultural or Forestry products, or for tourist attractions of general public interest, when necessary due to the location of the enterprise or activity;~~
- (b) The off-premises sign contains ~~only directional information, logo, and business name,~~ and does not exceed 32 square feet in area ~~or 25 feet in~~ and height ~~as provided in Table 19.20-4 of this Chapter;~~
- (c) The off-premises signs are permanently installed on private property; and
- (d) Only one off-premises sign is permitted on a parcel.

(2) Kiosks. Kiosks are permitted where indicated in Table 19.20-1; provided that:

- (a) Each use located in a district where off-premises kiosk signs are allowed is permitted one off-premises kiosk sign. ~~The kiosk is for the purpose of identifying and/or locating uses selling or producing agricultural or forestry products, or for tourist attractions of general public interest.~~
- (b) The kiosk is situated in such a manner that allows for off-street parking that does not interfere with through traffic.
- (c) The kiosk must be situated outside of the road right-of-way.
- (d) Only one kiosk is permitted on a parcel.

(3) Other Off-Premises Signs including billboards. Off-premises signs that do not meet the standards in (1) and (2) of this Section shall meet criteria (a) through (i) below, in addition to the provisions of this Chapter:

- (a) The maximum sign area does not exceed 300 square foot per sign face;
- (b) There are no side by side panels;
- (c) Required setbacks are met;
- (d) Signs shall not be located within 150 feet of a residential district;
- (e) Signs between a 150 and 300 foot radius of a residential district shall be restricted to 160 square feet per sign face and may not be lighted;
- (f) Signs shall not be within 500 lineal feet of another off-premises sign on the same street;
- (g) Sign height standards shall not exceed that permitted for freestanding signs as provided in Table 19.20-4 of this Chapter;
- (h) The total number of combined freestanding signs and off-premises signs, including billboards, does not exceed the number of freestanding signs allowed for the property; and <sup>10</sup>

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<sup>10</sup> An off-premises sign, when located within an Urban Growth Area, shall be allowed only when the city's adopted zoning regulations would permit such a sign.

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

**19.20.140 Multiple-Use Complexes.**

(1) Purpose. The following provisions shall apply to multiple-use complexes in the RS, B-1, B-2, SCC, LCC, GC, HTC, M-1, and M-2 zoning districts.

(2) Number of Freestanding Signs. Each multiple-use complex shall be allowed one freestanding sign on each street frontage under Table 19.20-1.

When the street frontage is longer than 400 feet:

(a) One additional freestanding sign shall be permitted for each additional 400 feet of street frontage; or

(b) A single larger freestanding sign can be erected under Table 19.20-1 and 19.20-3.

If the multiple sign option, as set forth in Subsection (2)(a) of this Section, is selected, no freestanding sign shall be placed closer than 200 feet to any other freestanding sign or exceed the standards in Table 19.20-3.

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

**19.20.150 Freeway Signs.**

(1) Purpose. This Section permits hotels and motels, restaurants, service stations, and fruit stands near Interstate Highway 82 to have larger on-premises signs to inform freeway travelers of their service.

(2) Location. A use with more than one street frontage may substitute a freeway sign for one of its allowable freestanding signs when the use or portion thereof, is:

(a) Within 1,000 feet of an I-82 interchange; or

(b) Within 250 feet of the I-82 right-of-way.

(3) Number of Freeway Signs. Only one freeway sign is permitted on each lot, multiple-use complex or for each development, whichever is most restrictive.

(4) Uses with Only One Frontage. Uses within the area with only one public road frontage may install a freeway sign in addition to the permitted freestanding sign.

(5) Sign Height. The maximum height for freeway signs is shown in Table 19.20-4.

Table 19.20-1. Type of Signs Permitted

SIGN TYPE		ZONING DISTRICTS									
		AG, FW, RT, Rural-10/5, R/ELDP-40	RS	SR R-1 R-2	R-3	B-1 B-2	SCC LCC	GC	HTC	M-1 M-2	MIN
On-Premises Signs <sup>(1)</sup>	Changing message center signs	Accessory to a permitted use Not permitted <sup>(2)</sup>									
	Video signs <sup>(1)</sup>	Accessory to a permitted useNot permitted *									
	Freestanding signs (excluding Freeway signs), subject to Sections 19.20.120 & 19.20.140, including those integrated with entry gates for identification	Accessory to a permitted use	Accessory to a permitted use See footnote <sup>(3)</sup>	Accessory to a permitted use							
	Projecting signs, subject to Section 19.20.090. Wall signs, subject to Section 19.20.100.	Accessory to a permitted use	Not Permitted	Accessory to a permitted use See footnote <sup>(3)</sup>	Accessory to a permitted use						
	Freeway signs, subject to Section 19.20.150	Not Permitted									
Off-Premises Signs <sup>(1)(2)</sup>	Directional signs & Kiosks, subject to Section 19.20.130	Type 2 <sup>(2)</sup>	Not Permitted		Type 2		Type 1		Not Permitted		
	Other, including billboards, subject to Section 19.20.130	Not Permitted		Not Permitted		Not Permitted		Type 1			

Notes:

- (1) Prohibited along certain roads as specified in Section 19.20.050(10).
- (2) May be permitted at schools, churches, and community centers as an accessory use, subject to Section 19.20.050(10).
- (3) Permitted only for Subdivision Identification.
- (4) Certain signs are prohibited by Section 19.20.050.
- (5) Permitted only for the purpose of identifying and/or locating uses selling or producing agricultural or forestry products, or for tourist attractions of general public interest, and only when necessary due to the location of the enterprise or activity.

Table 19.20-2. Number of Signs Permitted

SIGN TYPE		ZONING DISTRICTS							
		AG, FW, RT, Rural-10/5, R/ELDP-40	RS	SR R-1 R-2	R-3 B-1 B-2	SCC LCC HTC GC	GC M-1 M-2	MIN	
On-Premises Signs	Freestanding signs	1 per street frontage		1 per street frontage Permitted	1 per street frontage				Not Permitted
	Projecting signs				1 per street frontage				
	Wall signs	See Section 19.20.405 (1)(a)							Not Permitted
	Freeway signs	Not Permitted		See Section 19.20.150					
Off-Premises Signs	Directional signs & Kiosks	1 of each per parcel	Not Permitted		1 of each per parcel			Not Permitted	
	Other, including billboards	Not Permitted		Not Permitted		See Section 19.20.130			

Table 19.20-3. Maximum Sign Area per Sign Face

SIGN TYPE	ZONING DISTRICTS								
	AG, FW, RT, Rural-10/5, R/ELDF-40, SR, R-1, R-2, R-3	RS B-1	B-2	SCC LCC	GC	HTC	M-1 M-2	MIN	
On-premises Freestanding® (except Directional) and Projecting signs <sup>(2)</sup>	32 sq. ft.	24 sq. ft.	40 sq. ft.	1 sq. ft. of sign area per foot of frontage, up to 100 sq. ft. <sup>(3)</sup>					1 sq. ft. of sign area per foot of frontage, up to 100 sq. ft.
Wall Signs	Area of wall or mechanical penthouse to which attached.								
Freeway Signs	Not Permitted		160 sq. ft.		160 sq. ft.		Not Permitted		
On- & Off-premises Directional signs	See 19.20.120 and 19.20.130								
Other Off-premises signs, including Billboards	Not Permitted			Not Permitted.		Not Permitted		See 19.20.130	Not Permitted

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Notes:

- (1) To encourage their use, the maximum area of monument signs is 20% more than indicated in this table.
- (2) The total area of freestanding and projecting signs will count toward the maximum area allowed by this table, but will not count toward the area allowed for wall signs, freeway signs, directional signs, and other off-premises signs.
- (3) Where frontage is longer than 400 feet:

- (a) The sign along that frontage may be enlarged an additional square foot up for each additional lineal foot over four hundred, to a maximum of 150 square feet, or
- (b) An additional sign up to 100 square feet is allowed.



Table 19.20-4. Sign Height and Setbacks

SIGN TYPE		ZONING DISTRICTS						
		AG, FW, RT, Rural-10/5, R/ELDP-40	RS	SR R-1 R-2 R-3	R-3 B-1 B-2	SCC LCC	HTC GC	GC M-1 M-2  MIN
Freestanding signs <sup>11,12,13,14</sup>	Described in Section 19.20.120 and 19.20.130(1)	10 ft.	5-10 ft.	10 ft.	30 ft.			
	Described in Section 19.20.130(3)	Not permitted/Permitted			40 ft.		Not Permitted.	
Projecting signs		See 19.20.090 <sup>(15)</sup>		See 19.20.090 <sup>(15)</sup>				
Wall signs		Top of wall or mechanical penthouse to which attached <sup>(16)</sup>	Permitted	Top of wall or mechanical penthouse to which attached <sup>(16)</sup>				
Freeway signs		Not permitted/Permitted		70 ft.	70 ft.			Not permitted/Permitted
Off-premises Directional signs (other than Kiosks)		5 ft.	Not permitted/Permitted		5 ft.			
Kiosks		20 ft.	Not permitted/Permitted		20 ft.			

Minimum front yard and side yard on corner lots setbacks<sup>(8)</sup>

Edge of right-of-way

Minimum side and rear yard setbacks

Required setback standards for each Zoning District

Notes:

12 Section 19.20.140 has special freestanding sign provisions for multiple-use complexes.

13 Subdivision identification signs may be placed on a wall in the Residential District.

(32) Sign height is also limited to the maximum building height of the Zoning District.

14 See 19.10.04(7) for Vision Clearance Triangle requirements

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



Sections:

- 19.33.010 Legislative Intent.
- 19.33.020 Applicability.
- 19.33.030 Nonconforming Status.
- 19.33.040 Legal Nonconforming Lots.
- 19.33.050 Legal Nonconforming Buildings or
- 19.33.060 Legal Nonconforming Uses.

**19.33.010 Legislative Intent.**

**Chapter 19.33**

**NONCONFORMING LOTS, STRUCTURES AND USES**

Lots, uses, and structures exist which were lawful when established but whose establishment would be restricted or prohibited under current zoning regulations. This Chapter is intended to protect only those uses, structures and lots that were legally established prior to a change in regulation, and have not been abandoned or discontinued.

However, a range of regulatory strategies provided herein allows nonconforming uses to continue so long as they are benign or compatible with neighboring properties. Nonconforming uses with incompatible attributes, as defined, may be injurious to neighboring properties or cause nuisances to the detriment of the community and therefore should not be reestablished when substantially damaged or destroyed.

The intent of this Chapter, under certain circumstances and controls, is to allow modifications to nonconforming lots, uses and structures consistent with the objectives of maintaining the economic viability of such lots, uses and structures, while protecting the rights of surrounding property owners to use and enjoy their properties. This Chapter is intended to provide a compatibility determination for evaluating the proposals for modification, expansion, and/or the restoration of damaged or destroyed nonconforming uses of structures because the effect of approving such applications could result in continuation of the nonconforming use for decades.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.33.20 Applicability.**

All nonconforming lots, uses and structures shall be subject to provisions of this Chapter.

- (1) If a lot, use or structure deemed legally nonconforming under past zoning regulations is brought into compliance with current standards, it shall be considered conforming.
- (2) The provisions in this Chapter do not supersede or relieve a property owner from compliance with building, fire, health or other life safety requirements of Yakima County Code.
- (3) Additional review requirements are provided within the jurisdictions of the Shoreline Master Program and the Critical Areas Ordinances for nonconforming uses or structures as defined in YCC Titles 16A, 16C or 16D.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.33.30 Nonconforming Status.**

(1) Any lot, use, or structure which, in whole or part, is not in conformance with current zoning requirements shall be considered as follows:

- (a) **Legal Nonconforming.** Lots, uses and structures legally created or lawfully established prior to subdivision or zoning requirements, under prior zoning codes and/or County subdivision regulations are legally nonconforming and may be maintained or altered subject to provisions of this Chapter.
- (b) **Illegal Lots, Structures and Uses.** Structures, lots, required site improvements, uses and/or developments not legally established or existing as of the effective date of this Title retain their illegal status and must be

abated or comply with this Title under actions directed as a result of enforcement proceedings and/or the necessary permit applications.

(2) It shall be the burden of a property owner or proponent to demonstrate the legal nonconformity of a lot, use, and structure. The legal nonconformity of a lot may be demonstrated by a deed or development permit executed prior to the change in code. Structural nonconformities may be demonstrated through development permits, historical photos, and affidavits from persons knowledgeable of the historic configuration of the structure. A list of items to establish the nonconforming status of a land use is provided below in Subsection 19.33.060(1).

(3) If the Administrative Official cannot conclusively determine that the nonconformity was lawfully established and in continuous use or operation based on Subsection (2) above, then the matter may be referred to the Hearing Examiner for Type 2 hearing review. The Hearing Examiner shall be authorized to render a decision as to whether the nonconforming use or structure was lawfully established and in continuous operation, and review it for compliance with this Chapter.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

#### **19.33.40 Legal Nonconforming Lots.**

A nonconforming lot, as defined in Section 19.01.070 and created as a building site, which does not conform to minimum lot area, width or depth requirements of the zoning district in which it is situated may be developed, subject to the following:

(1) Establishment of Land Uses and Structures on Nonconforming Lots.

(a) A permitted use or structure shall meet all existing development standards of the zoning district within which it is located including, but not limited to, required yards/setbacks, lot coverage, density (units per parcel), parking, landscaping, storm drainage, signage, and road standards, subject to Subsections (1)(b) and (c) below. Adjustments to these standards shall be subject to Chapter 19.35.

(b) The following uses established on a nonconforming lot shall additionally require at least 20 feet of frontage on, or a minimum 20 foot wide access easement to, a public or private road:

- (i) Detached, single-family dwellings;
- (ii) Zero lot line, common wall or duplex development in the R-2, R-3 and B-1 districts;
- (iii) Multifamily development in the R-2, R-3, B-1 and GC districts; and
- (iv) Any permitted use or structure in the industrial (M-1, M-2) and commercial (SCC, LCC, GC) districts.

(c) The 20 foot-wide access standard shall not be adjustable below minimum fire safety standards established under YCC Title 13.

(2) Boundary Changes to Nonconforming Lots.

(a) A legal nonconforming lot may be increased in size to bring it into closer conformance with area, yard or depth requirements of the zone in which it is located. Reduction to a nonconforming lot's size is permitted only under Subsection 19.34.020(5)(d).

(b) A legal nonconforming lot combined with other land to eliminate the nonconformity with any or all lot requirements of its zoning district shall thereafter remain in compliance.

(c) A separate unit of "land" containing a building site reduced through governmental action or adverse possession below, or further below the required minimum size of the zoning district that it is located, shall be deemed a legal nonconforming lot. Any such action shall be reviewed under Chapter 19.34.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part),

2015).

**19.33.50 Legal Nonconforming Buildings or Structures.**

A legally established building or structure may continue to be used or occupied by a use permitted in the zoning district in which it is located even though it does not comply with present development standards (e.g., setbacks, lot coverage, density, height, etc.) of said zone. The legal nonconforming building or structure may be maintained as follows:

(1) Maintenance, Repair, Expansion or Structural Alteration. A legal nonconforming building or structure may be maintained, remodeled, repaired, expanded, enlarged, or structurally altered upon approval by the Building Official, as provided in this Subsection.

(a) Building Permit Required. When any enlargement meets applicable development standards for the zoning district and this Title, such as building height, lot coverage, or setbacks, a building permit will be required for the structural enlargement.

(b) Administrative Adjustment or Variance. When the enlargement does not meet the development standards of this Title, such as building height, lot coverage, or setbacks, relief may be requested in an administrative adjustment or variance under Chapter 19.35 and a demonstration of compliance with this Subsection prior to issuance of a building permit.

(i) The Reviewing Official must find the following factors present. Any proposed change or arrangement:

(A) Will not change or modify any permit condition previously imposed under Type 2, 3 or 4 reviews;

(B) Will not reduce the amount of required landscaping or the amount or location of required sitescreening;

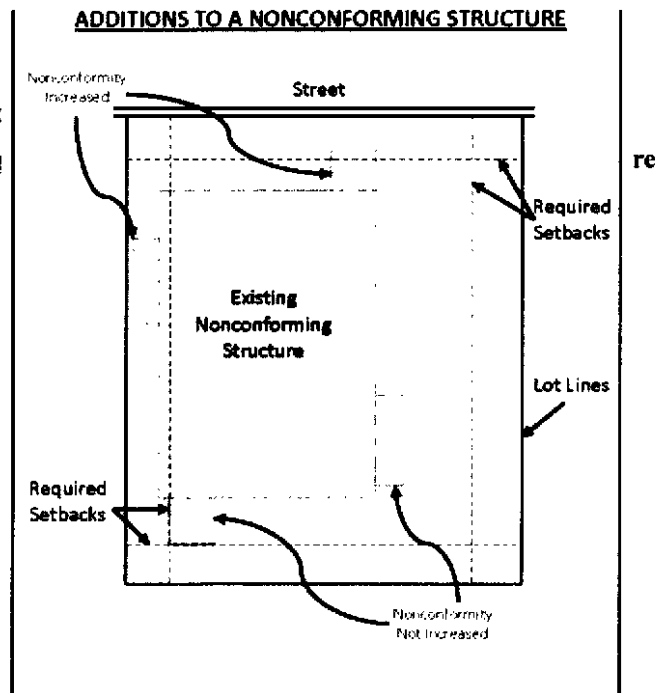
(C) Will not create or materially increase any adverse impacts or undesirable effects of the project, in the Reviewing Official's determination; and

(D) Will comply with the applicable criteria of Chapter 19.35.

(ii) Any such request that does not meet all the requirements of this Subsection shall be denied.

**ADDITIONS TO A NONCONFORMING STRUCTURE**

(2)



**Restoration of Damaged Building or Structure.**

- (a) **Damaged or Destroyed Structure.** A legal nonconforming building or structure damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot, calamity or other catastrophic event may be restored or repaired under this Subsection.
- (b) **Documentation.** The property owner shall provide the information necessary under Subsection 19.33.030(2) to reasonably assure the Reviewing Official that a requested restoration or repair complies with this Section. Acceptable documentation may include:
  - (i) A basic site plan containing the information defined in Section 19.01.070 showing the actual dimensions of the nonconforming structure, its height, and its exact placement on the lot prior to being damaged; and
  - (ii) A written narrative describing the use or uses that existed immediately prior to damage; and
  - (iii) An affidavit or certificate from an insurance company or other entity with knowledge of the situation that the narrative and site plan accurately represents the nonconforming structure and its use or uses as they were immediately prior to damage or destruction.
- (c) **Natural Hazards - Additional Requirements.** Nonconforming structures damaged or destroyed by flooding or other natural hazards shall additionally be subject to the requirements of YCC Titles 16A, 16C or 16D.
- (d) **Reconstruction Not Involving Expansion or Nonconforming Use.** The Administrative Official may, through a Type 1 review process, approve reconstruction in conformance with the site plan or to be more conforming with the provisions and standards of the zoning district in which it is located. If it is determined that the requested reconstruction amounts to any expansion of the nonconforming structure's original bulk or dimension, the proposal shall be reviewed under Subsection (1) above. If it is determined the requested

reconstruction involves a nonconforming use, the proposal shall also be reviewed under Section 19.33.060 Legal Nonconforming Uses.

(e) **Reconstruction of Structures.** The building or structure, not expanding and not containing a nonconforming use, may be reconstructed to the footprint existing immediately before damage or destruction, provided:

- (i) A building permit for said restoration shall be applied for within 18 months of the date of damage or disaster.
- (ii) Restoration/reconstruction shall be completed within two years of the date of damage or disaster.
- (iii) Upon receiving a written request, the Reviewing Official may, through a Type 1 review process, extend the above time limitations, provided the property owner submits documentation demonstrating there was no intent to discontinue the structure and building permits are obtained prior to the expiration of the extension. Documentation may include, but is not limited to, the following:
  - (A) Requests for approvals necessary to re-establish the structure submitted to appropriate county, state and federal agencies within 18 months after the structure was damaged or destroyed;
  - (B) The property or structure has been involved in litigation; and
  - (C) Disputes in insurance settlements in the case of fire or casualty.
- (iv) A statement from the property owner merely stating there is no intent to abandon is not sufficient documentation without showing additional actions taken by the property owner to re-establish the structure.

(3) **Relocation.** A legal nonconforming building or structure shall not be relocated on the same lot unless said move results in bringing the building or structure into closer compliance with requirements of the zoning district in which it is situated.<sup>15</sup>

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<sup>15</sup> **Signs.** Any sign lawfully existing under all codes and ordinances in effect when this Title is enacted or amended may continue to be maintained and operated as a legal nonconforming sign, subject to Subsection (4)(b) below, so long as it remains otherwise lawful; provided that:

- (a) No sign shall be changed in any manner that increases its noncompliance with this Title;
- (b) If the sign is structurally altered or moved, its legal nonconforming status shall be voided, and the sign and any replacement will be required to conform to Chapter 19.20. Nothing in this Section shall be construed to restrict normal structural repair and maintenance; and
- (c) The sign is not a hazardous sign or abandoned sign.
- (d) The sign is not a portable sign, temporary sign or an illegal sign.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.33.60 Legal Nonconforming Uses.**

Any lawfully established nonconforming use or development may be continued at the same gross floor area or land coverage occupied on the effective date of the ordinance codified in this Title, or any amendment thereto, that made the use no longer permissible. Use of these buildings and land is subject to the following:

(1) **Establishment of Legal Nonconforming Status.**

- (a) Any person may request a determination by the Administrative Official through a Type 1 process regarding legal status of a nonconforming use.

(b) Evidence submitted by the applicant shall demonstrate the specific use was lawfully created or established under the zoning regulations in existence at the time and that said use has been maintained and operated continuously, without alteration to the use outside of approval under applicable code, since the time zoning regulations governing the land changed. Acceptable documentation may consist of, but is not limited to, such items as:

- (i) Dated business receipts showing types of service or goods provided;
- (ii) Statements or records from utilities, such as power, water or gas, that indicate the date and type of use and demonstrate that the use was conducted over time;
- (iii) Operating licenses issued by government agencies;
- (iv) Property rental invoices or receipts;
- (v) Income tax records;
- (vi) Dated listings in telephone, business or Polk directories;
- (vii) Records of the County Assessor;
- (viii) Building, land-use or development permits;
- (ix) Dated photographs, newspaper clippings and other relevant documentation; or
- (x) Notarized affidavits from neighbors or persons who have observed the nonconforming use over required period of time may assist in substantiating its presence.

(c) If the Administrative Official cannot conclusively determine that the nonconformity was lawfully established and in continuous use or operation based on Subsection (b) above, then the matter may be referred to the Hearing Examiner for Type 2 hearing review. The Hearing Examiner shall be authorized to render a decision as to whether the nonconforming use or structure was lawfully established and in continuous operation, and review it for compliance with this Chapter.

(2) **Change of Ownership, Tenancy, or Management.** The legal nonconforming status of a use runs with the land, and is not dependent upon ownership, tenancy, or management, provided the nature, character, intensity or occupancy classification of the use does not change.

(3) **Maintenance and Repair.** Ordinary repairs and incidental alterations to correct deterioration or wear may be made to buildings containing a legal nonconforming use, provided:

- (a) The required maintenance and repair activities are for the purpose of continuing the nonconforming use at or below the lawful nonconforming use level, except as permitted through the nonconforming use alteration review process under Subsection (4) below; and
- (b) The value of work and materials in any 12 month period does not exceed 25% of the assessed valuation of such building or structure as established by the most current County Assessor's tax roll. Minor maintenance and repair includes such activities as painting, roof repair and replacement, plumbing, wiring, mechanical equipment replacement, and weatherization. Incidental alterations may include construction of nonbearing walls or partitions. Repair and alteration exceeding the 25% valuation shall require approval under the nonconforming use alteration review process of Subsection 19.33.060(4) below.

(4) **Expansions or Alterations of Uses.**

- (a) **When Authorized.** No existing nonconforming use of a structure or land shall be altered, enlarged, expanded, extended or replaced except as authorized under this Section. Replacement or restoration of nonconforming uses due to damage or destruction shall be reviewed under Subsection (6) below, with criteria



that may also apply in this Subsection.

(b) Definition. For this Section, the terms “alter, enlarge, expand, or extend” shall include, but not be limited to:

- (i) Increased hours of operation;
- (ii) Increased services or programs;
- (iii) Increased number of dwellings;
- (iv) Interior renovations or structural additions that increase the occupant load of the structure dedicated to the nonconforming use;
- (v) Any new structures accessory to the nonconforming use;
- (vi) Expansion of the structure, portions thereof, or portions of the site dedicated to the nonconforming use; or
- (vii) Anything beyond regular maintenance and minor repairs described under Subsection (3) above; or
- (viii) Establishing a new sign.

(c) Nonconforming Dwellings. Any alteration or expansion of a nonconforming dwelling shall not exceed an increase of 50% of the gross floor area (including attached structures) when the dwelling became nonconforming. New detached, private garages and other structures accessory to the dwelling may be established, but new accessory housing units shall not be established on a lot containing a nonconforming dwelling. Expansions to nonconforming dwellings, not exceeding 50% of the gross floor area, and new detached structures accessory to the dwelling, other than accessory housing units, may be allowed under Type 1 review by the Administrative Official, who may attach conditions and limit the size and number of proposed accessory structures, provided the proposal:

- (i) Will not change or modify any permit condition previously imposed;
- (ii) Will not reduce the amount of required landscaping or the amount or location of required sitescreeening; and
- (iii) Will not create or materially increase any adverse impacts or undesirable effects of the project, in the Administrative Official's determination.

(d) Process to Alter, Enlarge, Expand or Extending Nonconforming Uses or Structures. The Hearing Examiner may consider applications under Type 3 review to alter, enlarge, expand, extend or reconstruct a legal nonconforming use, other than residential structures and mining sites described in Subsections (4)(c) above and (e) below, in the same location or to include a portion of a structure, site or adjoining lot it did not previously occupy on the date said use became nonconforming. The alteration, enlargement, expansion, extension or reconstruction requested shall be denied if the Hearing Examiner finds that one or more provisions in Subsection (i) below of this Subsection are not met.

(i) Approval Criteria. The Hearing Examiner may grant the relief requested if he finds all of the following:

- (A) That the alteration or expansion requested would not be contrary to the public health, safety or welfare;
- (B) That the alteration or expansion is compatible with the character of the neighborhood; and does not significantly jeopardize future development of the area in compliance with the provisions and the intent of the zoning district;

- (C) That the use or structure was lawful at the time of its inception;
  - (D) That the value of nearby properties will not be significantly depressed by approving the requested alteration or expansion;
  - (E) That the nonconforming structure shall comply with all development standards and codes to the extent feasible;
  - (F) That the use or structure will not cause, increase or expand detrimental attributes for the area in which it is located due to: use of hazardous materials; generation of noise, odors or electronic interference; introduction of incompatible uses; or generation of large numbers of vehicle trips; change in hours of operation; and emissions of light or glare; and
  - (G) That the proposed alteration or expansion requested will not create negative health or safety impacts and need not be excluded to protect the public from harm.
- (ii) Findings and Conclusions. The Hearing Examiner shall prepare written findings and conclusions stating the specific reasons for his decision to approve, approve with conditions or deny the application. The findings shall include the Hearing Examiner's determination regarding compliance of the proposed alteration or expansion with the criteria established in Subsection (4)(d)(i) above.
  - (iii) Conditional Approval. When approving alteration or expansion of a nonconforming use, the Hearing Examiner may attach conditions to the proposed alteration or expansion or any other part of the development to assure the development is improved, arranged and screened to be compatible with the objectives of the Comprehensive Plans, this Title, and neighboring land uses.
- (e) Nonconforming Mining Site/Operation. Enlargement or expansion of a nonconforming mining site/operation that does not have a current permit from the Department of Natural Resources (DNR) may be allowed when the site is within an area plan designated mineral resource overlay, subject to the respective listed required level of review (1, 2, 3 or 4), rather than the nonconforming use expansion procedure of this Section. Those without current DNR permits shall be required to comply with this Title by applying for and receiving approvals for designation and operation of the site.
- (5) Change of Use. The legal nonconforming use of a building, structure, or land may be changed, subject to the following:
- (a) Change to an Allowed Use in the Zone. Applications to convert from a nonconforming use to a use allowed in the zone shall be made under Type 1, 2, 3 or 4 review, depending on the designated level of review for the new use as a Type 1 Permitted, Type 2 Administrative or Type 3 or 4 Conditional Use. Once converted to a permitted use, the nonconforming use shall not be re-established.
  - (b) Change to Another Non-Allowed Use. A legal nonconforming use may be changed to another non-allowed use, subject to a Type 2 review, only if all of the following conditions are met:
    - (i) The proposed new use must have equal or lesser overall adverse impacts to the surrounding area considering such factors as traffic, required on-site parking, hours of operation, noise, glare, dust, odor, and vibration.
    - (ii) The proposed use will not introduce hazardous materials, compromise wells, otherwise cause detrimental health hazards, or interfere with development potential of nearby properties under current zoning regulations.
    - (iii) The change in use will not result in an increase in the amount or area devoted to outdoor storage of goods and/or materials, nor will it cause a reduction in existing or required landscaping and sitescreening.
    - (iv) The proposed new use will not enlarge the structure or building space.

- (v) The proposed change in use will involve minimal structural alteration.
  - (vi) The Reviewing Official may impose conditions to ensure compliance with Subsections (5)(b)(i) and (ii) of this Section.
  - (c) Required site improvements, parking and signage shall be subject to the specific provisions of this Title.
- (6) Restoration of Damaged Building or Structure. A building or structure containing a legal nonconforming use damaged by fire, flood, explosion, wind, earthquake, war, riot, calamity or other catastrophic event may be restored or repaired, and its nonconforming use may be resumed or continued, as follows:
- (a) Substantial or Partial Destruction of a Residential Structure. When a lot contains one or more legal, nonconforming, habitable dwellings, as defined in YCC Title 13, a dwelling with gross square footage not to exceed an increase of 50% of the building at the point it became nonconforming may be reconstructed through Type 1 review. Nonconforming mobile homes may only be replaced with a site-built dwelling, modular home or a manufactured home conforming to siting requirements of Section 19.18.290. The replaced or restored dwelling must be constructed according to building, health, and life safety codes within the time frame of Subsections (6)(d) and (e) below. New detached, private garages, carports and other residential accessory structures may be established without regard to a time frame under Subsection (4)(c) above.
  - (b) Partial Destruction of a Non-Residential Structure. If the extent of either damage or repair cost does not exceed 50% of either the square footage or assessed value, as established by the most current County Assessor's tax roll, of a building or structure containing a nonconforming use, other than a dwelling or accessory residential structure, the building or structure may be reconstructed to the footprint existing immediately before partial destruction, subject to the time frames of Subsections (6)(d) and (e) below. Any expansion is subject to the review process of Subsection (4) above.
  - (c) Substantial Destruction of a Non-Residential Structure. If the extent of either damage or repair cost exceeds 50% of either the square footage or assessed value of such building or structure as established by the most current County Assessor's tax roll, the building or structure shall only be reestablished when approved as an alteration under Subsection (4) above.
  - (d) A building permit application for said restoration shall be filed for within 18 months of the date of the damage, disaster or destruction.
  - (e) Restoration/reconstruction shall be completed within two years from the date of the issuance of the permit.
  - (f) Upon receiving a written request submitted prior to the expiration of 18 months following destruction, the Administrative Official may through a Type 1 review process extend the above time limitations for special circumstances beyond the control of the owner of said building or structure. A lapse of more than 18 months shall be considered a discontinuation under Subsection (7) below.<sup>16</sup>
    - (ii) It is succeeded by another non-allowed use under Subsection (5) above;
    - (iii) The structure in which the use was located was damaged or destroyed and an application for rebuilding or replacement is not made within 18 months of the damage or destruction, or the application for the replacement of the nonconforming structure is denied through the Type 3 review process under Subsection (4) above; or

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<sup>16</sup> Discontinuation of Legal Nonconforming Use. If a legal nonconforming use of land is discontinued or terminated, it shall not be re-established. Any subsequent use of the building or land shall conform to requirements of the zoning district in which it is located.

- (a) A use is discontinued when:
  - (i) It is succeeded by an allowed land use listed for the zoning district;

(iv) The use has ceased for a period of 18 months or more, or the terms of the permit allows for a longer period of time. Barring an express provision in the terms of the permit, use cessation by abandonment for such a period shall create a presumption of intent to abandon.

(b) The Administrative Official may, through a Type I process, grant an extension to the timeframe identified above, provided the property owner submits documentation demonstrating there was no intent to abandon the use and other applicable permits are obtained prior to the expiration of the extension. Documentation may include, but is not limited to, the following:

(i) Requests for approvals necessary to re-establish the use or structure submitted to appropriate county, state and federal agencies within 18 months after the use was discontinued;

(ii) The property or structure has been involved in litigation;

(iii) Disputes in insurance settlements in the case of fire or casualty;

(iv) Delay in transferring title due to probate proceedings; or

(v) Attempts to sell or lease the site are ongoing due to:

(A) The time involved for marketing the premises; or

(B) The structure is a specialized type of building requiring a specialized type of use due to equipment, processes or configuration.

(c) A statement from the property owner merely stating there is no intent to abandon is not sufficient documentation without showing additional actions taken by the property owner to re-establish the use or structure.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

## Chapter 19.35

### ADMINISTRATIVE ADJUSTMENTS, MODIFICATIONS AND VARIANCES

#### Sections:

- 19.35.010 Legislative Intent.
- 19.35.20 Administrative Adjustments.
- 19.35.30 Modification to Existing or Approved Uses Regulated.
- 19.35.40 Road Design Modifications.
- 19.35.50 Modifications to Existing Master Planned Resorts and Planned Developments.
- 19.35.055 Modification of an Approved Master Planned Development Overlay.
- 19.35.60 Variances.
- 19.35.070 Final Decisions.

#### **19.35.010 Legislative Intent.**

This Chapter establishes procedures, review criteria and authority for:

- (1) Administratively adjusting specific development standards of this Title in order to:
  - (a) Coordinate development with adjacent land uses and the physical features of the site;
  - (b) Permit flexibility in the design and placement of structures and other site improvements;
  - (c) Allow developments consistent with a respective city or neighborhood comprehensive plan; and
  - (d) Allow buildings to be sited to maximize solar access;
- (2) Approval of modifications to previously approved uses;
- (3) Approval of design modifications to certain road standards;
- (4) Variances to the strict application of the requirements of this Title in limited circumstances. Provided, such variance would not be contrary to the public interest and the strict application of the regulation would cause peculiar, exceptional and undue hardship on the owner of the property. It is the intent of this Title that the variance be used only to overcome some exceptional physical condition of land that prevents any reasonable use of the property; and
- (5) Reducing resource setbacks when the reduction will not adversely affect the natural resource operations or resource property owner or otherwise adversely affect non-resource occupants of especially sensitive land uses from the noise, spray drift and other potential impacts from such adjacent management practices.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

#### **19.35.20 Administrative Adjustments.**

- (1) Review. The Reviewing Official may consider applications for administrative adjustments of certain development standards for Type 1, 2, 3 and 4 uses authorized by Type 2 review to provide flexibility in the administration of this Title. Applications for administrative adjustments will be processed under Type 2 review for administrative adjustments involving Type 3 uses as set forth in Chapter 19.30 and YCC Title 16B. Applications for administrative adjustments may be processed collectively with project permits under the Optional Consolidated Permit Review process as set forth in YCC Title 16B.
- (2) Decision. The Reviewing Official may approve, modify, deny, or impose conditions of approval, as authorized by Chapter 19.30.<sup>17</sup>
  - (a) Administrative adjustments to certain development standards under this Title may be approved, except as limited in Subsection (b) below, as follows:

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<sup>17</sup> Scope of Administrative Adjustments.

- (i) Setbacks, building height, and heights of fences, walls and recreational screens, contained in Section 19.10.40 General Development Regulations;
  - (ii) Setbacks, building height and lot coverage in Chapter 19.11 Rural and Resource Districts, Chapter 19.12 Urban Residential Districts, and Chapter 19.13 Business, Commercial and Industrial Districts;
  - (iii) Chapter 19.20 Signs;
  - (iv) Chapter 19.21 Sitescreening and Landscaping;
  - (v) Chapter 19.22 Parking and Loading;
  - (vi) As otherwise specified herein, such as for reductions to special resource setbacks.
- (b) The Reviewing Official shall not have the authority through the administrative adjustment process to modify the requirements for:
- (i) Density or minimum lot size or width;
  - (ii) Height of buildings or structures as limited in Section 19.17.010 Airport Safety Overlay District;
  - (iii) The number of signs or size of signs, or to allow any prohibited sign;
  - (iv) The siting of manufactured and mobile homes as set forth in Chapter 19.18 within Urban Growth Areas or the Rural Transitional and Rural Settlement zoning districts;
  - (v) Standards in Chapter 19.18, except adjustments to visibility of a front entrance of an accessory dwelling unit, the siting of manufactured and mobile homes outside Urban Growth Areas or the Rural Transitional and Rural Settlement zoning districts, resource setbacks as specified in this Section and special events for bed and breakfasts in excess of 12 per year;
  - (vi) The requirements in other Titles of Yakima County Code, which may have their own adjustment processes outside the scope of this Title; or
  - (vii) Road standards which are subject to Road Design Modifications set forth in section 19.35.040.
- (4) Use of Other Procedures. Other procedures for modifying standards may be available as specified in this Title or may be available through a variance. Where specific modification and variance procedures and criteria are provided in other sections in this Title, the Reviewing Official shall not accept an administrative adjustment application for processing.
- (5) Findings Required to Approve Administrative Adjustments. A standard listed in Subsection (3)(a) above may be adjusted if the Reviewing Official finds that the administrative adjustment is consistent with:
- (a) The purpose and intent of Comprehensive Plan policies that relate to the specific adjustment being proposed and this Title;
  - (b) The purpose and intent of the specific zoning district and the standard being adjusted;
  - (c) Maintaining the minimum administrative adjustment necessary to accommodate the proposed use;
  - (d) Balancing the flexibility of the administrative adjustment with the health, safety and general welfare of individual neighborhoods and the community; and
  - (e) The placement or design of structures will maximize solar access for the production of solar energy;
- (6) Reductions to Special Setbacks for Especially Sensitive Land Uses (ESLUs).
- (a) Legislative Intent. Special setbacks were adopted to protect the farmer or other resource property owner

from nuisance complaints resulting from common, customary and accepted resource management practices, and to protect non-resource occupants of ESLUs from the noise, spray drift and other potential impacts from such adjacent management practices. Considerations in reducing the setback may include the dimensions of the parcel, historic use, natural features, physical barriers, crop type and location of structures on adjoining properties, proposed site design including location of the ESLU and the use of screening, berms, barriers and/or landscaping.

(b) **Review Criteria.** In lieu of the review criteria for other types of administrative adjustments in Subsection (5), resource setback reductions to the setbacks for ESLUs, under Subsection 19.18.205(2) may be granted, subject to Type 2 review and recording a declarative covenant as provided in Section 19.18.205(4), if an applicant can document on the required site plan and accompanying narrative that:

- (i) The lot does not have sufficient buildable area as defined by this code to accommodate the space for the proposed ESLU outside the special setback;
- (ii) An intervening physical barrier mitigates the effects of placing an ESLU closer to the agricultural, mineral or forest zoned lot or use; and
- (iii) Based on a response, if any, from the adjoining resource operator, a reduction of the setback will not now, or in the future, adversely affect accepted agricultural, mineral or forest practices.

(c) **Documentation.** The documentation in Subsection (a) may include or be supported by the characteristics of adjoining and nearby land use and mitigation measures that effectively reduce the potential for land use conflicts and separate the site from active agricultural, forest or mineral operations, such as: use of landscape buffers or screening under Chapter 19.21 and site design using berms or other physical features. Where a setback reduction is justified by this specific subsection, the proposed ESLU must maintain the maximum practicable setback. Subsection (b) above shall not be used to reduce the setback by over fifty percent, except as provided under Subsection (d) below.

(d) **Exceptions.** The widths of the setbacks specified in Subsection 19.18.205(2)(a) may be modified under Type 1 review by the Building Official in consultation with the Administrative Official and recording a declarative covenant as provided in section 19.18.205(4), or as stipulated by conditions of previous permit approvals, where the applicant documents one or more of the following cases:

- (i) The lot was legally created prior to adoption of this Title, or afterward in conformance with a formally approved administrative adjustment to the setback, and the lot cannot accommodate the special setback due to its insufficient area or dimension. In such situations, the maximum possible setback or approved setback from the adjoining agricultural, mineral or forest zoning district or use shall apply.
- (ii) The new structure is an alteration, expansion or replacement of a dwelling or other especially sensitive land use lawfully existing prior to February 8, 2000 or was formally approved afterward, maintaining the maximum practicable setback from the nearby or adjoining resource-designated lot as demonstrated by the proposed floor plan.
- (iii) The special setback would prohibit placement of the especially sensitive land use on an existing lot due to geologic hazard, flood hazard, critical area or other natural feature.
- (iv) The special setback would cause the proposed ESLU to be located further from adjacent existing ESLUs and/or result in a greater impact to commercial agricultural operations on the subject property.
- (v) The most recent plat or short plat containing the proposed especially sensitive land use specifies a different setback from the resource use, in which case the platted setback distance shall apply to the proposed especially sensitive land use, whether or not other conditions, such as current use, specified in the platted setback are present.
- (vi) Part of a property line of the lot proposed to contain a new or expanded especially sensitive land use adjoins another parcel equal to or less than three acres in size and contains a lawfully established

ESLU, in which case the resource setback shall not apply from the adjoining established ESLU lot.

(vii) The adjoining lot was approved as a special exception lot, under the small lot provision or a cluster development, in which case the resource setback shall not apply from the adjoining established special exception, small lot or clustered lot.

(viii) The lot was approved as a special exception lot, under the small lot provision or a cluster development, in which case the standard ESLU resource setback reduction under Subsection (c) above, may exceed 50 percent, provided that the ESLU setback not be less than 60 feet.

(e) **Effect of Intervening Right-of-Way or Easement.** If the property abuts a public or private right-of-way or easement that is precluded from being utilized for resource purposes (agricultural, mineral or forestry), because it contains limiting features such as, but not limited to, roadways, railroads, and irrigation canals, then the width of the right-of-way or easement may count towards the setback requirement.

(7) **Administrative Adjustment of Sign Standards Allowed.** Administrative adjustment of the sign height and setback standards in Chapter 19.20 may be authorized under the provisions of this Chapter when the administrative adjustment application meets the requirements for an adjustment and a comprehensive design plan is prepared that integrates the sign into the site plan of the project.

(a) **Comprehensive Design Plan.** A comprehensive design plan is required whenever adjustment of one or more sign standards of Chapter 19.20 is proposed or when required as part of the detailed sign plan. The comprehensive design plan shall include a narrative and site plan, including, but not limited to the following:

(i) The physical components of the sign including sign size, height, shape, color, location and associated landscaping;

(ii) A description of how the sign relates to the immediate surroundings, including existing and proposed structures, other signs, neighboring land uses and the character of the zoning districts; and,

(iii) For multiple-use complexes a description of how the available sign area will be allocated between tenants or leasable spaces; and,

(iv) An explanation of why the existing sign regulations are not adequate and require adjustment.

(b) **Review Procedures and Criteria.** The Reviewing Official shall use the criteria in this Subsection in lieu of Subsection (5) above and review the comprehensive design plan under this Chapter and may either approve or disapprove the plan. The Reviewing Official shall approve the comprehensive design plan and/or adjustments in the standards of Chapter 19.20 when such approval would:

(i) Be consistent with the character of the zoning district;

(ii) Be compatible with neighboring land uses; and

(iii) Create visual harmony between the sign, structure and the site where it is located.

(c) **Conditions of Approval.** The Reviewing Official may also attach conditions to this approval to accomplish the objectives of Chapter 19.20 and the legislative intent of this Chapter.

(8) **Administrative Adjustment of SITESCREENING and Landscaping Standards Allowed.** In lieu of the review criteria for other types of administrative adjustments in Subsection (5), the Reviewing Official may adjust the sitescreening and landscaping standards in Chapter 19.21 by approving other sitescreening and landscaping plans under this Section, subject to Type 2 review, based on the following factors:

(a) No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots or alleys because of inadequate sunlight or inadequate width.

(b) The building setback provided in front of the new structure is less than six feet or is developed as a plaza



with decorative paving/pavers, trees, planters, or other amenities.

(c) Xeriscape landscaping is utilized in designated stormwater control areas; provided, this factor shall not be used exclusively in reducing a sitescreening standard.

(d) When existing trees and other vegetation serves the same or similar function as the required landscaping, they may be substituted for the required landscaping if they are healthy and appropriate for the site at mature size. When existing trees are eight inches or more in diameter, they shall be equivalent to three required landscape trees. If necessary, supplemental landscaping shall be provided in areas where existing vegetation is utilized to accomplish the intent of this Chapter.

(e) Other adjustments to sitescreening requirements provided that they are able to comply with criteria in Subsection (5) above, as the Reviewing Official determines applicable.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 8-2015 § 2 (Exh. 4) (part), 2015; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.35.30 Modification to Existing or Approved Uses Regulated.**

(1) The Reviewing Official may consider applications for modifications of lawfully established Type 2 or Type 3 uses and developments approved under this Title, and existing Type 2 and 3 uses (see Chapter 19.30). The Reviewing Official may approve, condition, or deny the modification application. A site plan conforming to Chapter 19.30 shall accompany the application showing the location, size and type of modification proposed by the applicant.

(2) Applicability.

(a) Modifications to existing or approved Type 2 and 3 uses may be reviewed under this Section 19.35.030.

(b) All modifications to an existing or approved Type 1 Permitted Use or development shall be reviewed as a Type 1 Permitted Use rather than under these modification provisions.

(c) For a list of activities and modifications typically not subject to the modification review process of this Title, see Subsection 19.30.020(2).

(3) Modifications may be approved by the Reviewing Official under Type 1 review procedures, provided that the cumulative modifications of the approved use will not exceed the following limitations:

(a) The modification will not increase residential use by more than one unit, if allowed by the zoning district;

(b) The modification will not increase the required parking by more than 20% or 20 spaces (whichever is less), except that the parking for controlled-atmosphere and cold storage warehouses may be increased by up to twenty spaces. This limit shall be calculated cumulatively for all previous modifications;

(c) The proposed modification will not expand the total square footage of all structures and/or outdoor use areas, excluding parking, by more than 20%. This limit shall be calculated cumulatively for all previous modifications;

(d) The modification will not change or modify any condition imposed under any previous official review where it is specifically found by the applicable Reviewing Official for the approved use that a particular condition is no longer necessary due to changes in circumstances (in such cases, notice shall be provided to adjacent property owners identified in YCC Subsection 16B.05.030(3), in a manner similar to Type 2 applications);

(e) The modification will not significantly reduce the amount or location of required site screening;

(f) The modification will not expand an existing nonconforming use, or render a conforming use or

structure substandard;

- (g) The modification will not establish a new use;
  - (h) The modification will not expand a landfill, mining/site operation, mineral processing or mineral batching activity;
  - (i) In the determination of the Reviewing Official, the modification will not create or materially increase any adverse impacts or undesirable effects of the project, or cause the use or structure to become inconsistent with County adopted plans or the purpose of the zoning district;
  - (j) The modification will not increase the height of any structure;
  - (k) Any demolition of structures will not exceed 20% of the current area. This limit shall be calculated cumulatively for all previous modifications;
  - (l) The modification will not add a drive-through facility that abuts a residential zone; and
  - (m) The modification does not include hazardous materials (Chapter 70.105 RCW).
- (4) All proposed uses, structures and site improvements (and modifications) shall comply with the development standards of this Title and previous conditions of approval not modified by this application, except as approved under the administrative adjustment or variance provisions of this Title.
- (5) Any proposed modification that does not meet all the requirements of this Section shall be denied. Further consideration of the proposal shall be subject to the Type 2 or 3 review procedures according to Chapter 19.30.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

#### **19.35.40 Road Design Modifications.**

(1) Legislative Intent. Requirements of the road standards in Table 19.35.040-1 may be modified as provided in this Section where necessary to address unusual topographic conditions, nature of existing development, unique or innovative development design or similar factors. The applicant must demonstrate that the proposed design modification meets the Approval Criteria in Subsection 19.35.040(4). To ensure a consistent, objective evaluation of the proposed design modification, such proposals will be reviewed and processed using the procedures in this Section and elements adapted from the Washington State Department of Transportation (WSDOT) local agency guidelines for road design standard deviation approvals.<sup>18</sup>

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<sup>18</sup> Applicability. The road standards of Chapter 19.23 of this Title may be modified as listed in Table 19.35.0401 below. Such design modifications will be considered as part of the underlying decision on the proposed development following the required pre-application conference and standard decision time limits as set forth in YCC Title 16B. The official reviewing the design modification request may differ from the decision maker for the development.

Table 19.35.040-1 Road Standard Modification Table

Attributes	Modifiable Standard	Modifiable Standard <sup>19 20 21</sup>	Request Reviewed by	Roads Standard
	Public Road	Private Road		
Right-of-Way Width	Yes	Yes	County Engineer	19.23.040(6)
Surface Type	Yes	Yes	County Engineer	19.23.040(2) and 19.23.050(6)
Surface Width	Yes <sup>(2)</sup>	Yes	County Engineer	Tables 19.23.045-1, 19.23.045-2 and 19.23.050-1
Subsurface Materials	Yes	Yes	County Engineer	
Bicycle Facilities	Yes	Yes	County Engineer	19.23.030(10)
Lighting	Yes	Yes	County Engineer/Admin. Official	Table 19.23.045-1 Note (4)(c)
Block Lengths	Yes	Yes	Admin. Official	19.23.040(10)
Half-Roads	Yes	Yes	County Engineer	19.23.040(7)
Non-Through Roads	Yes	Yes	Admin. Official	19.23.040(8)
Turnarounds	Yes	Yes	Fire Marshal	19.23.040(8)(c)
Alleys	No	No	N/A	19.23.040(12)
Driveway Location	Yes	Yes	County Engineer	19.23.060
Stormwater/Drainage	No	No	N/A	See YCC Title 12.09
Sidewalks	Yes	Yes	County Engineer/Admin. Official	Table 19.23.045-1 Note (4)(b)
Pathways	Yes	Yes	Admin. Official	Table 19.23.045-1 Note (4)(b)
Trail Connections	Yes	Yes	Admin. Official	

Notes:

demonstrate compliance with the Approval Criteria found in Subsection 19.35.040(4). Such documentation may include:

19 AASHTO guidelines provide flexibility to allow a range of options for road design.

20 Design of drainage facilities should occur concurrently with design of the traveled surface where sites with physical or legal constraints.

21 Procedures.

(a) Design Modifications Requested Concurrently with a Project Permit Application. A pre-application meeting is required for all land use applications that include design modifications to the road standards in Chapter 19.23. Design modification requests must be presented to Yakima County during the pre-application meeting held for the associated permit application. Design modifications are reviewed and approved through the transportation review findings of the underlying land use application, based on additional information as required in Subsection (b) below. Design modifications must be requested at the time of the underlying land use application, or processed as an amendment to the permit, if available, as provided in Subsection (c) below.

(b) Submittal Requirements for Requested Design Modifications.

(i) Based on the pre-application materials provided, the Reviewing Official will inform the applicant what additional documentation is necessary to submit with the underlying land use application to

- (A) Engineering, geotechnical and/or hydraulic analyses;
  - (B) Traffic and collision data;
  - (C) Aerial photos, contour, land use, quadrant and vicinity maps, cross sections and profiles, design file, environmental documents, plans, estimates, cost comparisons and existing as-built plans;
  - (D) An analysis of the public safety or other impacts associated with the requested design modification; and
  - (E) An analysis of how the requested design modification impacts public safety, shifting improvement obligations onto future developers or the County and material impacts on future development patterns.
- (ii) The applicant shall document reasons the design standard cannot be achieved, citing the specific accepted engineering principles where appropriate.
- (c) Design Modifications Requested after the Project Permit Decision.
- (i) If a proposed design modification is requested after the decision has been issued, consideration of said request may only be reviewed under the applicable amendment process for the project permit, such as that set forth in Subsections 19.34.040(5) Amendments to Preliminary Short Subdivisions or 19.34.050(9) Preliminary Subdivision Amendments.
  - (ii) If there is no specified amendment or modification process, the request shall follow the same procedure required for a new application and fee. The scope of review shall be limited to the request presented and need not repeat a review of other elements in the application, provided that any time expiration is not affected unless an extension is requested under YCC Subsection 16B.07.050 or Subsection 19.34.050(10).
- (4) Approval Criteria.
- (a) Before any design modification to the standards in Chapter 19.23 or Table 19.35.050-1 may be granted, the Reviewing Official shall consider all of the following:
- (i) Granting of such design modification request will provide compensating or comparable results, is in the public interest, and will fully meet the objectives of public safety, environmental protection, durability, cost of maintenance, function, and appearance;
  - (ii) Granting of such design modification request will violate no development related conditions imposed upon the project and is based upon accepted engineering practices and principles;
  - (iii) Granting of such design modification request will advance the goals of adopted comprehensive plans as a whole;
  - (iv) Special physical circumstances or conditions affecting the property can only be addressed by a design modification based on accepted engineering practices;
  - (v) Granting such design modification request will achieve the maximum possible compliance with the standard;
  - (vi) Where applicable, granting such design modification request provides potential benefits from implementing low impact development or innovative concepts;
  - (vii) The reason to grant a modification request is not based on self-imposed hardships or economic conditions; and
  - (viii) At least one of the following:

- (A) Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards unworkable for the circumstances;
  - (B) An alternative design is proposed that is functionally equivalent or superior to the standards;
  - (C) A change to a specification or standard must ensure consistency with existing infrastructure or facilities adjacent to or affected by the site that are not expected to change over time.
- (b) In addition to Subsections (3)(a) and (b) above, in considering a road design modification request within Urban Growth Areas, the County will require sufficient right-of-way to be dedicated such that frontage and cross circulation roads will be substantially completed within the 20 year period provided in RCW 36.70A. 110.
- (5) Decision.
- (a) When granting a design modification, the Reviewing Official may attach specific conditions that will accomplish the intent of standards, criteria, and established policies. These conditions will be incorporated into the project permit requirements. Examples of such conditions may include:
- (i) Dedication of right-of-way for future road for any exterior or interior roads serving the property;
  - (ii) Covenants binding owners of the lots to participate in future public and/or private road improvements;
  - (iii) Formation of a road maintenance association comprising the owners of a majority of the parcels abutting the private road, with recorded bylaws, annual assessments, and an established road maintenance fund;
  - (iv) Restriction of further subdivision of the lots;
  - (v) Other requirements in Sections 19.23.030, 19.23.040, 19.23.050 and 19.23.060; and
  - (vi) Improvements to existing interior and/or exterior private roads proportional to the additional traffic the development places on the roadway.
- (b) Requests for design modifications will receive a final decision with the project permit.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.35.50 Modifications to Existing Master Planned Resorts and Planned Developments.**

Modifications may be considered to Master Planned Resorts (MPR) and/or Resort Development Plan (RDP) and Planned Developments (PD) previously established under Title 15, as described below.

- (1) Minor Modifications. Minor modifications include minor shifting of the location of buildings, proposed streets, public or private ways, sewer or water facilities, parking areas, landscaping, parks, open space, or similar improvements. The process for minor modifications of a MPR, RDP and PD shall be a Type 1 Review.<sup>22</sup>
- (3) Expiration. Modifications approved under this section shall expire by time limitation, as set forth in Subsection 19.30.100(4) and YCC Chapter 16B.07 when the Reviewing Official determines that the modification has not been developed as approved within the time frame granted.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

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<sup>22</sup> Major Modifications. All other modifications such as, but not limited to: changes to approved land uses, phasing, time limits and density within the MPR and PD, shall be considered as major modifications and shall be reviewed under the Type 4 Review process in Chapter 19.30 and YCC Chapter 16B.03.

**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 minor nature proposed to be made to the configuration, design, layout or topography of the Master Planned Development deemed not to be material or significant in relation to the entire Master Planned Development and are determined not to have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare;
- (3) Type 3 Review Projects or Actions. A major modification to the Master Development Plan shall be subject to a Type 3 review and shall be referred to the Hearing Examiner under YCC Title 16B and Chapter 19.31. A "major modification" shall be any modification to an approved Master Development Plan or Development Agreement deemed to be more significant than a "minor modification" as described above; and <sup>23</sup>

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23 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.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017; Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.35.60 Variances.**

(1) Variance Applications. The Hearing Examiner may consider applications for a variance from the terms of this Title under the Type 3 review provisions of Chapter 19.30 and the requirements of YCC Title 16B.

- (a) Under no circumstances shall the Hearing Examiner grant a variance to allow a use not permissible under the terms of the Title in the zoning district involved, or any use expressly or by implication prohibited in the zoning district by this Title.
  - (b) A variance application that would alter density or minimum lot size requirements shall not be accepted or granted.
  - (c) A variance application shall not be accepted if administrative adjustment or modification provisions apply and could provide the relief sought from the standards of this Title.
  - (d) The Hearing Examiner shall not have jurisdiction to grant a variance to standards or requirements under the Federal Emergency Management Agency's National Flood Insurance Program (NFIP) as implemented by YCC Title 13.
- (2) Criteria for Variance Approval. The Hearing Examiner shall authorize such variance from this Title, as will not be contrary to the public interest and the comprehensive plan where literal enforcement of this Title would cause undue hardship, as measured by the criteria below. A variance shall not be granted unless the Hearing Examiner makes findings that the applicant has expressly demonstrated all of the following:
- (a) Special circumstances applicable to the property, including size, shape, topography, location or surroundings, exist;
  - (b) Due to such special circumstances, strict application of this Title would deprive the property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification;
  - (c) Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated;
  - (d) Special circumstances do not result from the actions of the applicant;
  - (e) The variance is the minimum variance that will make possible the reasonable use of the land, building or structure;
  - (f) Granting a variance will be in harmony with the general purpose and intent of this Title, the specific zoning district and the Comprehensive Plan;
  - (g) Administrative adjustment or administrative modification provisions of this Chapter were not applicable or could not provide the relief sought from the standards of this Title;
  - (h) Granting the variance requested will not confer on the applicant any special privilege denied by this Title to other lands in the same area; and
  - (i) Financial gain is not the ground or grounds for the variance.
- (3) Additional Criteria for Variances in a Floodplain and/or Airport Safety Overlay District. When considering variance applications for property within a 100-Year Floodplain designated under YCC Titles 16A, 16C or 16D or within the Airport Safety Overlay District, the Hearing Examiner shall consider:
- (a) The conditions in Section 19.17.030;
  - (b) All technical evaluations and standards that apply;
  - (c) The danger to life and property due to flooding or airport land use and safety conflicts;
  - (d) The importance of the services provided by the proposed use to the community;
  - (e) The necessity to the facility of a waterfront or airport location;

- (f) The availability of alternative locations for the proposed use that is not subject to flooding or airport hazards;
  - (g) The compatibility of the proposed use with existing and anticipated development; and
  - (h) The relationship of the proposed use to the Airport Master Plan and floodplain requirements under the Federal Emergency Management Agency's National Flood Insurance Program (NFIP) as implemented by YCC Title 13.
- (4) Action on a Variance Application.
- (a) The Hearing Examiner shall file a written decision following closing of the public hearing in accordance with YCC Chapter 16B.09 that shall include the following considerations:
    - (i) The testimony at the public hearing;
    - (ii) The extent to which the proposed variance complies with the requirements of Subsection 19.35.070(2);
    - (iii) The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, or structure; and
    - (iv) The consistency of the variance with the general purpose and intent of this Title, the specific zoning district and the Comprehensive Plans.
  - (b) The Hearing Examiner may approve, modify, deny, or require conditions of approval in his or her judgment that will substantially secure the objectives of the standards or requirements so varied or modified.
  - (c) Violations of conditions and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this Title and is subject to remedies set forth in YCC Chapter 16B.11.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.35.70 Final Decisions.**

- (1) Notification of a final decision shall be issued as required under YCC Chapter 16B.07.
- (2) Notice shall specify whether the final decision may be appealed as allowed under YCC Chapter 16B.09.
- (3) If the effect of the decision is a recommendation, it shall be transmitted to the Board as provided in YCC Section 16B.09.050.

(Ord. 6-2017 § 2(C) (Exh. 1) (part), 2017: Ord. 7-2013 § 1 (Exh. A) (part), 2015).







## **Chapter 19.17**

### **OVERLAY DISTRICTS**

**Sections:**

- 19.17.10 Legislative Intent.
- 19.17.20 Applicability of Overlay Development Standards.
- 19.17.30 Airport Safety Overlay District (ASO).
- 19.17.40 Master Planned Development Overlay District (MPDO).
- 19.17.50 Greenway Overlay District (GO).

**19.17.10 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).

**19.17.20 Applicability of Overlay Development Standards.**

(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.<sup>24</sup>

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<sup>24</sup> **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.

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

(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).

### **19.17.30 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:<sup>25</sup>

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

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<sup>25</sup> 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

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 aviation 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.

(7) New Airports, Heliports and Landing Fields. Section 19.18.040 contains special provisions for new airports, heliports and landing fields.

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

**19.17.40 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

(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 19.34.80 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

(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 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 tenfive 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.  
transportation circulation/mobility.

**(64) 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).

(57) 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 19.17.04019.36.060(71)(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;
- (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).

**19.17.50 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.

## Subtitle 19.3 Procedures

### Chapter 19.30

#### APPLICATIONS

Sections:

- 19.30.10 Legislative Intent.
- 19.30.20 Required Permits.
- 19.30.30 Application and Use Categories.
- 19.30.40 Pre-application Conference.
- 19.30.60 Application Requirements.
- 19.30.70 Site Plans for Project Permits - Form and Contents.
- 19.30.71 Site Plans for Project Permits - Boundary Line Adjustments.
- 19.30.72 Site Plans for Project Permits - Preliminary Short Plats.
- 19.30.73 Site Plans for Project Permits - Preliminary Plats.
- 19.30.74 Site Plans for Project Permits - Binding Site Plans.
- 19.30.75 Site Plans for Project Permits - Master Planned Resorts (MPR).
- 19.30.80 Application Review Procedures.
- 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.

**19.30.10 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).

**19.30.20 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.
- (Ord. 7-2013 § 1 (Exh. A) (part), 2015).

**19.30.30 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 19.30.80 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).

**19.30.40 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 FEMA100-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).

**19.30.60 Application Requirements.**

All of the following documents and elements must be submitted as requirements for a fully completed application for project permits where specified in the particular application form or as determined necessary by the Administrative Official due to applicability of the specific requirement to the proposal:

(1) General Information. The items required under YCC Section 16B.04.020.

- (2) Site Plan. A site plan, in conformance with Section 19.30.070.
- (3) Optional Consolidated Permit Review. Under YCC Section 16B.03.060, two or more project permits relating to a proposed project action may be processed collectively under the highest numbered category of project permit required for any part of the proposal or processed individually under each of the procedures identified by the code. The applicable fee for each application will be required.
- (4) Contents. Individual chapters of this Title and YCC Title 16B contain additional information required for a particular type of application review process.
  - (a) Design modifications, administrative adjustments, variances, minor rezones, modifications to approved, existing, and nonconforming uses, lots and structures, and other specified applications shall submit documents and elements in conformance with this Chapter and the specific requirements of Chapters 19.33 through 19.36.
  - (b) All applications shall include the following information:
    - (i) Yakima County taxation parcel number and, for land divisions, a legal description;
    - (ii) Description of proposed action;
    - (iii) Size of subject property;
    - (iv) Explanation of any administrative adjustment or design modification sought from the standards of this ordinance; and
    - (v) Draft of any proposed covenants, restrictions and easements.
  - (c) All necessary documents, narratives, detailed project development schedule or special studies identified at the time of pre-application conference must be included with the site plan at the time of submittal;
  - (d) A comprehensive sign plan meeting the requirements of Section 19.35.020(7), if an administrative adjustment or variance to the sign standards is requested;
  - (e) Special studies, such as soil and geological analyses as determined necessary by the Administrative Official to address specific site constraints; and
  - (f) Any other information specified by the Administrative Official, such as:
    - (i) Existing ownership pattern;
    - (ii) Operation and maintenance proposals (i.e. homeowner's association, condominium, co-op or other);
    - (iii) Solid waste disposal facilities;
    - (iv) Lighting;
    - (v) Water supply and fire hydrants;
    - (vi) Public transportation;
    - (vii) Community facilities;



- (viii) Flood proofing or other measures to protect against flooding;
- or (ix) Information on design methods to conserve energy.
- (5) Covenants, Conditions and Restrictions. A copy of any existing covenants, conditions and restrictions (CC&Rs) or deed restrictions pertaining to or affecting the property.
- (6) Boundary Line Adjustments. Additional items required for a boundary line adjustments under Section 19.34.020 include:
  - (a) Boundary Line Adjustments.
    - (i) Legal Descriptions. New legal descriptions prepared by a licensed surveyor for all new lots affected by the boundary line adjustment before they are submitted to the Planning Division. Existing legal descriptions may be submitted with the Owners' Commitment or Subdivision Guarantee.
    - (ii) Record of Survey. A record of survey shall be submitted with the boundary line adjustment application in compliance with RCW 58.09. The record of survey shall include on the face or be attached to a declarative covenant with a statement of intent of the altered boundary lines, signed and notarized by all current owners of the properties. The document shall be titled "Record of Survey." Every survey filed for record must contain or be attached to a declarative covenant or deeds giving a full and correct description of the lands divided as they appear, including a statement in substantially the following form:

**LANGUAGE FOR DECLARATION OF CORRECTED BOUNDARY LINES:** This boundary line adjustment has been made with the free consent and in accordance with the desires of the owner or owners. No fractional part of contiguous lots merged in this action may hereafter be sold, leased, transferred or developed through building permit or other development permit as a division separate or distinct from the land into which it is merged without prior approval under Yakima County Code Title 19.
    - (iii) Owner's Commitment or Subdivision Guarantee. To establish the ownership of lots proposed for adjustment, the application shall be accompanied by a current Owner's Commitment or Subdivision Guarantee as provided under Subsection 19.30.060(8).
    - (iv) Yakima Health District Approval. Applications for boundary line adjustments where individual on-site sewage systems are proposed on lots under two acres, or if located on Type 1 soil identified by WAC Chapter 246-272A, on lots under two and one-half acres shall be accompanied by a written verification from the Yakima Health District that the lots can accommodate an on-site sewage system, or that the proposed adjustment does not affect the on-site sewage system, as applicable under Subsection 19.34.060(5).
- (7) Stormwater Site Plan. A stormwater site plan, if required by YCC Chapter 12.10.
- (8) Owner's Commitment or Subdivision Guarantee. A boundary line adjustment, binding site plan, or preliminary plat application shall include a current Owner's Commitment or Subdivision Guarantee showing all parties having any interest in the "land" subdivided to establish the ownership of lots. The title company report shall be current within 60 days of submitting a complete application and address the following:

- (a) The existing legal description of each parcel involved in the proposal;
  - (b) Those individuals or corporations holding an ownership interest and any security interest (such as deeds of trust or mortgages) or any other encumbrances affecting the title of said parcels.
  - (c) Any lands to be dedicated shall be confirmed as owned in fee title by the owner(s) signing the dedication certificate; and
  - (d) Any easements or restrictions affecting the properties being adjusted with a description of purpose and referenced by the auditor's file number and/or recording number.
- (9) SEPA Environmental Checklist. Any application not exempt under YCC Section 16.04.110, WAC 197-11-800(6) or Chapter 43.21C RCW, State Environmental Policy Act, shall include an environmental checklist unless the SEPA Responsible Official determines one is not needed.
- (10) Written Narrative and Other Information.
- (a) A written narrative shall be submitted that addresses the following:
    - (i) Project description including project phases and timeframes from project authorization to project completion;
    - (ii) How the application meets or exceeds each of the applicable approval criteria and standards;
    - (iii) How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site; and
    - (iv) Whether any development standards are proposed to be modified from the underlying zoning district requirements.
  - (b) Applications for binding site plans shall include a narrative describing the provisions for long term maintenance with adequate financing for areas and facilities under common ownership.
  - (c) Applications for Master Planned Resorts shall include:
    - (i) A narrative demonstrating compliance with the approval criteria of Section 19.36.050;
    - (ii) Information in addition to the items of this Section and Subsection 19.30.070(7) required to review the unique MPR proposal;
    - (iii) Evidence of financial and other resources available to develop the project;
    - (iv) Tables showing total numbers of acres, distribution of area by use, percent designated for each use; and
    - (v) Approach to the strategies shown on the site plan and identified in Subsection 19.30.070(7) below.
- (11) Cluster Development. Applications for cluster developments under Section 19.34.035 shall include the items required in that Section and items required for a boundary line adjustment, short

subdivision or subdivision, depending on the type of process required for the proposed cluster development.

**(12) Master Planned Development Overlay.**

**(a) Application.** A proposed master concept plan may include properties both within and outside the jurisdictional boundaries of the cities, provided all areas are located within the UGA.

Applications for Master Planned Development Overlays that transcend jurisdictional boundaries shall complete one of the following prior to acceptance of the application for processing:

**(i)** Annexation of the remainder of the property lying outside of city limits; or

**(ii)** Submit a petition for annexation to the City Council for the above mentioned property, and attain and submit an Early Transfer of Jurisdiction letter to the city releasing the proposed land use application to be processed by the city.

**(b) Development Plan - Submission Requirements.** An application for Master Planned Development shall include the following information:

**(c) Planning History.** A summary of all previous known land use decisions affecting the applicant's property and a list of all outstanding conditions of approval regarding such prior land use decisions.

**(d) Existing Property Information.** An application for a Master Plan Development shall contain the following information on and adjacent to the site, presented in narrative, tabular and/or graphic formats:

**(i)** Vicinity map that identifies surrounding uses within 500 feet of the site boundary;

**(ii)** Legal description for the proposed Master Planned Development with a title report disclosing all lien holders and owners of record;

**(iii)** Zoning map that identifies base and overlay zoning designations for the site and surrounding property uses within 500 feet of the site boundary; and

**(iv)** Site description including the following information provided in narrative, tabular and/or graphic formats:

**(A)** Topography and natural resources including 100-year floodplain; wetlands, rivers, streams or other critical areas; and natural hazards such as steep slopes greater than 15%, and unstable, impermeable or weak soils;

**(B)** Inventory of cultural, historic and/or archaeological resources on the site, if any;

**(C)** Existing buildings, if any, including use, location, size and date of construction;

**(D)** Existing on-site transportation systems including streets, sidewalks and bike paths, if any;

**(E)** Location and size of existing public and private utilities on the site including water, sanitary sewer, storm water retention/treatment facilities and electrical, telephone and data transmission lines;

- (F) Location of public and private easements;-and
  - (G) A description of the type, design and characteristics of the surrounding properties to assess the proposed Master Planned Development effects;.
  - (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 facilities;
  - (v) Proposed location and dimension of all common open spaces;
  - (vi) 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).

**19.30.70 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 1/2" 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**

<b>(a) General Information.</b>	
(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
<b>(b) Existing Conditions.</b>	
(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;
<b>(c) Existing and Proposed Development.</b>	
(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
(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
(iv)	The location, right-of-way widths, pavement widths, curbs, gutters, culverts

	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;
(v)	Location, dimension and design of off-street parking facilities, showing points of ingress to and egress from the site;
(vi)	Existing and proposed land uses, including primary and accessory;
(vii)	Existing and proposed pedestrian and vehicular circulation patterns, and where specified, sidewalks, trails and bicycle paths;
(viii)	Existing and proposed landscaping, sitedeening and street trees, where required;
(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;
(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;
(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;
(xii)	The location of all existing and proposed storm drainage facilities;

**(d) Floodplain Development.**

A site plan for development in the 100-year floodplain shall also include the following information:

(i)	Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
(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.



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

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

**19.30.71 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).

**19.30.72 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).

**19.30.73 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).

**19.30.74 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

19.34.81 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).

**19.30.75 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).

**19.30.080 Application Review Procedures.**

Applications shall be submitted and considered in the manner established by YCC Chapter 16B.04, Application Process and as follows:

- (1) Applications. Applications shall include information necessary to review the proposal for conformance with this Title, as set forth in Section 19.30.060.
- (2) Completeness Review. The procedures for determining whether an application is complete for review are established in YCC Sections 16B.04.030 through 16B.04.070.
- (3) Violations and Penalties. As provided in YCC Sections 16B.11.040 and 16B.11.050, and this Title, an application may be rejected by the Administrative Official where a violation of this or other County ordinances or state law is found to exist on the property until such time as the violation is remedied or the application itself is intended to remedy the violation or the Administrative Official determines the proposal has no bearing on the existing violation. Such violations may also be considered sufficient grounds for denial of an application by the County if the proposed application cannot and does not remedy the violation.
- (4) Additional Information. The Reviewing Official may request additional or more detailed information as provided in YCC Section 16B.04.040.
- (5) Public Notice.
  - (a) Notice shall be given for Type 2, 3 and 4 reviews as provided for in YCC Chapter 16B.05.
  - (b) The Reviewing Official may also solicit comments from any other person or public agency he feels may be affected by the proposal.
- (6) Administrative Adjustments at Public Hearings. In order to address site plan modifications resulting from the public hearing process, the Hearing Examiner and Board may grant administrative adjustments under the criteria of Chapter 19.35 without additional notice. Road Design Modifications may be authorized by the appropriate Reviewing Official only for those adjustable standards indicated in Section 19.35.040 under Table 19.35.040-1.
- (7) Decision Criteria. Decision criteria for Type 1 permits are listed below in Section 19.30.090. For all Type 2, 3 and 4 reviews, the Reviewing Official shall prepare written findings and conclusions stating the specific reasons, upon which the decision or recommendation to approve, approve with conditions or deny the application is based. The findings shall, at a minimum, address the following criteria:
  - (a) The present and future needs of the community will be adequately served by the

proposed development and that the community as a whole will be benefited rather than injured;

(b) The proposed use is compatible with neighborhood land uses, the goals, objectives and policies of the Comprehensive Plan, and the legislative intent of the zoning district;

(c) The site of the proposed use is adequate in size and shape to accommodate the proposed use;

(d) All setbacks, spaces, walls and fences, parking, loading, sitescreening, landscaping, and other features required by this Title;

(e) The proposed use complies with other development and performance standards of the zoning district and this Title;

(f) The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

(g) The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof;

(h) In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the Comprehensive Plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties; and

(i) The development complies with all criteria in Chapter 19.18 applicable to the proposed use, unless otherwise administratively adjusted.

(8) Reviewing Official's Decision. After considering the matters in the record and any comments in response to notice where required, the Reviewing Official shall take one or more of the following actions as authorized under YCC Title 16B:

(a) Approve the application;

(b) Establish conditions for approval or require changes in the proposed site plan, provided that conditioning authority for Permitted Uses subject to Type 1 review is limited to that specified in Section 19.30.090;

(c) Request additional or more detailed information per YCC Section 16B.07.030. The Reviewing Official may continue an open record public hearing to allow requested additional information to be provided;

(d) Refer any Type 2 Administrative Use application to the Hearing Examiner for the purpose of holding a public hearing and rendering a decision on the proposal under Type 2 review procedures and criteria;

(e) Deny the application; and

(f) As provided in YCC Chapter 16B.09, the Board may also remand a Type 2 Administrative, Type 3 Conditional or Type 4 Quasi-judicial application to the Hearing Examiner before making a decision on the record if the Board finds that the Hearing Examiner's decision or recommendation needs clarification or further findings on specific points, consistency with this Title, or the Comprehensive Plan.

The Reviewing Official's final decision shall be issued in accordance with the requirements of YCC Chapter 16B.07.

(9) **Limitations.** Applications approved by the Reviewing Official authorize only the use, arrangement and construction set forth in the approved site plans, plats and applications, and no other use, arrangement or construction unless otherwise permitted and not prohibited by condition. Use, arrangement or construction substantially at variance with that authorized is a violation of this Title and punishable as provided by YCC Chapter 16B.11.

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

**19.30.090 Type 1 Application Approval Criteria and Conditions.**

(1) In granting a project permit application subject to Type 1 review, the Administrative Official shall review the submitted materials and all other necessary information to determine that:

- (a) The proposed development complies with the standards and provisions of the zoning district in which it is located, the development standards and all other applicable sections of this Title, except when an Administrative Adjustment is granted or the proposed development is otherwise modified according to the provisions of this Title.
- (b) Adequate water, sewer, roads, and other infrastructure improvements exist, or will be provided, to serve the project consistent with the purpose of the zoning district.
- (c) When located within an Urban Growth Area, the Reviewing Official may solicit and consider comments from the affected city in making this determination.
- (d) When necessary to meet current development standards or to serve the proposed use, conditions may be required relating to:
  - (i) The number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);
  - (ii) The dedication of additional right-of way and or public use easements for access, utilities or other purposes;
  - (iii) Increased building setbacks to provide for future road improvements for classified roads;
  - (iv) Flood hazard mitigation under YCC Chapters 16A.05, 16C.05 or 16D.05;
  - (v) Storm drainage facilities as required in YCC Title 12.10;
  - (vi) Other infrastructure improvements; or
  - (vii) Other mitigation measures required under the SEPA.

(2) When the proposed Type 1 project permit application does not meet one or more requirements of Subsection (1) above, it shall either be subject to conditions to correct the deficiency, or if it cannot be adequately conditioned to comply with this Title, it shall be denied.

(3) When a Type 1 project permit application is denied, the Administrative Official shall state the specific reasons.

(4) When a proposed Type 1 project permit application is conditioned or denied, the applicant



and/or property owner may appeal the determination to the Hearing Examiner under YCC Chapter 16B.09.

(5) The Reviewing Official shall prescribe a time limit within which the action authorized shall be commenced, completed, or both. The time frame for boundary line adjustments shall not exceed one year, and for all other Type 1 permits, the time frame shall not exceed three years from the date of final decision, except as may be allowed by YCC Subsection 16B.07.050(2)(a) or such longer time as allowed by State law.

(6) Violation of conditions and safeguards, when made part of the terms under which the project permit is granted, shall be considered a violation of this Title and subject to the remedies set forth in Section 19.30.120, YCC Chapter 16B.11 and YCC Title 13.

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

**19.30.100 Conditions for Approval of Type 2, 3 and 4 Applications.**

(1) The Reviewing Official is authorized by development standards of this Title and other applicable Titles of County code to require conditions for approval of Type 2 Administrative, Type 3 Conditional or Type 4 Quasi-judicial Uses or Actions. The Reviewing Official may impose additional or greater requirements as conditions of approval on any use, development or modification being reviewed to ensure that the proposal meets the standards and criteria for approval.

(2) Except, as otherwise expressly provided, a Reviewing Official may impose conditions to:

- (a) Comply with any development standard or criteria for approval set forth in this Title or other relevant provisions of Yakima County Code;
- (b) Mitigate material impacts of the development, whether environmental or otherwise;
- (c) Ensure compatibility of the development with existing neighboring land uses; assure consistency with the intent and character of the zoning district involved;
- (d) Ensure that the structures and areas proposed are surfaced, arranged and screened in such a manner that they are compatible with and not detrimental to existing or reasonable expected future development of the neighborhood, or resource uses, consistent with the Comprehensive Plan; and
- (e) Achieve and further the intent, goals, objectives, and policies of the Comprehensive Plan and this Title.

(3) This Title grants broad authority to impose special conditions and safeguards to achieve and further the objectives listed above, consistent with the limitations imposed by County code. These conditions and safeguards may include, but are not limited to, the following:

- (a) Increasing or limiting the required lot size, setback or yard dimensions, consistent with development regulations;
- (b) Limiting or increasing the height of buildings or structures, consistent with development regulations;
- (c) Controlling the number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);

- (d) Requiring the dedication or reservation of additional rights-of-way or easements for future road or street improvements;
  - (e) Requiring the designation of public use easements or drainage easements and recording of same;
  - (f) Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
  - (g) Limiting the number, size, height, shape, location and lighting of signs;
  - (h) Requiring view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
  - (i) Designating sites for and/or the size of open space or recreational areas;
  - (j) Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;
  - (k) Limiting hours and size of operation;
  - (l) Controlling the siting of the use and/or structures on the property;
  - (m) Requiring that public facilities are adequate to serve the proposed use;
  - (n) Requiring improvements to public or private roads, bridges, stormwater facilities and drainageways, water systems or sewage systems; and
  - (o) Requiring mitigation measures to effectively reduce the potential for land use conflicts and separate Especially Sensitive Land Uses, as defined in Chapter 19.01, from active agricultural, forest, or mineral operations, such as: landscape buffers; special setbacks; screening; site design using physical features such as rock outcrops, ravines, roads, irrigation canals or critical areas.
- (4) The Reviewing Official shall prescribe a time limit within which the action authorized shall be commenced, completed, or both. The time frame shall not exceed three years from the date of final action.
- (a) The Reviewing Official may approve a longer time frame to cover subsequent phases of the project permit or action where a specific detailed development schedule and sufficient information has been provided by the applicant to allow evaluation of the full scope of the proposal including all phases at the time of review.
  - (b) Such time frame shall be consistent with state statute where specifically provided or such longer time as allowed by State law or by other requirements of this or other County Titles
  - (c) As provided in YCC Section 16B.07.050, failure to meet the time limit set shall void the approval; except that the Administrative Official may authorize a onetime extension of either or both dates upon request, provided such extension request is filed in writing prior to the required commencement or completion date as authorized in YCC Section 16B.07.050. Such extension request shall define the circumstances that prohibited the commencement or completion, or both, of the use authorized. The length of such time extension, if authorized, shall not exceed 12 additional months from the date the extension decision becomes final.

(5) Violation of such conditions and safeguards, when made part of the terms under which the project permit is granted, shall be considered a violation of this Title and subject to the remedies set forth in Section 19.30.120, YCC Chapter 16B.11 and YCC Title 13.

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

**19.30.110 Final Decisions.**

(1) Notification of a final decision shall be issued as required under YCC Chapter 16B.07.

(2) Notice shall specify whether the final decision may be appealed as allowed under YCC Chapter 16B.09.

(3) If the effect of the decision is a recommendation, it shall be transmitted to the Board as provided in YCC Section 16B.09.050.

(4) Once the Board has taken action a copy of the decision will be provided by the Planning Division to the applicant and parties of record who participated in the hearing.

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

**19.30.120 Compliance with Conditions, Safeguards and Mitigation Required - Revocation of Project Permits.**

(1) A Project Permit shall complete all required permit conditions within the timeframe and any extension as provided in YCC Section 16B.07.050(3)(a). The project shall maintain full compliance with the requirements of the project permit decision.

(2) The Reviewing Official may revoke a project permit issued under this Title if it is ascertained:

(a) The application included any false information material to the project permit approval;  
or

(b) The project permit, previously found to be in compliance with conditions and safeguards, subsequently fails to maintain compliance with the conditions, safeguards and/or mitigation requirements made a part of the terms under which the approval was granted.

(3) This action to revoke the project permit may be undertaken along with any other remedies available to Yakima County to enforce conditions of a decision, remedy violations or abate public nuisances under this Title, YCC Title 13 and YCC Chapter 16B.11 Violations and Enforcement. Nothing shall obligate the Reviewing Official to revoke a project permit as a remedy for any violation of this Title or for any project not maintaining full compliance with the requirements of a project permit decision.

(4) If the Reviewing Official finds that any conditions, safeguards and/or mitigation required by the project permit are not being maintained, the Reviewing Official shall prescribe a time for correction, and if corrections are not made within the time limit, revocation of the project permit shall become effective five days after the time previously specified.

(5) The applicant or property owner may request a public hearing on the revocation subject to payment of a fee. An open record public hearing shall be held before the Hearing Examiner under the procedures of YCC Title 16B, in order to show cause why such Permit approval should not be revoked. Adjoining property owners and parties of record in the project permit approval process shall have standing to participate in the appeal.

(6) A new application for a project permit previously revoked under this Section cannot be made within one year after revocation.

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

**19.30.130 Performance Assurance.**

(1) Legislative Intent. The intent of this Section is to:

- (a) Ensure that public and private improvements required of a project permit are constructed;
- (b) Provide for Latecomers Agreements and Road Improvement Districts to assist with financing required public improvements over time;
- (c) Allow individuals developing property options for financing public and private improvements required by this Title to provide performance assurance in lieu of construction through acceptance of:
  - (i) Surety Bonds;

- (ii) Cash Escrow;
    - (iii) Cash Security Deposits; and
    - (iv) Maintenance Bonds;
  - (d) Provide a remedy and financing mechanism to ensure construction of required public and private improvements when the applicant fails to perform; and
  - (e) Protect public property.
- (2) **Applicability.** This Section applies to the construction and maintenance of public and private infrastructure improvements required under this Title and YCC Section 12.10.310 related to stormwater.
- (3) **Latecomers' Agreements.** The County may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects under this Section as an alternative to financing projects solely by owners of real estate. The applicant or proponent for a latecomers' agreement must propose an assessment reimbursement area. They shall be responsible for a financing bond and for the cost to the County of setting up the agreement.
- (4) **Road Improvement Districts.** The developer may participate in the formation of a road improvement district (RID) to improve the dedicated right-of-way to minimum County standards as specified in Chapter 19.23. The County Engineer may require a road corridor study to determine the most suitable location for the dedicated right-of-way. The cost for such a study shall be borne by the developer.
- (5) **Financing in Lieu of Construction.**
- (a) As a condition of approval of any project permit decision under this Title, the Reviewing Official may require security for the performance, completion and maintenance of any proposed or required public or private improvement or any other term or condition of approval pertaining to a public or private improvement. The estimate of the performance and completion of any proposed or required improvement or any other term or condition of approval pertaining to an improvement will be reviewed and/or calculated by the County Engineer or a designee. When such security is required, it shall be made under this Section and must be made and approved prior to issuing the development permit. The quality, sufficiency, amount and exact form of the security are subject to the approval and satisfaction of Reviewing Official, typically the County Engineer for Public infrastructure, and Administrative Official for private infrastructure, or the Public Services Director where stormwater facilities are involved.
  - (b) Whenever security is provided by an applicant it shall state directly or by reference all the following provisions:
    - (i) What improvements or performance are secured;
    - (ii) A date or dates of required completion of improvements;
    - (iii) The amount of the security;
    - (iv) That the security is payable to Yakima County; and
    - (v) That the applicant shall maintain the security in force until completion of all required conditions or improvements, for which the security was provided or for improvement maintenance warranty period.



(c) The applicant may provide security in either of the following:

(i) Surety Bond (For Improvements Costing More than \$50,000.00). RCW 58.17.130 provides for the acceptance of a surety bond by Yakima County in lieu of the actual construction of any required public or private improvement prior to the final approval of a development.

(A) The Reviewing Official may accept a bond, in an amount and with surety and conditions satisfactory to the Reviewing Official, providing for and securing to Yakima County the actual construction and installation of all improvements within two years of the acceptance of the bond.

(B) The amount of the surety shall be the estimated construction cost as determined by a registered engineer, plus 25% for the administration of the contract. The bond shall continue in full force until the affirmative release by the Reviewing Official.

(C) If at the end of the two-year period the improvements are not completed the Reviewing Official may take action against the bond to complete the improvements.

(ii) Cash Escrow (For Improvements Costing Less than \$50,000.00).

(A) As a condition of approval of any project permit decision under this Title, the Reviewing Official may require cash escrow security for the performance, completion and maintenance of any proposed or required public or private improvement or any other term or condition of approval pertaining to a public or private improvement that cost less than \$50,000.00. The maximum length of the escrow shall not exceed two years.

(B) If the applicant posts a cash escrow as security for the required improvements, the escrow instructions shall provide:

1. That the applicant will have no right to a return of any of the funds, except as provided herein.

2. That the escrow agent shall have a legal duty to deliver the funds to the County whenever the Reviewing Official presents an affidavit to the agent attesting to the County's right to receive funds whether or not the applicant protests that right. If and when the County accepts the offer of dedication for the last completed required improvement, the County shall execute a waiver of its right to receive all but 25% of the funds represented by the cash escrow if the applicant is not in breach of the improvement agreement. The residual funds shall be security for the applicant's covenant to maintain the required improvements, if public, and its warranty that the improvements are free from defect.

(iii)

(A) Cash Security Deposit (For Improvements Costing Less than \$5,000.00).

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 minor nature proposed to be made to the configuration, design, layout or topography of the Master Planned Development deemed not to be material or significant in relation to the entire Master Planned Development and are determined not to have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare;
- (3) Type 3 Review Projects or Actions. A major modification to the Master Development Plan shall be subject to a Type 3 review and shall be referred to the Hearing Examiner under YCC Title 16B and Chapter 19.31. A "major modification" shall be any modification to an approved Master Development Plan or Development Agreement deemed to be more significant than a "minor modification" as described above; and
- (4) 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.

## Exhibit 5

Yakima County Code  
Chapter 19.14 Allowable Land Use Table.

Chapter 19.14

ALLOWABLE LAND USE TABLE

Table 19.14-1 Allowable Land Uses

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Convenience* store*!		2			3		2	1						2	1	1	1	2	