

## **Board of Yakima County Commissioners**

### **Ordinance No. 11-2009**

IN THE MATTER OF REPEALING ORDINANCE 8-1985 (PART), CODIFIED AS CHAPTER 2.18 OF THE YAKIMA COUNTY CODE, REVISING ORDINANCE 8-1985 (PART), CODIFIED AS CHAPTER 2.23 OF THE YAKIMA COUNTY CODE, REVISING ORDINANCE 2-1997, CODIFIED AS CHAPTER 15A.00 OF THE YAKIMA COUNTY CODE, AND REVISING ORDINANCE 10-1985, CODIFIED AS TITLE 15A OF THE YAKIMA COUNTY CODE, ALL PERTAINING TO THE URBAN YAKIMA AREA REGIONAL PLANNING COMMISSION.

WHEREAS, the Board adopted Resolution 401-2009 on August 25, 2009 wherein it formally decided to withdraw from the Urban Yakima Area Regional Planning Agreement; and,

WHEREAS, this decision requires certain ordinances to be revised or repealed in order to restore the jurisdiction of the Yakima County Planning Commission and eliminate the jurisdiction of the Regional Planning Commission in the unincorporated areas of the Yakima urban area, effective January 1, 2010; and,

WHEREAS, the Yakima City Council adopted Resolution No. R 2009-164 on December 1, 2009 wherein it requests that the current membership of the Yakima Urban Area Regional Planning Commission be established as an interim City of Yakima Planning Commission until such time that the City has appointed a new planning commission in order to complete the review of the West Valley Neighborhood Plan and amendments to the Yakima Urban Area Zoning Ordinance; and,

WHEREAS, the Board believes the public interest would best be served by the Regional Planning Commission continuing its review of the aforesaid matters and forwarding its recommendations thereon to the elected bodies, notwithstanding Resolution 401-2009; and,

WHEREAS, the Board hereby authorizes the Regional Planning Commission, as an interim City of Yakima Planning Commission, to continue its review of the aforesaid matters and to forward its recommendations thereon in an expeditious manner to the elected bodies; and,

WHEREAS, the Board's authorization hereby granted will terminate when the first meeting of the City of Yakima's new planning commission is held, or when rescinded by a resolution of the Board, whichever comes first; now, therefore,

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

**Section 1.** Yakima County Code Chapter 2.18 and Section 2 (part) of Ordinance 8-1985 are hereby repealed:

**Section 2.** Yakima County Code Section 2.23.180 and Section 1 (part) of Ordinance 8-1985 are hereby amended to read as follows:

### **2.23.180 Annual Report.**

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

(Ord. 8-1985 §1(part), 1986).

**Section 3.** Yakima County Code Section 15A.00.020 and Section 2 of Ordinance 2-1997 are hereby repealed:

**Section 4.** Yakima County Code Section 15A.00.030 and Section 3 of Ordinance 2-1997 are hereby repealed:

**Section 5.** Yakima County Code Section 15A.02.020 and Section 1 (part) of Ordinance 10-1985 are hereby amended to read as follows:

#### **15A.02.020 Definitions.**

For the purpose of this title, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this chapter 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. Webster's Ninth New Collegiate Dictionary, 1983, shall be the source 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) "Access driveway" means an entrance roadway from a street or alley to a parking facility.

(2) "Access easement" means any private easement for the purpose of ingress and egress that is not dedicated to the public and that is owned by the underlying owners of land over which it crosses.

(3) "Accessory building, structure, or use" means a building, structure, or use which is ancillary to the operation or enjoyment of a lawful use, and appropriate and subordinate to such lawful use, except, uses otherwise regulated or prohibited.

(4) "Administrative official" means the duly appointed Yakima County planning director or the director of the city of Yakima department of community and economic development, whichever is appropriate.

(4.1) Adult Day Care Center. See "Day care facility."

(5) "Agriculture" means the tilling of soil, raising of crops and horticulture (see Table 4-1 in Chapter 15A.04).

(6) "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. An agricultural building shall not be used for human habitation; processing, treating or packaging agricultural products, nor shall it be a place used by the public.

(7) "Agricultural market" means a use primarily engaged in the retail sale of fresh agricultural products, grown either on-site or off-site, but may include, as incidental and accessory to the principal use, the sale of factory sealed or prepackaged food products and some limited nonfood items. This definition does not include the sale of livestock.

(8) "Agricultural related industry" means specifically:

(a) "Packaging 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. Does not include processing activities, or slaughterhouses, animal reduction yards and tallow works.

(b) "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. Does not include slaughterhouses or rendering plants.

(c) "Storage facilities" include controlled atmosphere and cold storage warehouses and warehouses for the storage of processed and/or packaged agricultural products.

(9) "Agricultural stand" means a structure up to one thousand square feet in area used for the retail sale of agricultural products, excluding livestock, grown on the premises.

(9.1) "Airport operations" means activities, uses, structures and facilities that are located on and necessary to the operation of the Yakima Municipal 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 operations in the light industrial district (M-1) and central business district support (CBDS) are exempt from the Class 2 review requirement of Section 15A.09.020(2) of this code.

(9.2) "Airport industrial" means research, design, fabrication and assembly of aircraft, aircraft parts, and aviation-related products located on the Yakima Municipal Airport. This use also includes storage and wholesale trade of aviation-related products and air cargo operations and associated storage and processing. Airport industrial uses in the light industrial district (M-1) and central business district support (CBDS) are exempt from the Class 2 review requirement of Section 15A.09.020(2) of this code.

(9.3) "Airport commercial" means the retail sale of aviation-related products and services including aircraft service and rental, air passenger services, and air terminal activities including passenger ticketing, baggage, taxi service, car rental, restaurants, hotels and gift shops. Airport commercial uses in the central business district support district (CBDS) are exempt from the Class 2 review requirement of Section 15A.09.020(2) of this code.

(10) "Alley" means a public thoroughfare or way twenty feet or less in width, which has been dedicated to the city of Yakima and Yakima County for public use. Alleys provide only a secondary means of access to abutting property.

(11) "Amendment" means a change in the wording, content or substance of this title, or change in the district boundaries on the official zoning map.

(12) "Amusement park" means a permanent 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.

(13) "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.

(14) "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.

(15) "Appeal" means a request for review of a reviewing official's decision, determination, order or interpretation of any provision of this title.

(16) "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.

(17) "Application for development" means the application form and all accompanying documents and exhibits required by this title or the responsible official.

(18) "Arterial" means a principal or minor arterial as shown in the optimal arterial street plan adopted by the Yakima urban area comprehensive plan.

(19) "Attached" means, in the case of dwellings, two or more dwellings connected by a common vertical wall(s) or roofline, or in the case of multistory buildings by a common ceiling/floor(s).

(19.1) "Auction house" means a structure or enclosure where goods and/or livestock are sold by auction.

(20) Automobile Service Station. See "service station."

(21) "Automobile, 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.

(22) "Automotive wrecking or dismantling yard" means a place used for the storage and/or sale of used automotive parts and for the storage, dismantling, sorting, cleaning, crushing or baling of wrecked automobiles, trucks, trailers or machinery.

(23) "Bed and breakfast inn" means a residential structure providing individuals with lodging and meals for not more than thirty days. For home occupations, such uses are limited to having not more than five lodging units or guest rooms.

(24) "Beverage industries" means the production, processing and/or packaging of milk, soft drinks, beer, wine, fruit juices and other drinks.

(24.1) Bingo Parlor. See "Game room."

(25) "Boardinghouse" means an establishment providing both lodging and meals for not more than ten persons residing in the facility on a permanent or semipermanent basis.

(26) Brokerage Offices, Transportation. "Transportation brokerage offices" means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo.

(27) Building. See "Structure."

(28) "Building area" means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks and building coverage.

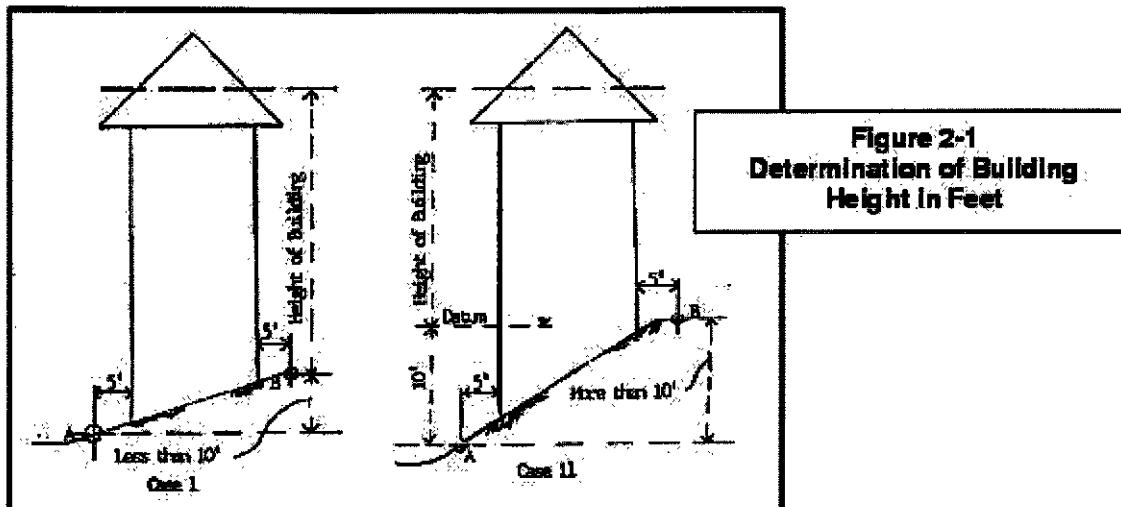
(29) "Building code" means the Uniform Building Code and related codes as amended and adopted by Yakima County/city of Yakima.

(30) "Building and enforcement official" means that person or persons designated by the legislative body to enforce the provisions of the building code and administer the assigned provisions of this title. For purposes of this title, "building official" means building and enforcement official.

(30.1) "Building height" means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

(a) The elevation of the highest adjoining sidewalk or finished ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or finished ground surface is not more than ten feet above lowest finish grade.

(b) An elevation ten feet higher than the lowest finished grade when the highest sidewalk or finished ground surface described in subdivision (a) of this subsection (30.1(a)) is more than ten feet above lowest finished grade.



(30.2) "Business school" means a commercial or public school providing instruction solely in professional skills such as: business management, accounting, secretarial skills, sales, marketing and merchandising.

(30.3) "Butcher shop" means a custom retail meat cutting operation. This definition does not include slaughtering but does include other accessory uses such as frozen food lockers.

(31) "Campground" means a development providing facilities for outdoor recreational activities, including structural improvements such as covered cooking areas, group facilities, and travel trailer or tent sites designed for temporary occupancy. This definition includes camping clubs when developed in accordance with applicable state standards.

(32) "Car wash" means a business engaged in washing, waxing, and/or polishing cars and small trucks, and includes self-service car washes, automated car washes, manned car washes, and auto detailing.

(32.1) Card Room. See "Game room."

(33) "Caretaker dwelling" means a single-family dwelling unit accessory to an agricultural, professional, commercial or industrial use for occupancy by the owner/caretaker.

(33.1) "Center line of right-of-way" means the midpoint between the future alignment of the opposite edges of right-of-way.

(34) "Certificate of zoning review" means that certificate issued by the planning department stating that the proposed use of the structure or land conforms to the provisions of this title.

(35) "Change of use" means a change from one use listed in Table 4-1 in Chapter 15A.04, permitted land uses, to another use listed in that table.

(36) "Church" means a structure, or group of structures, which by design and construction are primarily used for organized religious services and instruction.

(37) "City" means the city of Yakima.

(38) "Class 1 uses" means those uses set forth and defined in the text and tables of Chapter 15A.04 of this title and are permitted on any site in the district provided district standards are met. The building official shall review Class 1 uses for compliance with the provisions and standards of the district. In some cases Class 1 uses may require review by the administrative official.

(39) "Class 2 uses" means those uses set forth and defined in the text and tables of Chapter 15A.04 of this title and are generally permitted throughout the district. However, site plan review by the administrative official is required in order to promote compatibility with the intent and character of the district and the objectives of the Yakima urban area comprehensive plan.

(40) "Class 3 uses" means those uses set forth and defined in the text and tables of Chapter 15A.04 of this title and are generally incompatible with their neighbors because of their size, emissions, traffic generation or for other reasons. However, they may be compatible with other uses in the district if they are properly sited and designed. Class 3 uses may be permitted by the hearings examiner when he determines, after holding a public hearing, that difficulties related to compatibility, the provisions of public services, and the Yakima urban area comprehensive plan objectives have been adequately resolved.

(41) Class 1, 2 or 3 Use, Approved. "Approved Class 1, 2 or 3 use" means any use or development approved upon completion of Class 1, 2 or 3 review.

(42) Class 1, 2 or 3 Use, or Development, Existing. "Existing Class 1, 2 or 3 use or development" means a use or development legally existing or legally established prior to the effective date of the ordinance codified in this title that has been or would be classified under Chapter 15A.04 of this title as a Class 1, 2 or 3 use in a particular district even though the use has not been through Class 1, 2 or 3 review, and may or may not conform to the standards of this title. This definition includes any existing Class 1, 2 or 3 use with an approved modification under Chapter 15A.17.

(43) "Clinic" means a structure for the medical examination and treatment of human patients, but without provision for keeping such patients overnight on the premises.

(43.1) "Commercial services" means technical services and specialized care services such as tattooing, massage parlors, lawn and garden care and delivery services, except as otherwise regulated.

(44) "Communication tower" means any tower, pole, mast, whip or antenna, or any combination thereof used for radio or television transmission or line-of-sight relay. This definition includes towers erected for use in the amateur radio service.

(45) "Communication tower height" means the vertical distance above the ground measured to the highest point of the communication tower.

(46) "Community center" means a facility owned and operated by a public agency or nonprofit corporation, provided that the principal use of the facility is for public assistance, community improvement or public assembly.

(47) Community Water System. See "Water system."

(48) "Compatibility" means the characteristics of different uses or development that permit them to be located near each other in harmony.

(49) "Comprehensive plan" means the Yakima urban area comprehensive plan and any supplemental plans officially adopted under RCW Chapter 36.70, for the Yakima urban area or any portion thereof.

(50) "Concentrated animal feeding operation" means a 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, slaughterhouses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms but does not include animal husbandry.

(51) "Condition(s) of approval" means restrictions or requirements imposed by a reviewing official pursuant to authority granted by this title.

(51.1) Consulting Services. See "Professional business."

(52) "Convalescent or nursing home" means an establishment providing nursing, dietary and other personal services to convalescents, invalids or aged persons, but not mental cases and cases for contagious or communicable diseases which are customarily treated in sanitariums and hospitals.

(52.1) "Converted dwelling" means a structure which, due to alterations, has been modified to increase the number of individual dwelling units. This definition does not apply to multifamily structures constructed under the provisions of this title.

(53) "County" means Yakima County.

(54) "Dangerous waste" means those solid wastes designated in Washington Administrative Code, hereafter, "WAC," 173-303-070 through 173-303-103 as dangerous or extremely hazardous waste.

(55) "Day" means calendar day. (See Section 15A.20.120 for computation of time.)

(56) "Day Care Center" means a day care facility serving thirteen or more individuals.

(57) "Day care facility" means a building or structure in which an agency, person or persons regularly provide care for a group of nonrelated individuals (children or adults) for periods of less than twenty-four hours a day. This includes family day care homes, and day care centers.

(57.1) Day Care Homes, Family. "Family day care homes" means an in-home day care facility serving one to twelve individuals.

(58) "Delicatessen and other specialty food stores" means retail food stores selling ready to eat food products such as cooked meats, prepared salads or other specialty food items. This definition includes seafood, health food and other specialty food stores having seating for no more than five persons.

(58.1) "Desk top publishing" means activity related to the use of computers in order to produce documents for personal use or for other uses.

(59) "Development" means "use" as defined by this title.

(60) "Development permit" means written authorization for development or modification of development as defined in this title. When a building or other construction permit is required, the building/construction permit shall serve as the development permit. If no building/construction permit is required, the certificate of zoning review shall serve as the development permit.

(61) Development, Planned Residential. "Planned residential development" means, in the residential districts, the coordinated development of a single lot of not less than twelve thousand square feet with a number of residential units (not less than three), residential structures and/or dwelling types, including, but not limited to apartment complexes and mobile home parks, which are designed to:

- (a) Maintain the character of the residential neighborhood;
- (b) Provide compatibility between various types of dwelling units, off-street parking and other uses within the site;
- (c) Share such site amenities as off-street parking, access drives, open space and recreational facilities.

This definition includes the clustering of residential units on a single lot.

In the commercial districts, planned residential development means a mixed-use development combining multifamily residential and commercial use(s) into a single coordinated project.

(62) "Divide" means any transaction or action, not otherwise exempt or provided for under the provision of this title, which alters or affects the shape, size or legal description of any part of an owner's "land" as defined in this chapter. Sale of a condominium apartment and rental or lease of a building, facility or structure which does not alter or affect the legal description of an owner's "land" shall not constitute a division of land.

(63) "Domestic farm animal" means animals domesticated by man to live in a tame condition. This definition includes dairy cows, beef cattle, horses, ponies, mules, llamas, goats, sheep, rabbits, poultry and swine.

(64) "Driveway" means the required traveled path to a property or through a parking lot for three or more vehicles.

(65) "Drugstore" means a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines, but where nonmedical products are sold as well.

(66) "Dwelling" means a structure or portion thereof designed exclusively for residential purposes.

(67) Dwelling, Multiple-Family. "Multiple-family dwelling" means a structure or structures or portion thereof, designed for occupancy by three or more families living independently of each other and containing three or more attached dwelling units on a lot.

(68) Dwelling, Single-Family. "Single-family dwelling" means a structure designed to contain a single dwelling unit. Single-family dwellings are further classified by their nature of construction as follows:

(a) "Site-built" means constructed primarily at the occupancy site and permanently affixed to the ground by a foundation.

(b) Modular Home. See "Modular home."

(c) Manufactured Home. See "Manufactured home" and "Mobile home."

(69) Dwelling, Single-Family Attached. "Attached single-family dwelling" means two single-family dwellings that are attached but with each dwelling unit located entirely on its own lot. This definition does not include row houses or other housing types with more than two attached single-family dwellings.

(70) Dwelling, Single-Family Detached. "Detached single-family dwelling" means one dwelling unit located on one lot and not attached to any other dwelling unit.

(71) Dwelling, Two-Family. "Two-family dwelling" means a structure designed exclusively for occupancy by two families living independently of each other and containing two attached dwelling units on the same lot. This definition includes the term "duplex."

(71.1) "Dwelling unit" means one or more rooms in a dwelling for the occupancy of one family and providing complete and independent living facilities, including permanent provision of living, sleeping, cooking, eating and sanitation.

(72) "Earthen material" means sand, gravel, rock, aggregate and/or soil.

(73) "Environmental review" means the procedures and requirements established by the State Environmental Policy Act, RCW Chapter 43.21C as it now exists or is hereafter amended.

(74) "Family" means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

(75) "Fence" means a structure built to prevent escape or intrusion, or to provide privacy or site screening.

(76) "Finding" means a conclusion of fact reached by the reviewing official in a review process and based on the evidence available therein.

(77) "Floodplain (one-hundred-year)" means the relatively flat area or lowlands adjoining the channel of a river or stream subject to a one-percent or greater chance of flooding in any given year.

(78) "Floodway" means the channel or waterway or those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwaters of

the water-course without causing more than a one-foot rise in the water surface elevation of a one-hundred-year flood.

(78.1) "Food preparation" means a business, service or facility dealing with the preparation of food items for off-site consumption, and includes confectioneries, catering services, and preparation of food items for wholesale.

(78.2) "Game room" means a commercial facility, or a portion thereof, open to the general public, in which card games, pool, electronic games, bingo, etc., are played. See also "Meeting hall."

(78.3) Garage, Private. "Private garage" means a building or portion of a building, designed to store motor vehicles that are used by the occupants of the site's primary use.

(78.4) Garage, Public. "Public garage" means a building or portion of a building, used for equipping, repairing, servicing, hiring, selling or storing motor driven vehicles, but excluding private garages.

(78.5) "Gift shop" means a business primarily engaged in the retail sale of combined lines of gifts and novelty merchandise, souvenirs, greeting cards, balloons, holiday decorations, curios, crafts, and miscellaneous small art goods.

(79) "Glare" means the reflection of harsh, bright light.

(80) "Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

(81) Gross Floor Area. See Section 15A.06.040.

(82) "Group home" means a place for handicapped, physically or developmentally disabled adults, or dependent or predelinquent children, providing special care in a homelike environment. This definition does not include homes of this nature for six or fewer persons, excluding houseparents.

(83) "Halfway house" means a home for juvenile delinquents and adult offenders leaving correctional and/or mental institutions; or a rehabilitation center for alcohol and/or drug users; which provides residentially oriented facilities for the rehabilitation or social adjustment of persons who need supervision or assistance in becoming socially reoriented but who do not need institutional care.

(83.1) "Hazardous materials" means any item listed as hazardous by a federal agency, State Department of Ecology, or the Yakima County Clean Air Authority. See Section 15A.13.020(3).

(84) "Hazardous waste" means and includes all dangerous and extremely hazardous wastes as defined in RCW 70.105.010.

(85) "Hazardous waste generator" means any person or site whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulations under the Dangerous Waste Regulations, WAC Chapter 173-303.

(86) Hazardous Waste, Off-Site. "Off-site hazardous waste" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

(87) Hazardous Waste, On-Site. "On-site hazardous waste" means hazardous waste treatment and storage facilities which treat and store wastes generated on the same lot.

(88) "Hazardous waste storage" means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

(89) "Hazardous waste treatment" means the physical, chemical or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in value.

(89.1) "Hearing examiner" means that person appointed by the Yakima City council and board of county commissioners.

(89.1a) "Home instruction" means the teaching of an art, hobby, skill, trade, profession or sport as a home occupation, except when otherwise prohibited. See Chapter 15A.04, Table 4-2.

(89.2) "Home occupation" means the accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services in the home.

(89.3) "Home occupation, business administration" means the accessory use of a dwelling as an administrative office for an occupation conducted away from the home. The home is used for phone calls, mail and completing paperwork associated with a business. This definition does not include manufacturing, sales, repair or other services.

(89.4) "Homeowners' association" means a community association, other than a condominium association, in which individual owners share ownership or maintenance responsibilities for open space or facilities.

(89.5) "Hospital" means an institution providing clinical, temporary and emergency services of a medical or surgical nature to human patients which is licensed by state law to provide facilities and services for surgery, obstetrics and general medical practice as distinguished from clinical treatment of mental and nervous disorders.

(90) "ICBO construction table" means that table representing average cost for most buildings produced from the building valuation data published in the Building Standards Magazine by the International Conference of Building Officials.

(91) "Impervious surface" means any material which reduces or prevents absorption of stormwater into previously undeveloped land.

(92) "Intensity" means the combination of factors (such as visual appearance and building size, traffic generation, noise, dust and light and economic value) associated with a particular use that determines the potential impact of that use on neighboring land uses. The higher the intensity the greater the possible impact on neighboring land uses. Generally the intensity of a land use will determine its compatibility with other types of land uses.

(93) "Irrigation and/or drainage facilities" means all irrigation and/or drainage structures, including but not limited to standpipes, weir boxes, pipelines, ditches, pump houses, culverts, etc.

(94) "Kennel" means a building, enclosure or portion of any premises in or at which dogs, cats or other domesticated animals are boarded or kept for hire, or in or at which dogs, cats or other domesticated animals are kept or maintained by any person other than the owner thereof, or in or at which six or more cats or four or more dogs over the age of four months are kept or maintained. This definition shall include boarding kennels, but not pet shops, animal hospitals or zoos.

(95) "Land" means a lot or parcel.

(96) "Landscaping" means the arrangement and planting of trees, grass, shrubs and flowers, and the placement of fountains, patios, street furniture and ornamental concrete or stonework and artificial turf.

(97) "Land use" means the manner in which land and structures are used.

(98) "Legislative body" means the board of county commissioners or the Yakima city council, whichever is appropriate.

(99) "Loading space" means a off-street space on the same lot with a structure or use, or contiguous to a group of structures or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise or materials, and which abuts a street, alley or other appropriate means of access and egress.

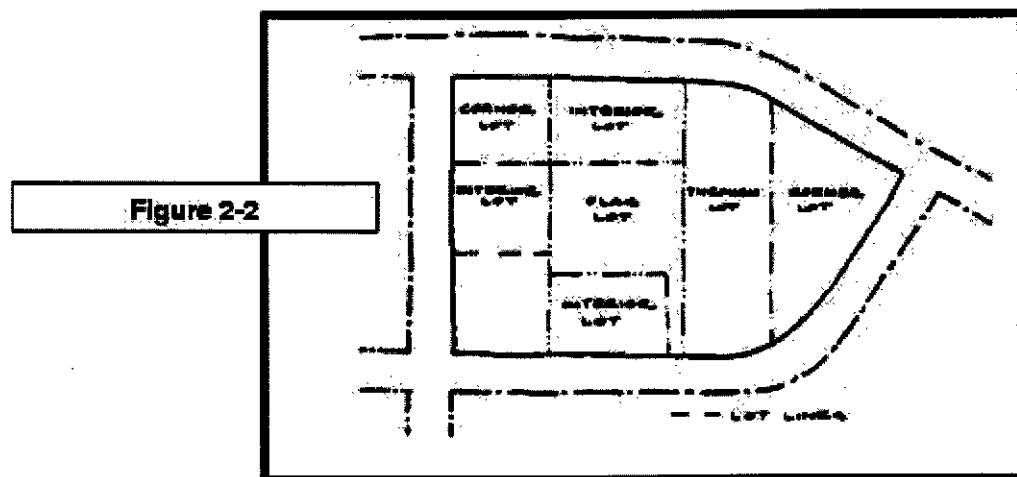
(100) "Lot" means a division of land:

(a) Having defined boundaries and shown on a final plat or short plat officially recorded in the county auditor's office or

(b) Which is a legally recognized prior division or parcel under the provisions of the county's subdivision ordinance (Title 14 of this code) or the City of Yakima's Subdivision Ordinance (Title 14 of the Yakima Municipal Code).

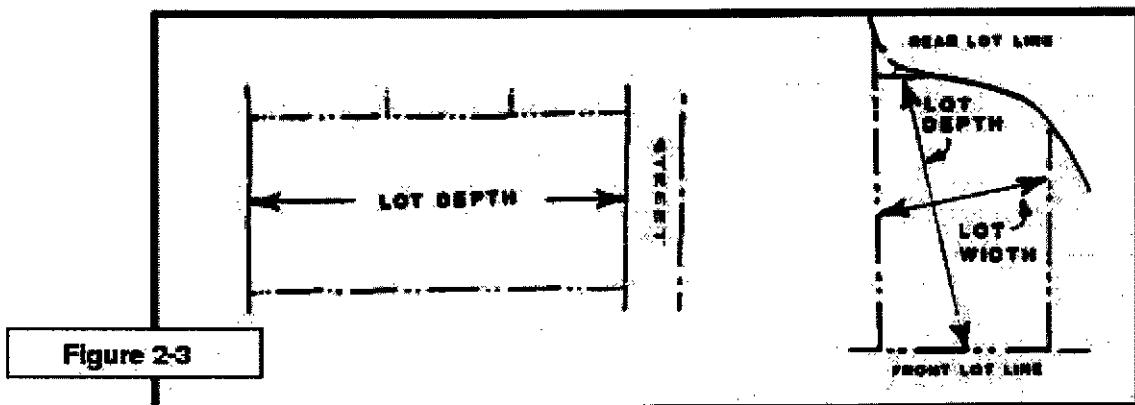
(101) "Lot area" means the total horizontal area within the boundary lines of a lot.

(102) "Lot, corner" means a lot abutting two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees. See Figure 2-2.



(103) "Lot coverage" means that portion of the lot that is covered by structures, and other impervious surfaces.

(104) "Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line. See Figure 2-3.



(105) "Lot, inside or interior" means a lot other than a corner lot. See Figure 2-2 in this chapter.

(106) "Lot, flag" means a lot only a narrow portion of which fronts on a public/private road and where access to the public/private road is across that narrow portion. See Figure 2-2.

(107) Lot Line, Front. "Front lot line" means, in the case of an interior lot, the property line separating the lot or parcel from the road or street, other than an alley. For the purpose of establishing the front lot line for a corner or flag lot, the following shall apply:

(a) In the case of a corner lot, the front lot line shall be the property line with the narrowest street frontage, except, the building official, or his designee, shall designate the front lot line for corner lots in residential districts.

(b) For a flag lot, when the access easement or right-of-way extends across the lot, the front lot line shall be the line separating the lot from the right-of-way or access easement. When the right-of-way or access easement does not extend across the property, the front lot line shall be determined by the building official.

(108) Lot Line, Interior. "Interior lot line" means in the case of zero lot line development, the property line separating a zero lot line from:

- (a) another zero lot line or
- (b) adjoining common open space.

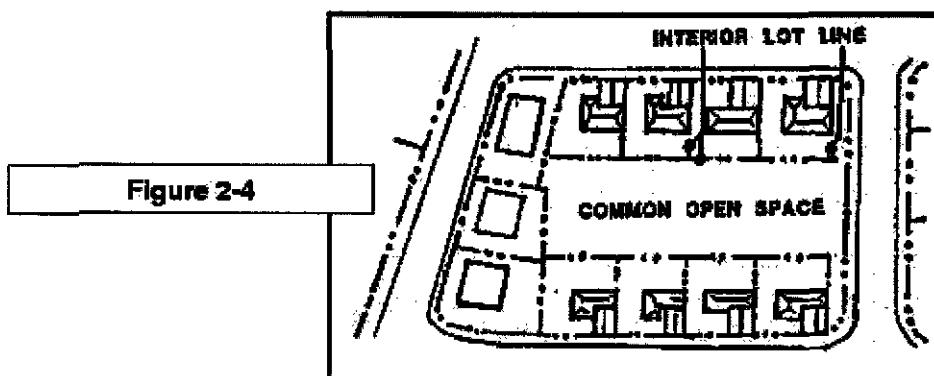


Figure 2-4

(109) Lot Line, Rear. "Rear lot line" means the property line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

(a) For a triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line.

(b) In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the required rear lot line.

(c) In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

(110) Lot Line, Side. "Side lot line" means any lot boundary line not a front lot line or rear lot line.

(111) Lot, Through. "Through lot" means an interior lot having frontage on two streets. See Figure 2-2 in this chapter.

(112) "Lot width" means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines. See Figure 2-3.

(113) "Manufactured home" means a dwelling on one or more chassis for towing to the point of use which bears an insignia issued by a state or federal regulatory agency indicating that the structure complies with all applicable construction standards of the U.S. Department of

Housing and Urban Development definition of a manufactured home. Manufactured homes are further classified as follows:

(a) **Multi-wide:** Have a minimum width of not less than seventeen feet as measured at all points perpendicular to the length of the manufactured home;

(b) **Single-wide:** Have a minimum width less than seventeen feet as measured at any point perpendicular to the length of the manufactured home.

(113.1) **“Manufactured structure”** means a building manufactured with the intent of being transported to a fixed site and constructed in accordance with the Uniform Building Codes as adopted by the city/county.

(113.2) **“Meeting hall”** means a private or quasi-private facility in which defined groups or organizations come together for meetings and social events, and includes private bridge-club type cardrooms, Grange Halls, etc.

(114) **“Mining”** means all, or any part of, the process involved in quarrying, mineral extraction, crushing, asphalt mixing plants, concrete batch plants or other uses of a similar nature, but does not include petroleum or natural gas exploration or production.

(115) **“Mixed-use development”** means use of the land or structure for two or more different uses.

(116) **“Mobile home”** means a dwelling on one or more chassis for towing to the point of use which does not meet applicable H.U.D. manufactured housing standards of June 15, 1976. This definition does not include modular homes, manufactured homes, commercial coaches, recreational vehicles or motor homes.

(117) **“Mobile home park”** means a parcel of land under single ownership used for the placement of two or more mobile or manufactured homes used as dwellings. This definition shall not apply to the placement of a temporary hardship unit (Section 15A.04.110) on the same parcel with another mobile home.

(118) **“Mobile home park expansion”** means the preparation of additional sites for mobile or manufactured homes (including the installation of utilities, final site grading, the pouring of concrete pads and the construction of streets).

(119) **“Modification (of use, or development)”** means any change or alteration in the occupancy, arrangement, placement or construction of any existing use, structure, or associated site improvement and any change or alteration of land.

(120) **“Modular home”** means a residential structure which meets the requirements of the Uniform Building Code and is constructed in a factory and transported to the building site. Modular homes are not subject to special review; they are subject to the same review standards as a site-built home.

(121) **“Multiple building complex”** means a group of structures housing separate businesses which share the same lot, access and/or parking facilities.

(122) **“Multiple-occupancy building”** means a single structure housing more than one retail business, office or commercial venture.

(123) **“Net residential acre”** means forty-three thousand five hundred sixty square feet minus the area in private and public streets, rights-of-way, and access easements. (See 15A.05.030(2)(c) to calculate the maximum number of dwelling units permitted on a site).

(124) **“Noise”** means an intense sound associated with a use and which is a nuisance.

(125) **“Nonconforming lot”** means a lot, the area or dimension of which was lawful prior to adoption or amendment of this title, but which fails to conform to the present requirements of the zoning district in which it is located.

(126) "Nonconforming structure" means a structure which was lawful prior to the adoption or amendment of this title, but which fails by reason of such adoption or amendment, to conform to the present requirements of the zoning district in which it is located.

(127) "Nonconforming use" means a use of land or structure which was lawfully established and maintained at the effective date of the ordinance codified in this title but does not conform to this title for the district in which it is located.

(128) "Nuisance" means any use, activity or structure that interferes with the enjoyment and use of one's property by endangering personal health or safety, offending the human senses and/or failing to conform with the provisions, intent or standards of the district in which the use, activity or structure occurs.

(129) "Nursery" means facilities used for the propagation and sale of agricultural or ornamental plants and related products. Nurseries are further classified as follows:

(a) "Retail nursery": A nursery which offers products to the general public including plant materials, planter boxes, fertilizer, sprays, garden tools, and related items.

(b) "Wholesale nursery": A nursery which raises nursery stock for sale to a retail nursery or other business.

(c) "Greenhouse": A nursery facility constructed with transparent or translucent materials for indoor propagation of plants. This definition does not include private greenhouses with no commercial sales.

(130) "Occupancy" means the purpose for which a structure, portion of a structure, or lot is used or intended to be used. For purposes of this title, a change of occupancy is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of use.

(131) "Off-street parking" means a parking space(s) and associated driveway(s) located beyond the right-of-way of a highway, street or alley.

(132) "Open space" means an area of land or water that is substantially free of structures, impervious surfaces and other land-altering activities.

(133) Open Space, Common. "Common open space" means open space within or related to a development that is not dedicated for public use, but is designed, intended and legally committed for the common use or enjoyment of the residents of the development.

(134) "Park" means a public or privately owned area with facilities for active or passive recreation by the public.

(135) "Parking angle" means the angle formed by a parking stall and the edge of a parking bay, wall or driveway of the parking facility, ranging from zero to ninety degrees.

(136) "Parking bay" means the section of a parking facility containing a driveway and containing one or two rows of parking stalls.

(136.1) "Parking lot" means a facility designed to serve parking for five or more motor vehicles.

(137) "Parking space" means an off-street area that is paved, drained, maintained and used for the temporary storage of one motor vehicle.

(138) "Parking stall" means a clearly marked area in which one vehicle is to be parked, a parking space.

(139) "Party of record" means the applicant and any other person who has submitted written comment on any action or proposed action, or who has appeared at a public hearing or public meeting and signed an official register requesting notice of further action.

(140) "Permit" means written governmental approval issued by an authorized official, empowering the holder thereof to take some action permitted only upon issuance of written approval.

(140.1) "Personal services" means businesses providing specialized services such as interior home or business design, shopping services, except as otherwise regulated.

(140.2) "Pet" means a domesticated animal kept for pleasure or as a hobby rather than utility.

(141) "Planned development" means any rezone to planned development within the Yakima urban area approved by the board of county commissioners under the provisions of Chapter 15.56 of Title 15 of this code and any rezone to planned development approved by the Yakima city council under the provisions of Chapter 12.50 of the Yakima Municipal Code, as they existed on or before the effective date of the ordinance codified in this title.

(142) Planned Residential Development. See "Development, planned residential."

(143) "Planning commission" means the duly constituted Yakima County Planning Commission.

(144) "Planning department" means the county planning department or the department of community and economic development of the city of Yakima, whichever is appropriate.

(145) "Preliminary approval" means the contingent approval by the administrative official in Class 2 review prior to final approval.

(146) Preschool. See "day care center."

(147) Private Water System. See "Water system, individual."

(147.1) "Product assemblage" means a business or service involved in assembling products for off-site sales.

(147.2) "Professional business" means a business primarily engaged in administrative or service-related functions and dependent upon professional staff such as lawyers, doctors, realtors, travel agents, bankers, accountants, engineers, and consultants, or providing administrative governmental services.

(148) "Property owner(s)" means the legal owner or owners of the property.

(149) "Public hearing" means a meeting open to the public that is announced and advertised in advance at which the public is given an opportunity to participate.

(150) Public Water System. See "Water system, public."

(151) "Recreational vehicle" means a motorized or nonmotorized vehicle designed and manufactured for recreational use, including but not limited to boats, travel trailers, snowmobiles, go-carts, motorcycles and dunebuggies.

(152) "Recycling center" means a facility where discarded household products such as aluminum and tin cans, glass, paper and other similar individual consumer products are deposited and stored for future reprocessing.

(153) "Residential density" means the number of dwelling units per net acre of land. This term includes dwelling unit density.

(154) "Restaurant" means an establishment operated primarily for preparing, cooking and serving meals, with the serving of beverages as incidental thereto.

(155) "Retail services" means uses providing services, as opposed to products, to the general public. Examples are eating and drinking establishments, motels, real estate and financial offices and uses providing health education and social services.

(156) "Retail trade" means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Lumberyards, office supply stores, nurseries, butcher shops, paint stores and similar uses shall be considered as retail trade establishments even though a portion of their business may be to contractors or other business establishments.

(157) "Retirement home" means an establishment providing domestic care for elderly persons who are not in need of medical or nursing treatment except in the case of temporary illness. This definition does not include nursing, convalescent or rest homes, hospitals or sanitariums.

(158) "Reviewing official" means the building and enforcement official, administrative official, hearing examiner or legislative body, when engaged in any review or approval procedure under the provisions of this title. Reviewing official also includes the planning department when engaged in accepting applications or reviewing administrative modifications under Chapter 15A.17 of this title.

(159) "Rezone" means to change the zoning district classification of particular lot(s) or parcel(s) of land.

(160) Right-of-Way, Public. "Public right-of-way" means land deeded or dedicated to, or purchased by the city of Yakima or Yakima County for existing or future public pedestrian or vehicular access.

(161) Road, Arterial. "Arterial road" means a public road designated as major/principal arterial, secondary/minor arterial or collector arterial by the transportation element of the Yakima urban area comprehensive plan.

(162) Road, Local Access. "Local access road" means a public road not designed as a principal arterial, minor arterial or collector by Yakima County or the city of Yakima. The primary purpose of a local access road is to connect property along the local access road with the arterial street system.

(163) Road, Minor Local Access. "Minor local-access road" means a local access road maintained by the city or county that serves eight or fewer lots (including interior and exterior lots) and is not, or is not capable of becoming, a through street.

(164) Road, Private. "Private road" means a road not designed, built or maintained by the county, the city of Yakima, the State Department of Transportation or any other political subdivision of the state. This definition does not include driveways. Also see the definition of access easement.

(165) Road, Public. "Public road" means the physical improvement of the public right-of-way, including but not limited to surfacing, curbs, gutters and drainage facilities, which is maintained and kept open by the city of Yakima or county for public vehicular and pedestrian use.

(166) "School" means a structure and accessory facilities in which prescribed courses are taught. This definition includes elementary, junior high or high schools and institutions of higher learning, but does not include commercial schools, nursery schools, kindergartens or day nurseries, except when operated in conjunction with a public, private or parochial school.

(167) School, Vocational. "Vocational school" means the commercial use of a structure or land for teaching arts, crafts or trades.

(168) "Screen" means a protective device for recreational purposes designed to keep recreational equipment within or outside of a designated area. Such uses are typically associated with schools, parks, golf courses, swimming pools, ballfields, and playgrounds.

(168.1) "Secondhand store" means a retail business selling used goods.

(169) "Service station" means a retail facility to supply motor fuel and other petroleum products to motor vehicles, and may include lubrication and minor repair service and incidental sale of motor vehicle accessories.

(170) Setback, Front. "Front setback" means the minimum horizontal distance measured perpendicularly from the centerline of the adjacent right-of-way to the nearest wall of the

structure. Where there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline. When there is no right-of-way, the front setback shall be twenty feet from the front property line.

(171) Setback, Side and Rear. "Side and rear setback" means the minimum horizontal distance measured perpendicularly from the nearest property line to the nearest wall of the structure. Except that a side setback on a corner lot, along the adjacent right-of-way, shall be measured perpendicularly from the centerline of the right-of-way. When there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline.

(172) Sewer System, Community. "Community sewer system" means small, self-contained sewage treatment facilities built to serve developed areas generally found outside public service areas.

(173) Sewer System, Individual. "Individual sewer system" means a system designed and constructed on-site to dispose of sewage from one or two structures. Septic tank systems are the most common form of individual sewer system.

(174) Sewer System, Regional. "Regional sewer system" means sewer service provided by a municipality or special purpose district.

(175) Sign. See Chapter 15A.08 for a complete listing of sign definitions.

(176) "Site improvement" means any structure or other addition to land.

(177) Site Improvement, Required. "Required site improvement" means any specific design, construction requirement or site improvement which is a condition of approval for any permit issued under the provisions of this title or which is a part of any site plan approved under the provisions of this title.

(178) Site Plan, Detailed. "Detailed site plan" means a general site plan incorporating such additional factors as landscaping, drainage and others as may be specified.

(179) Site Plan, General. "General site plan" means a sketch drawn to scale showing the actual dimensions and shape of the lot to be built upon, the sizes and location of existing buildings on the lot to the nearest foot, and the location and dimensions of the proposed building(s), structure(s) or alteration(s).

(179.1) Specialty Food Store/Food Store, Specialty. See "Delicatessen."

(180) Standard, Administrative Adjustment of. "Adjustment of administrative standard" means a change, either an increase or decrease, in one or more of the development standards in Chapters 15A.05 through 15A.08 of this title in accordance with the provisions of Chapter 15A.10 of this title.

(181) Standard, General. "General standard" means any standard not capable of precise numerical definition but which expresses the policies of the community in this title and which may be applied by a reviewing official during Class 2 or 3 review.

(182) Standard, Specific. "Specific standard" means those numerical standards established in Chapters 15A.04, 15A.05, 15A.06, 15A.07, 15A.08 and 15A.09 of this title.

(183) "State siting criteria" means criteria for the siting of hazardous waste treatment and storage facilities adopted pursuant to the requirements of RCW Chapter 70.105.

(184) Storage Facilities, Bulk. "Bulk storage facilities" means either enclosed (see "warehouse") or outdoor areas designed for the storage of either large quantities of materials or materials of large size and includes the storage of vehicles when such storage is not incidental and subordinate to another land use and is not vehicle parking, automotive wrecking/dismantling yards, or vehicle sales lots.

(185) Storage Facilities, Commercial. "Commercial storage facilities" means enclosed storage areas designated as support facilities for commercial activities and used for the storage of retail materials.

(186) Storage Facilities, Residential Mini-Storage. "Residential mini-storage facilities" means enclosed areas providing storage for residential goods and/or recreational vehicles within the structure.

(186.1) Storage, Vehicle. "Vehicle storage" means keeping vehicles on a given site that are not actively used by the principal occupants of the site, does not include automotive wrecking/dismantling yards or vehicle sales lots.

(187) "Street" means public or private road.

(188) "Structural alteration" means:

(a) Any change in a major component or other supporting members of the structure, including foundations, bearing walls, beams, columns, floor or roof joists, girders, rafters, or

(b) Any change in the exterior lines or configuration of a structure if such changes result in the enlargement of the structure.

(189) "Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

(189.1) Structure, Temporary. "Temporary structure" means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

(189.2) "Swimming pool" means a contained body of water, used for swimming or bathing purposes, either above ground level or below ground level, with the depth of the container being more than eighteen inches or the area being more than thirty-eight square feet.

(190) "Tavern" means an establishment operated primarily for the sale of wine, beer, or other beverages with any service of food incidental thereto.

(190.1) Travel Agency. See "Professional business."

(190.2) "Technical equipment" means medical, dental, fire suppression, restaurant, etc. equipment.

(190.3) "Towing services" means a service to haul or tow vehicles for service, repair or temporary storage. Any facility, except for wrecking yards, storing a vehicle for five or more days shall be considered a "vehicle storage facility."

(191) Reserved.

(192) "Urban area" means the area within the city limits of Yakima and Union Gap, and the unincorporated portion of the county within the Yakima urban area boundary established in the Yakima urban area planning agreement and adopted in the Yakima urban area comprehensive plan as amended. The boundary and legal description of the Yakima urban area is set forth in Section 15A.01.020 of this title. The Yakima urban area is that area where growth is expected to occur to the year 2000 and is the area in which urban level public services can be most economically provided.

(193) "Urban services" means and includes but is not limited to public water and sewer lines, neighborhood parks, streetlights, police and fire protection.

(194) "Use" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. Use also means any existing or proposed configuration of land, structures and site improvements, and the use thereof.

(195) Use, Class 1, 2 or 3. See "Class 1, 2 or 3 use."

(196) "Use district" means a portion of the Yakima urban area within which certain uses of land and structures are permitted and certain other uses of land and structures are prohibited, certain yards and other open space are required and specific lot areas are established, all as set forth and specified in this title. This definition also includes the terms "zone" and "zoning district."

(197) Use, Modification of. See "Modification of use or development."

(198) Use, Principal. "Principal use" means the primary or predominant use to which a structure, part of a structure, or lot is or may be devoted.

(199) Use, Temporary. "Temporary use" means a use established under Section 15A.04.100, for a fixed period of time with the intent to discontinue such uses upon the expiration of the time period.

(200) "Utilities" means and includes those businesses, institutions or organizations which use pipes or conductors, in, under, above or along streets, alleys or easements to provide a product or service to the public.

(201) "Utility services" means facilities operated by utilities but not including local transmission and collection lines, pipes and conductors. Such facilities include, but are not limited to, electrical power substations, water reservoirs and sewage treatment plants.

(202) "Variance" means a modification of the specific regulations of this title in accordance with the terms of this title for the purpose of assuring that no property because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.

(203) Veterinary Clinic. See "Animal clinic/hospital."

(204) "Vision triangle" means a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (See 15A.05.040).

(205) "Warehouse" means a structure used for the storage of goods and materials. See also "Agricultural building."

(206) "Waste material processing and junk handling" means a place where waste, discarded or salvaged metal, used plumbing fixtures, discarded furniture and household equipment, and other materials are bought, sold, exchanged, stored or baled, and places or yards for the storage of salvaged materials and equipment from building demolition and salvaged structural steel materials and equipment, but excluding establishments for the processing and sorting of garbage, or for the sale, purchase, storage or dismantling of automotive vehicles and machinery. This definition does not include the processing, storage or disposal of hazardous materials.

(206.1) "Waste water spray field" means an agricultural or otherwise vegetated field which is irrigated with wastewater or treated sewage, and may include storage lagoons utilized solely for storing wastewater before spraying, but not other wastewater treatment facilities. Excludes spray-fields for wastewater defined as hazardous pursuant to Ch. 70.105 RCW.

(207) Water System, Public. "Public water system" means any system, excluding a system serving only one single-family residence, providing piped water for human consumption, as defined and/or regulated under WAC 248-54.

(207.1) Water System, Community. "Community water system" means a water system having two through ninety-nine permanent services. (Class 2, 3 and 4 water systems, WAC 248-54-560.)

(207.2) Water System, Individual. "Individual water system" means a water system serving a single structure, generally a private well.

(208) "Wholesale trade" means those uses primarily engaged in the sale of merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers.

(208.1) "Wrecking yard" means the place of business where motor vehicles or parts thereof are kept by a motor vehicle wrecker subject to state regulation. (Chapter 46.80 RCW.)

(209) "Yard" means an open space, other than a court, on the same lot with a structure.

(210) Yard, Front. "Front yard" means the open area extending along and parallel to the entire length of the front lot line and measured from the property line to the structure.

(211) Yard, Rear. "Rear yard" means the open area at the rear of the structure extending the entire width of the lot and measured from the structure to the rear property line.

(212) Yard, Side. "Side yard" means an open area between the side wall line of the structure and the side line of the lot.

(213) "Zero lot line" means the location of a dwelling on a lot in such a manner that one of the sides of the dwelling rests directly on a side lot line.

(214) "Zoo" means a permanent site or facility having a collection of living animals for public display.

(Ord. 16-1998 §§ 1, 2, 1998; Ord. 9-1995 § 1, 1995; Ord. 3-1993 §§ 1 – 15, 1993; Ord. 10-1985 Mod. 12 §§ 1 – 5, 1988; Ord. 10-1985 Mod. 6 § 2, 1987; Ord. 10-1985 § 1 (part), 1986).

**Section 6.** Yakima County Code Section 15A.20.030 and Section 1 (part) of Ordinance 10-1985 are hereby amended to read as follows:

**15A.20.030 Planning department – Duties and Powers.**

The planning department shall have the following powers and responsibilities:

- (1) Issue certificates of zoning review under the provisions of this title;
- (2) Receive, record and file all applications for permits, approvals or other action, including Class 2 and 3 review, and applications for appeals, interpretations, variances and rezones;
- (3) Review and decide modifications to approved Class 2 and 3 uses and existing Class 1, 2 and 3 uses under the provisions of Chapter 15A.17;
- (4) Provide staff support to the planning commission on all long-range planning matters and proposed ordinance amendments;
- (5) Immediately change the official zoning map to accurately reflect any amendments made by official action of the legislative body;
- (6) Provide staff support to the hearing examiner, and legislative body;
- (7) Perform any other act or duty authorized or assigned to it under the provisions of this title;
- (8) Maintain the official index of all permits and approvals under this title.

(Ord. 10-1985 § 1 (part), 1986).

**Section 7.** Yakima County Code Section 15A.20.050 and Section 1 (part) of Ordinance 10-1985 are hereby amended to read as follows:

**15A.20.050 Hearing Examiner – Duties and Powers.**

(1) Office. The office of hearing examiner, referred to in this chapter as hearing examiner, is recognized. The hearing examiner shall perform the duties and functions established by this or any other title. Unless the context requires otherwise, the term hearing examiner as used in this

chapter includes deputy examiners and examiners pro tem. The hearing examiner shall be jointly hired and appointed by the city of Yakima and the county.

(2) Authority and Duties. The examiner shall receive and examine available information, conduct public hearings and keep a record thereof, and enter decisions as provided for in this chapter.

(3) Effect of Decisions.

(a) The decision of the hearing examiner on the following matters shall be final unless such decision is appealed to the legislative body pursuant to Section 15A.16.040:

- (i) Class 3 review decisions;
- (ii) Variance requests;
- (iii) Home occupations;
- (iv) Revocation proceedings under Chapter 15A.24 of this title;
- (v) Nonconforming uses;
- (vi) Appeals of decisions by the building official or administrative official; and
- (vii) Any other authorized decision not expressly listed in subsection (3)(b) of

this section.

(b) The decision of the hearing examiner on rezone applications shall constitute a recommendation to the legislative body. Provided, that rezone applications initiated by the city or county to implement a newly adopted or amended comprehensive plan or which are of broad general applicability shall be heard by the planning commission.

(Ord. 10-1985 § 1 (part), 1986).

**Section 8.** Yakima County Code Section 15A.20.060 and Section 1 (part) of Ordinance 10-1985 are hereby repealed:

**Section 9.** Yakima County Code Section 15A.23.020 and Section 1 (part) of Ordinance 10-1985 are hereby amended to read as follows:

**15A.23.020 Text Amendments.**

(1) Initiation. An amendment to the text, standards, procedures or other provisions of this title may be initiated by action of the legislative body with jurisdiction or the planning commission.

(2) Action by the Legislative Body. Any amendments in this title shall be by action of the legislative body with jurisdiction after a recommendation thereon from the planning commission. Such action shall occur in accordance with the procedures set forth in RCW Chapter 36.70 as it now exists or is hereafter amended.

(Ord. 10-1985 § 1 (part), 1986).

**Section 10.** Yakima County Code Section 15A.23.030 and Section 1 (part) of Ordinance 10-1985 are hereby amended to read as follows:

**15A.23.030 Rezones – Zoning Map Amendments.**

(1) Initiation. An amendment to the zoning map may be initiated by:

- (a) Resolution of the legislative body with jurisdiction or the planning commission; or
- (b) A rezone application filed by the property owner(s).

(2) Application. All rezone applications shall be filed with the planning department. The planning department shall process the application under the provisions of Section 15A.11.080.

The application shall include the information required in Section 15A.11.030 and the signature of the owner(s) of the property.

(3) Public Hearing by the Hearing Examiner. Upon receipt of a complete application for a rezone, the planning department shall forward the application to the hearing examiner for public hearing and review. Provided, that rezone applications initiated by the city or county to implement a newly adopted or amended comprehensive plan, or which are of broad general applicability shall be heard by the planning commission under the provisions of RCW Chapter 36.70. The public hearing shall be held and notice provided under the provisions of Section 15A.11.090. The applicant shall appear in person or by agent or attorney. Failure to do so shall constitute sufficient cause for continuance or denial of the requested action. Other parties may appear in person or by agent or attorney, or may submit written comments.

(4) Recommendation by the Planning Commission. The planning commission may, if requested by the hearing examiner, submit a recommendation on the proposed rezone to the hearing examiner prior to the issuance of his decision. The recommendation of the planning commission shall in no way be binding on the hearing examiner.

(5) Decision by the Hearing Examiner. Within ten days of the conclusion of the hearing, unless a longer period is agreed to in writing by the applicant, the examiner shall issue a written recommendation to approve, approve with conditions or deny the proposed rezone. The recommendation shall include the following considerations:

- (a) The testimony at the public hearing;
- (b) The suitability of the property in question for uses permitted under the proposed zoning;
- (c) The recommendation from interested agencies and departments;
- (d) The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Yakima urban area comprehensive plan and the intent of this title;
- (e) The adequacy of public facilities, such as roads, sewer, water and other required public services;
- (f) The compatibility of the proposed zone change and associated uses with neighboring land uses; and
- (g) The public need for the proposed change.

Notice of the hearing examiner's recommendation shall be mailed to the applicant at the address provided on the application form. The decision of the hearing examiner on rezone applications shall constitute a recommendation to the legislative body.

(6) Action by the Legislative Body. Upon receipt of the hearing examiner's recommendation for approval of a proposed rezone the legislative body shall hold a public meeting and affirm or reject the hearing examiner's decision.

The legislative body shall conduct its own public hearing when it rejects the recommendation of the hearing examiner or desires additional public testimony. Notice of the public hearing shall be given in the manner set forth in Section 15A.11.090. In either case, the findings of the legislative body shall include the considerations established in subsection (5) of this section.

(7) Time Limit and Notification. Proposed amendments shall be decided by the legislative body as soon as practicable and the applicant shall be notified in writing whether the rezone has been granted or denied. (Ord. 10-1985 § 1 (part), 1986).

**Section 11.** Yakima County Code Section 14.08.260 and Ordinance 10-1974 Mod. 11 Section 10 are hereby repealed:

**Section 12.** Yakima County Code Section 14.48.010 and Ordinance 9-1985 (part) are hereby amended to read as follows:

**14.48.010 Applicability.**

The provisions of this chapter shall apply to the approval of short subdivisions and long subdivisions of land located within the unincorporated portion of the county.

(Ord. 9-1985 (part), 1986).

**Section 13. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, sections, 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 ordinance, or the validity of its application to any other persons or circumstances.

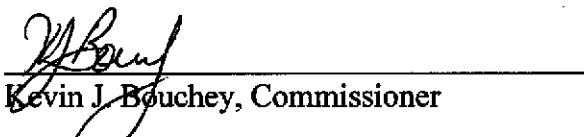
**Section 14. Effective Date.** This ordinance shall become effective immediately.

Adopted this 12<sup>th</sup> day of January 2010.

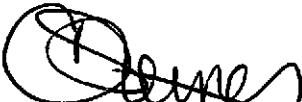
BOARD OF COUNTY COMMISSIONERS



Michael D. Leita, Chairman

  
\_\_\_\_\_  
Kevin J. Bouchey, Commissioner  
\_\_\_\_\_  
J. Rand Elliott, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County, Washington*

ATTEST:

  
\_\_\_\_\_  
Christina S. Steiner, Clerk of the Board