

# **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, sitescreening, and landscaping requirements; and to clarify that building permits are required for their placement.
  - ii. LRN2019-00003/SEP2019-00028 (see Exhibit 2)
    1. Sitescreening and Landscaping – Updates to YCC 19.21, Sitescreening 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.

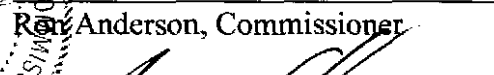
Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity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

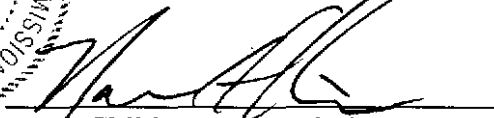
Section 5. Effective Date. Pursuant to the Growth Management Act (RCW 36.70A), Yakima County must publish a Notice of Adoption within 10 days after the Board's approval of this ordinance, thus starting the required 60-day appeal period. Therefore, this ordinance becomes effective on the 61<sup>st</sup>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

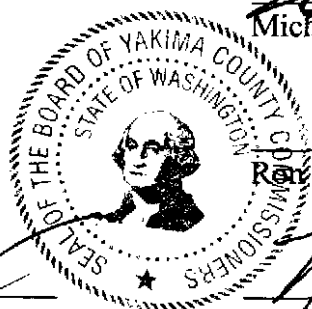


Exhibit 1 – LRN2019-00001/SEP2018-00040: Cargo Containers and Trailers as Storage Units (YCC Title 19 text amendment attached)

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.).

<sup>1</sup> (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**

**SITESCREENING 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 sitescreening 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) **Sitescreening and Landscaping Plan.** The site plan submitted by an applicant shall include a sitescreening 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 sitescreening 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 sitescreening and landscaping design guidelines that include a list of Yakima County-appropriate plant species to allow for choices for sitescreening 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 sitescreening 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. Shrubs 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 planting 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 a 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 Portiah (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 planting 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 landscaping(Landscaping 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 sitescreening shall:

- (A) Be located on the perimeter of a parcel upon which the development occurs; provided that the sitescreening 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 sitescreening 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 sitescreening 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).

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**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. Any provision of this Title that conflicts with 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) "Avigation 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> <p>(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;</p> <p>(b) Those land uses within the primary or secondary Airport Overlay constituting airspace hazards, as determined by the Reviewing Official.</p> <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

