



NON-CONFORMING USE Form

Yakima County Public Services
128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901
(509) 574-2300 · 1-800 572-7354 · FAX (509) 574-2301 · www.co.yakima.wa.us

FINAL
Revised 03/09/16

1. **Type of proposed action:** (Check at least one)

- Normal repair or maintenance activities within a structure** containing a nonconforming use when the cost of work and materials within any 12-month period will exceed 25% of the assessed value of the structure using the most current County Assessor's tax roll before the work begins. *YCC 19.33.060(3)*
- Expansion or Alterations of Use** of a structure or land shall be altered, enlarged, expanded, extended or replaced. *YCC 19.33.060(4)*
- Change a nonconforming use** of a building, structure or land to an allowed use or another non-allowed use. *YCC 19.33.060(5)*
- Restoration or re-establishment of a damaged structure** containing a nonconforming use when the work within any 12-month period will exceed 50% of the square footage or the assessed value, as established by the current County Assessor's tax roll, of the structure before it was damaged or destroyed. *YCC 19.33.060(6)*
- Substantial or partial destruction of a residential structure** may be reconstructed when the lot contains one or more legal, nonconforming, habitable dwellings, as defined in YCC Title 13. The replaced dwelling may be increased in gross square footage as long as it does not exceed an increase of 50% of the building at the point it became nonconforming. *YCC 19.33.060(6)(a)*

2. **A Written statement that discusses and provides evidence relating to all items in the following list as required under YCC 19.33.060(4)(d)(i):**

(Please label your responses in the written statement "a, b, c," etc.)

- (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 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.*

3. **Please Answer the Following Questions:** (Attach additional sheets as necessary)

- a. How long has this activity (land use) occurred on this property? _____

b. Has the use been actively conducted on the property within the last 18 months? Yes No

c. Are you adding or changing a use or activity? Yes No
If yes, please indicate the new use(s) from the list in YCC Table 19.14-1: _____

d. Have you made any expansions in the past? Yes No
If yes, please indicate the year(s) and square footage for each expansion: _____

e. What is the size and use of all structures currently located on the property? _____

f. Will you need to construct a new building or an addition to the existing building for the expansion?
 Yes No *If yes, please answer the following:*
(A) *What is the proposed square footage: _____*
(B) *What is the proposed height: _____*
(C) *What will be the proposed lot coverage: _____*

g. Are you proposing to replace or demolish any structures? Yes No
If yes, please indicate the location: _____

h. Do you currently have any employees? Yes No
If yes, how many employees? _____

i. Are you proposing any new employees? Yes No
If yes, how many employees are proposed? _____

j. Do you currently have any outdoor storage? Yes No *If yes, please answer the following:*
(A) *What is currently stored? _____*
(B) *What is the current total square footage? _____*
(C) *What is the current method of site screening? _____*
(D) *What is the current type of landscaping? _____*

k. Are you proposing to install/expand any outdoor storage? Yes No *If yes, please answer the following:*
(A) *What will be stored? _____*
(B) *What is the proposed square footage? _____*
(C) *What is the proposed method of site screening? _____*
(D) *What is the proposed type of landscaping? _____*

l. Is any outside lighting proposed? Yes No
If yes, please indicate the type and location: _____

m. What is total number of existing off-street parking spaces? _____ Surface Type? _____

n. Will you be expanding/proposing off-street parking area(s)? Yes No
If yes, please indicate the location and size of addition: _____

o. Do you have an existing sign? Yes No *If yes, please answer the following:*
 (A) How many signs? _____
 (B) What is the sign height? _____
 (C) What is the sign square footage? _____
 (D) Is it illuminated? Yes No
 (E) If the sign is illuminated, how is it illuminated? Internally Externally
 (F) Where is the sign located? _____

p. Will you be adding or modifying a sign? Yes No *If yes, please answer the following:*
 (A) How many signs? _____
 (B) What is the sign height? _____
 (C) What is the sign square footage? _____
 (D) Is it illuminated? Yes No
 (E) If the sign is illuminated, how is it illuminated? Internally Externally
 (F) Where is the sign located? _____

q. Fencing: (Indicate on site plan which is proposed and which is existing)
 (A) What is the fencing material? _____
 (B) Is the fence view obscuring? Yes No
 (C) Are you placing barbed wire on the top of the fence? Yes No
 (D) What is the total height of the fence (including the barbed wire if proposed)? _____

YCC 19.33.030(2) states that it is the burden of the property owner or proponent to demonstrate the legal nonconformity of a lot, use and structure. **The required attachments must be submitted with this application to establish the Legal Nonconforming Status of a Lot, Use and Structures:**

- 1) For **legal nonconforming lots** please submit a copy of a deed or development permit executed prior to the change in code. YCC 19.33.030(2)
- 2) For **legal nonconforming structures** please submit development permits, historical photos, and affidavits from person knowledgeable of the historic configuration of the structure.
 YCC 19.33.030(2)
- 3) Other acceptable documentation includes, but are not limited to: (YCC 19.33.060(1)(b)):
 - i) Dated business receipts showing types of service or goods provided;
 - ii) Statements of 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 person who have observed the nonconforming use over required period of time may assist in substantiating its presence.

Yakima County will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Yakima County, should contact the Yakima County ADA Coordinator at 509-574-2210 as soon as possible but no later than 48 hours before the scheduled event.



NARRATIVE FORM

Yakima County Public Services
128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901
(509) 574-2300 · 1-800 572-7354 · FAX (509) 574-2301 · www.co.yakima.wa.us

FINAL
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The Narrative Form is designed to help you, the application review, interested agencies, and adjacent property owners to the proposal understand the scope of your project and how your project meets the legal requirements in the Yakima County Codes. You should refer to the appropriate sections of the ordinance when describing your proposal if applicable. You can obtain a copy of the ordinance in our office or access it on the internet at:

<http://codepublishing.com/wa/yakimacounty/>

Narrative Content: Please tell us the “who”, “what”, “where”, and “why” of your proposal. A list of typical content is provided below. **Please do not limit your project’s description to just these items.** In order for us to conduct a timely review of your project please **be as detailed as possible.** Any missing/confusing information could result in the delay of our review.

Note: Not all content listed below will be pertinent to your proposal. These items are suggestions in order to help you draft your narrative.

Suggested Content:

- Describe the current use of the site including all existing structures with their dimensions, square footage and usage.
- Describe the proposed use in detail (including but not limited to the type of business and/or use, hours and days of operation, number of employees, number of people living on-site, maximum number of customers and/or guests, changes or additions to the driveways or other access points, the type of mitigation or adjustment requested).
- Describe which standards are proposed to be adjusted and justify why the standard needs to be adjusted.
- Describe any new or existing structures to be used as part of this proposal.
- Describe how the proposed use will be pertinent to the proposed/existing structures.
- Describe any parking facilities (number of spaces and surface type), landscaping, signage, and lighting that will be associated with your proposal.
- Describe your access to the property and the route of travel to the site.
- For commercial operations describe the travel ways that will be located onsite.
- Describe the timelines for completion of your proposal.

Please remember that your narrative must explain in detail the specifics of your proposal and any missing information may result in the need for future reviews. Your narrative can be typed and printed on a separate sheet of paper with “See Attached” written below, or you may print out legibly your narrative on the lines provided.

Please use additional pages as needed

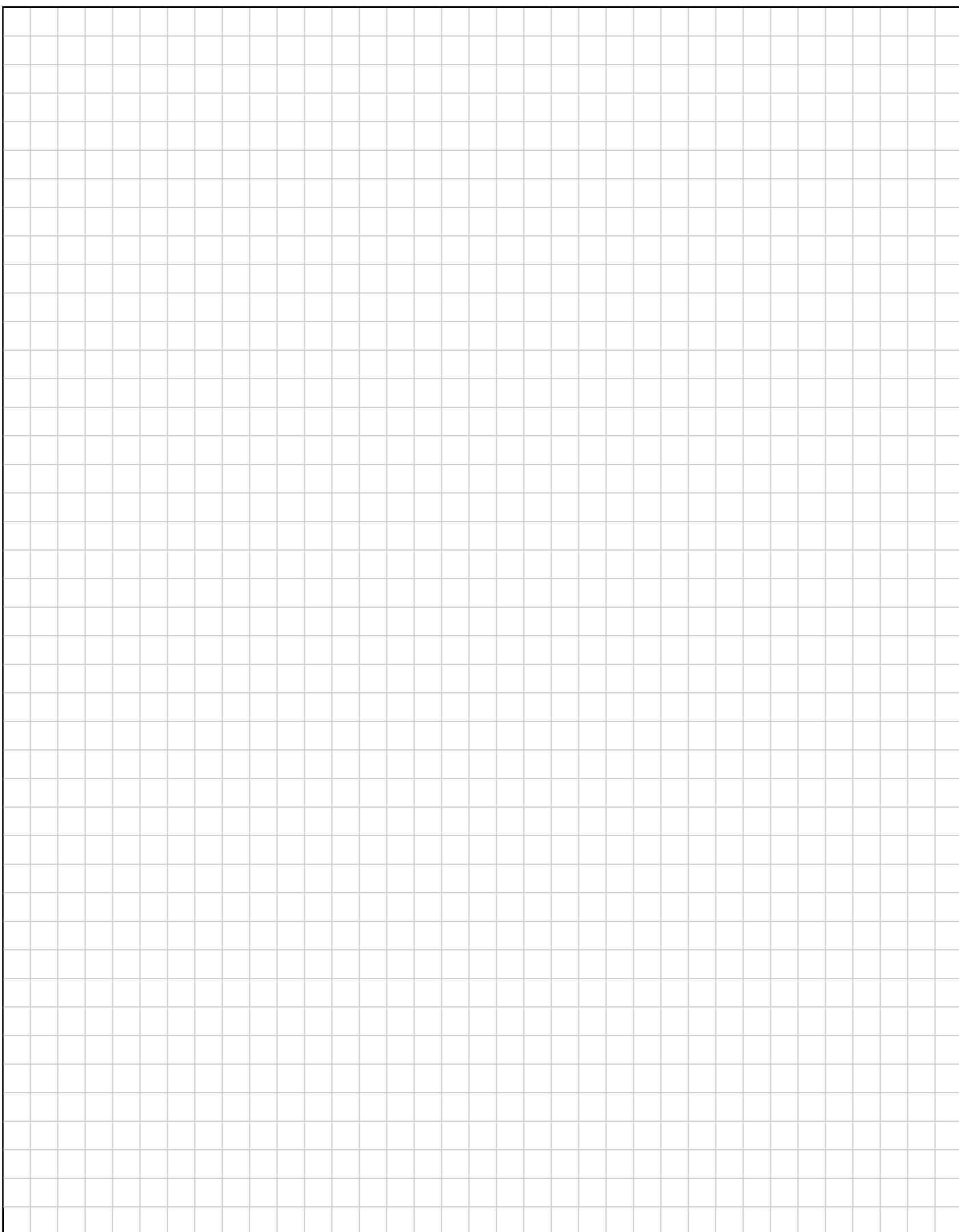


REQUIRED ATTACHMENT:

YAKIMA COUNTY GENERAL SITE PLAN

Note: Producing the site plan from this template is preferred, however, the template can be substituted for your own drawing (computer aided is acceptable).

Site plan must be drawn with blue or black ink



LOT COVERAGE CALCULATION

a) Dimension(s) of existing structure(s) _____ SQ FT
b) Building addition/new structure(s) dimension(s) _____ SQ FT
c) Existing paved area(s) (driveways, walkways, patios, etc.) TOTAL _____ SQ FT
d) Proposed paved area(s) _____ SQ FT
e) Total Impervious Surface (a+b+c+d = e) _____ SQ FT
f) Lot Size (1 acre = 43,560 sq ft) _____ SQ FT
g) Lot coverage (e/f x 100 = g) _____ %

MAP SCALE (check one)

Preferred Scale: 1 inch on the map = 20 ft on the ground Custom Scale: 1 inch = _____

*Square is 0.25" by 0.25"

PARKING CALCULATION (Reference Table 19.22 in YCC 19.22)

Spaces required: _____

Spaces provided: _____ Surface Type: _____

LOT INFORMATION

Parcel # (s): _____

Site Address: _____

BACKGROUND INFORMATION

Owner Name: _____

Site Plan Created by: _____

Address: _____

Contact Phone: (_____) _____ Date Created: _____

Required Site Plan Information:

	N/A	#	
<input type="checkbox"/>	<input type="checkbox"/>	1	Paper size: Minimum 8 1/2" x 11" up to Maximum size 11"x17"
<input type="checkbox"/>	<input type="checkbox"/>	2	Property Owner Name, Parcel Number and, Site Address
<input type="checkbox"/>	<input type="checkbox"/>	3	North Arrow shall be directed at top of the paper with the writing facing the same northern direction.
<input type="checkbox"/>	<input type="checkbox"/>	4	Drawn to scale. Example 1" = 25' or 1" = 50'
<input type="checkbox"/>	<input type="checkbox"/>	5	Background Information: Site Plan Created By, Address, Contact Phone #, & Date Created
<input type="checkbox"/>	<input type="checkbox"/>	6	Lot Coverage Calculation for all zones except AG, FW, MIN, R/ELDP-40, R-10/5 *
<input type="checkbox"/>	<input type="checkbox"/>	7	Aerial photos are not acceptable
<input type="checkbox"/>	<input type="checkbox"/>	8	Property line dimensions of all lot(s) involved in the project.
<input type="checkbox"/>	<input type="checkbox"/>	9	The location, width and purpose of all easements (utility, access and/or irrigation) on the site and adjacent to the site with distances to proposed structures.
<input type="checkbox"/>	<input type="checkbox"/>	10	The distance from existing and proposed structures to the centerline of state, county, private roads, or access easement with name, dimension, surface type (paved, gravel or dirt) of road.
<input type="checkbox"/>	<input type="checkbox"/>	11	Existing or proposed driveway locations, Length, and Width.
<input type="checkbox"/>	<input type="checkbox"/>	12	Location, shape, size, gross floor area, height and types (i.e., house, garage, well house) of all existing and proposed structures, distance "minimum building setbacks" from the property lines and other structures, and the total lot coverage.
<input type="checkbox"/>	<input type="checkbox"/>	13	The location, right-of-way widths, pavement widths, curbs, gutters, culverts and names of all existing or platted streets or roads, whether public or private, and other public ways within the subject property or adjacent to any affected lots;
<input type="checkbox"/>	<input type="checkbox"/>	14	Location of well or water systems within 100 feet of the subject property or within a 100 foot well control zone and the distance from any structures within the well control zone. Label as Individual, 2-party, Group B, Group A. If located on another parcel note location on site plan.
<input type="checkbox"/>	<input type="checkbox"/>	15	Location of proposed or existing septic tank, drain field area, and extension area, as well as replacement areas and distances to structures and property lines
<input type="checkbox"/>	<input type="checkbox"/>	16	The location and dimensions of any existing and proposed utilities, streets, railroads, irrigation and drainage canals, easements and dedication of property within the subject property or adjacent to any affected lots;
<input type="checkbox"/>	<input type="checkbox"/>	17	Critical Areas/Shoreline: River, streams, creek, pond, floodplain, floodway, etc. on or abutting the site (Distance from structure to the ordinary high water mark of the river, stream, creek, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	18	Show the existing topographic contours at intervals of not more than 5' when the ground slopes exceed 10%. Extend 100' beyond the boundaries of the site.

Building Division Application Site Plan Information:

	N/A	#	
<input type="checkbox"/>	<input type="checkbox"/>	1	Fire apparatus turnaround
<input type="checkbox"/>	<input type="checkbox"/>	2	For larger parcels, draw a simple plan showing the entire lot and indicate which area the new construction is to take place. Attach to the detailed section and submit both.
<input type="checkbox"/>	<input type="checkbox"/>	3	Distance of new structures from all property lines.
<input type="checkbox"/>	<input type="checkbox"/>	4	Location of Garage and Carport vehicle entrances.

Planning Division Application Site Plan Information:

	N/A	#	
<input type="checkbox"/>	<input type="checkbox"/>	1	Location and dimensions of all proposed exterior land uses.
<input type="checkbox"/>	<input type="checkbox"/>	2	Location of new and/or expanded public and private utility infrastructure.
<input type="checkbox"/>	<input type="checkbox"/>	3	Location of pedestrian and vehicular circulation patterns, sidewalks, trails and bicycle paths.
<input type="checkbox"/>	<input type="checkbox"/>	4	Location of structures on the adjoining lots, which may cause compatibility issues.
<input type="checkbox"/>	<input type="checkbox"/>	5	Proposed location and dimensions of community and other open space.
<input type="checkbox"/>	<input type="checkbox"/>	6	Existing and proposed landscaping, site screening, street trees and storm water drainage facilities.
<input type="checkbox"/>	<input type="checkbox"/>	7	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;
<input type="checkbox"/>	<input type="checkbox"/>	8	Proposed contours and grading as they affect lot layout, streets, and drainage ways.
<input type="checkbox"/>	<input type="checkbox"/>	9	Location of adjacent public water, sewer main, fire protection systems and other underground facilities within or adjacent to the development.
Floodplain development:			
<input type="checkbox"/>	<input type="checkbox"/>	10	Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	11	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.
<input type="checkbox"/>	<input type="checkbox"/>	12	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.
<input type="checkbox"/>	<input type="checkbox"/>	13	Other information as may be required by YCC Titles 13, 16A, 16C or 16D.

*Lot Coverage is not specified within these zoning districts; however site screening may be required under Subsection 19.21.030(2)(f) and (g)



User's Guide To The Land Use Permit Process

Nonconforming Uses

Yakima County Planning Division ◆ 128 N. 2nd Street 4th Floor Courthouse - Yakima, Washington 98901 ◆ Phone (509) 574-2300

Lots, uses, and structures exist which were lawful when established but whose establishment now would be restricted or prohibited under the current zoning regulations. These are considered “**Nonconforming**” and Title 19 provides for nonconforming uses, structures, and lots that were legally established and have not been abandoned or discontinued.

General Information about Nonconforming Uses

- Nonconforming uses are activities that were established through legal means and have been maintained since the zoning ordinance was either adopted or changed to not allow such uses, or since the zoning district changed.
- Owners of nonconforming uses are responsible for submitting evidence verifying that the use was legally established and that the activity has been in continuous use or operation every year since the use became nonconforming.
- Nonconforming uses may continue to exist unless they are discontinued or abandoned. A use is considered discontinued if it is succeeded by an allowed use, it is succeeded by another non-allowed use, or it ceases for more than 18 months.
- Sometimes nonconforming uses require a review for certain actions, such as when constructing new buildings or additions, when changing the use, or sometimes when regular maintenance of a building is required. See below for an expanded list of activities that might trigger a review.

Examples of a nonconforming use include an old residence in a neighborhood which is now zoned as a commercial district, or an old convenience center in what is now zoned as a residential district. These land uses may have received all the proper permits at the time they were established but would not be permitted as new uses in those areas under today's regulations.

Types of Activities that might trigger a review, but are not limited to:

1. Building an addition to a structure that contains a nonconforming use.
2. Adding a structure or structures to expand a nonconforming use on the same lot.
3. Repairing a structure that contained a nonconforming use that has been damaged by fire or another disaster. Such repairs must occur within 18 months of the disaster.
4. Normal repair and maintenance activities of a structure containing a nonconforming use, when the value in work and materials within a 12 month period exceeds 25 percent of the value of the structure. {19.33.060(3)(b)}.
5. Change to a different, less intense use listed as a land use in the County Code (Table 19.14.1) .

Submittal Instructions:

The following forms are required at the time of submittal

1. Non-Conforming Use Application Form
2. Narrative Form
3. General Application Form
4. Site Plan with completed Site Plan Checklist
5. Other pertinent evidence to establish the legal nonconforming status of the use as required by 19.33.060(1)(b)

For specific application submittal requirements and timelines please refer to Title 19 (Unified Land Development Code) and Title 16B (Yakima County Project Permit Administration Ordinance).



GENERAL APPLICATION FORM

Yakima County Public Services

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FINAL
Revised 4/30/20

(Staff Use Only – Fill In / Circle As Applicable)

Zoning District: _____

Reviewed By: _____

Proposed Land Use: _____

Case #(s): _____

Overlay: Airport / Greenway / Floodplain _____

Date Submitted: _____

UGA: _____ CAO/Shoreline: _____

Sewer: Septic Clearance / As Built _____

Potable Water: N/A or Exempt _____

Purveyor: _____ YCWRS Well: _____

FAAR: _____ WUI-FD: _____ M / H / E _____

Occupancy: A B E F H I M R R1 R2 R3 S U _____

Type of Construction: IA IIA IIIA IB IIB IIIB IVA IVB VA VB _____

Name of Short Plat, Subdivision or Manufactured Home Park: _____ Lot or Space # _____

Please Tell Us About Your Proposal: (If you need assistance call us at (509) 574-2300 or in person during office hours)

Parcel Numbers(s): A. _____ B. _____ C. _____

Property Owner's Name: _____

Day Phone: _____ Company (if any): _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Subject Property Address: (if Different) _____

E-mail Address: _____

Scope of Work: _____

Are you requesting the Optional Consolidated Permit Review Process as provided under YCC 16B.03.060? Yes No

Applying For A Building Permit? Please Fill Out The Following:

Number of	Bedrooms:	Existing:	New:	Total:	Total Number of	Bathrooms:
	<input type="checkbox"/> New <input type="checkbox"/> Addition	Size/Dimensions:			Square	Footage:

Construction Valuation (Contractor Estimate) \$

How will you provide legal domestic water for your project? Please check one below:

- Water right permit** from Department of Ecology (Please attach a copy to this application), or
- Letter from an approved water purveyor** stating the ability to provide water, or
- A Yakima County Water Resource System (YCWRS) domestic well** within the Agriculture zoning district, or
- A Yakima County Water Resource System (YCWRS) domestic well** outside of the Agriculture zoning district, or
- Other adequate evidence** of interest in a suitable water right held for mitigation proposed by an existing water bank, or
- Yakama Nation Water Code permit** for properties located within the exterior boundaries of the Yakama Nation, or
- Documentation that the well site is located outside the Yakima River watershed.**

Please note that evidence of an adequate water supply must be submitted to Yakima County prior to the issuance of the permit.

By signing this form, I agree to the following:

- I hereby state as true that all ownership interests of the property have reviewed the proposal as presented in the application materials and support the proposed change(s).
- I hereby give Yakima County permission to enter my property during this review to inspect my property as needed.
- I hereby agree to pay all additional fees associated with the processing of this application including but not limited to the Hearing Examiner fees, Transportation fees or any other fees that may be associated with the proposed project.

CONTINUE ON BACK 

- I hereby acknowledge that the application with the Yakima County Permit Services Department has been filled out completely.
- I hereby acknowledge that verification of an approved potable water supply is a requirement and part of the procedure to obtain a permit from Yakima County.
- I shall provide Yakima County with proof of an adequate water source as indicated in Ordinance 13-2017 or obtain a YCWRS domestic well permit.
- I understand that Yakima County shall be held harmless for misinterpretation or misrepresentation of documents to obtain my permits.
- I am aware my Permit WILL NOT be issued until I provide proof of an approved source of potable water and associated documentation.

(If the property is owned by a corporation or LLC please attach documentation showing that the person signing has the authority to sign on behalf of the corporation or LLC.)

Please Fill Out This Section In Blue or Black Ink. (Please check the box to indicate the primary contact person)

Property Owner Signature: _____ **(required)** Date: _____

Check If You Are Acting As Your Own Contractor – (Signature required at declaration at bottom of page)

Applicant/Agent: _____

Day Phone: () _____ Company (if any) _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

E-mail Address: _____

Signature: _____ Date: _____

Contractor Name: _____

Day Phone: () _____ Company (if any) _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

E-mail Address: _____

Contractor License Number: _____

Signature: _____ Date: _____

If there are additional owners, provide an attachment in the same format and with the same declarations

This Section To Be Completed For Construction Permits Only

Pursuant to RCW 19.27.095 (2)(i-ii) The requirement for a fully completed construction application shall include:

- i. The name, address, and phone number of the office of the lender administering the interim construction financing, if any: OR
- ii. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50% of the total amount of the construction permit.

If for any reason the information requested below is not available at the time of application, the applicant shall provide the information as soon as it can be reasonably obtained.

Lending Agency Name: _____ Phone: () _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

I acknowledge by checking this box that this project has no lending agency for construction financing.

Bonding Agency Name: _____ Phone: () _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

I acknowledge by checking this box that this project has no bonding agency.

If you are the Property Owner and Acting as Your Own Contractor, Please Complete the Following Declaration:

- I acknowledge that I am applying for a permit thru the Yakima County Public Services Department.
- I also acknowledge that I am not a licensed contractor, specialty or general, or that I am not acting as a contractor and wish to be exempt from the requirements of the Washington State Contractor's Act, per RCW 18.27.090, and will abide by all provisions and conditions of the exemption as stated.
- I agree that if I use the assistance of any person(s) to provide labor and/or assistance, I will retain only contractors registered and currently licensed as required under the laws of the State of Washington.

I (print name) _____ certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Owner Signature: _____ Date: _____