

BOARD OF YAKIMA COUNTY COMMISSIONERS

Ordinance No. 7-2011

IN THE MATTER OF AMENDING ORDINANCE 10-1985 AND YAKIMA COUNTY CODE TITLE 15A, PERTAINING TO YAKIMA URBAN AREA ZONING, LAST AMENDED BY ORDINANCE 8-2010.

WHEREAS, the Yakima Urban Area Regional Planning Commission (RPC) held several public meetings between February 14, 2008 and June 25, 2008 to consider changes that were needed to YCC 15A, the Yakima Urban Area Zoning Ordinance, to make it consistent with the *Yakima Urban Area Comprehensive Plan 2025*; and

WHEREAS, the meetings of the RPC culminated on June 25, 2008 with the creation of a Draft Ordinance proposing changes to YCC 15A; and

WHEREAS, the Department of Community, Trade, and Economic Development on June 27, 2008 acknowledged receipt of the proposed changes pursuant to the Growth Management Act, RCW 36.70A.106; and

WHEREAS, the City of Yakima on July 31, 2008 issued a Determination of Non-significance on the proposed changes pursuant to the State Environmental Policy Act, RCW 43.21C; and

WHEREAS, the RPC held a public hearing on July 31, 2008 on the Draft Ordinance and subsequently adopted Findings of Fact, Conclusions and Recommendation, dated August 7, 2008, which were forwarded to the Board of Yakima County Commissioners (Board) and the Yakima City Council; and,

WHEREAS, the Board and Yakima City Council heard staff presentations and public testimony concerning the Draft Ordinance at a joint public hearing on August 19, 2008; and,

WHEREAS, the Board deferred its action to allow for closer independent review of the Regional Planning Commission's recommended changes; and

WHEREAS, the Regional Planning Commission conducted additional public meetings between August 12, 2009 and January 13, 2010 to consider a second set of amendments to the Yakima Urban Area Zoning Ordinance, which culminated in the creation of a Second Draft Ordinance; and

WHEREAS, the Department of Commerce on January 20, 2010 acknowledged receipt of the Second Draft Ordinance pursuant to the Growth Management Act, RCW 36.70A.106; and

WHEREAS, the City of Yakima on February 19, 2010 issued a Determination of Non-significance on the Second Draft Ordinance pursuant to the State Environmental Policy Act, RCW 43.21C; and

WHEREAS, the Regional Planning Commission held a public hearing on the Second Draft Ordinance on February 24, 2010 and subsequently adopted Findings of Fact, Conclusions and Recommendation dated February 26, 2010, concerning the Second Draft Ordinance, which were forwarded to the Board of Yakima County Commissioners (Board) and the Yakima City Council; and,

WHEREAS, the Board and Yakima City Council heard staff presentations and public testimony concerning the Second Draft Ordinance at a joint public hearing on March 23, 2010; and,

WHEREAS, the Board deferred its action to allow for closer independent review of Regional Planning Commission's recommended changes; and

WHEREAS, the Board subsequently held a series of study sessions and deliberations on the recommendations of the Regional Planning Commission (RPC); and

WHEREAS, after further consideration of the RPC's recommendations, the Board determined that additional changes to YCC Title 15A are needed, as proposed in its Consolidated Deliberations Draft Ordinance; and

WHEREAS, the Board desired public input on its Consolidated Deliberations Draft Ordinance and therefore conducted a duly advertised public hearing on September 27, 2011 for the purpose of receiving public comments thereon; now, therefore,

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

Section 1. Findings. The Board reviewed the recommendations of the Yakima Urban Area Regional Planning Commission and finds that certain changes to the RPC's recommendations and additional changes to YCC Title 15A are needed and appropriate to make at this time. The Board therefore makes the following findings of fact and statement setting forth the factors considered at its hearing held September 27, 2011 and its own analysis of findings considered to be controlling:

- A. The Consolidated Deliberations Draft Ordinance, attached hereto as Exhibit A, provides all the changes to YCC Title 15A that the Board believes are appropriate to make at this time.
- B. All statutory and County prerequisites for the review and evaluation of YCC Title 15A (Yakima Urban Area Zoning Ordinance), as well as the requirement for ensuring adequate public notification and opportunities for comment and participation in the amendment process, have been met.
- C. The SEPA Responsible Official has reviewed the probable significant adverse environmental impacts of the Consolidated Deliberations Draft Ordinance in accordance

with the provisions of YCC Chapter 16.04 (State Environmental Policy Act), culminating in the decision, issued on September 16, 2011, to retain the Determination of Non-significance issued on September 1, 2011. The Board finds that environmental review is complete and adequate.

- D. YCC Title 15A should be applied to the entire unincorporated Union Gap Urban Growth Area in order to prevent any confusion that could occur with the current situation wherein YCC Title 15 applies to some portions of the Union Gap UGA and YCC Title 15A applies to other portions. Applying YCC Title 15A to the entire Union Gap UGA will rezone three unincorporated areas from R-1 (One-Family Residential) under YCC Title 15 to R-1 (Single-Family Residential) under YCC 15A, which is an insignificant change in the regulation of the properties in the three areas. The three areas are depicted in the map attached as Exhibit B.
- E. More specific findings of fact in support of the Board's decision are attached as Exhibit C.

Section 2. Amendatory. YCC Title 15A, the Yakima Urban Area Zoning Ordinance, is hereby amended as provided in Exhibit A, attached hereto. Language that is being added is shown underlined, and language that is being deleted is shown in ~~strikethrough~~.

Section 3. Severability. If any section, sentence, clause, phrase, or map of the amended YCC Title 15A as contained in Exhibit A to this ordinance should be held to be invalid or unconstitutional by any body or court with authority and jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause, phrase or map of the adopted YCC Title 15A.

Section 4. Effective Date. This ordinance shall be effective at 12:01 a.m. on November 1, 2011.

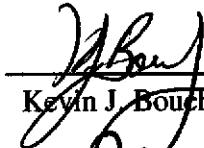
Dated this 4th day of October, 2011.

Attest:


Mandy Burkett
Tiera Girard, Clerk of the Board

Mandy Burkett
Deputy Clerk of the Board

BOARD OF YAKIMA COUNTY
COMMISSIONERS


Kevin J. Bouchey, Chairman


J. Rand Elliott, Commissioner


Michael D. Leita, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

EXHIBIT "A"
Text Amendment No. 13 (Ord. 7-2011)

**YAKIMA URBAN AREA
ZONING ORDINANCE**

**Yakima County Code - Title 15A
Ordinance 10-1985**

**Adopted by the Board of Yakima County Commissioners
on March 4, 1986. Effective Date - April 7, 1986**

This text includes ordinance amendments authorized by:

- Text Amendment No. 1 (Mod. 6) - Effective June 22, 1987
- Text Amendment No. 2 (Mod. 12) - Effective August 12, 1988
- Text Amendment No. 3 (Ord. 3-1993) - Effective October 1, 1993*
- Text Amendment No. 4. (Ord. 4-1995) - Effective April 9, 1995**
- Text Amendment No. 5 (Ord. 9-1995) - Effective September 1, 1995**
- Legal Description, Appendix "A" amended by Ord. 10-1995**
- Text Amendment No. 6 (Ord. 16-1998) – Effective December 28, 1998
- Text Amendment No. 7 (Ord. 1-2001) – Effective March 7, 2001
- Text Amendment No. 8 (Ord. 6-2005) – Effective July 1, 2005
- Text Amendment No. 9 (Ord. 11-2005) – Effective January 5, 2006
- Text Amendment No. 10 (Ord. 11-2009) – Effective January 12, 2010
- Text Amendment No. 11 (Ord. 5-2011) – Effective February 28, 2011
- Text Amendment No. 12 (Ord. 8-2010) – Effective June 25, 2011

**Yakima County Planning Department
Room 417, Courthouse
Yakima, Washington 98901**

(509) 574-2300 or 1-800-572-7354 Ext. 2300

Note: Underlined colored text is added; ~~strike through text~~ is deleted.
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.01 TITLE, PURPOSE, JURISDICTION

Sections:

- 15A.01.010 Title and Authority.
- 15A.01.020 Jurisdiction.
- 15A.01.030 Purpose and Intent.
- 15A.01.040 ~~Application~~ Applicability.
- 15A.01.050 Compliance.
- 15A.01.060 Conflict of Provisions.
- 15A.01.070 Severability.
- 15A.01.080 Number and Gender.

15A.01.010 Title and Authority

~~The title codified in Chapters 15A.01 to 30.25 of this code~~ This Title shall be known as the Yakima County Urban Growth Area Zoning Ordinance (UGAZO). The Yakima County Urban Growth Area Zoning Ordinance is enacted under authority granted to Yakima County and the City of Yakima by Article XI, Section II, of the Washington State Constitution and Chapters 36.70 and ~~36.70A~~ of the Revised Code of Washington. (Ord. 10 1985 § 1 (part), 1986).

15A.01.020 Jurisdiction

- (1) ~~Generally~~ - This Title is enacted and administered separately by the City of Yakima and Yakima County for lands and uses within the Yakima Urban Area. The ordinance adopted and enacted by the City of Yakima applies to all land and uses located within the city limits of the City of Yakima. The ordinance adopted and enacted by the County of Yakima applies to the unincorporated portions of the Yakima and Union Gap Urban Growth Areas.
- (2) **Yakima and Union Gap Urban Growth Area Boundary: Official Boundary and Description**
- For purposes of this Title, the Yakima and Union Gap Urban Growth Areas is are hereby officially declared to be that area (a) designated by the Yakima County Comprehensive Plan, ~~(Plan 2015)~~ as adopted by Ordinance 4 1997 and as subsequently amended plus (b) all additional area in the "Yakima Urban Area Legal Description attached to this Title as Appendix A and adopted by reference and declared to be a part of this Title. In cases of conflict between the official zoning maps and the official legal description, the official legal description shall control. (Ord. 5 2011 § 1 (part), 2011).
- (3) ~~Existing Ordinance Superseded~~ - The provisions of this Title shall be and are hereby declared to supersede and replace all existing and future provisions of Yakima County

~~Code Title 15 within the unincorporated areas of Yakima County located within the Yakima Urban Growth Areas as officially described and adopted in subsection (2) of this Section. The provisions of Yakima County Code Title 15 shall, however, continue and remain in full force and effect in the unincorporated areas of Yakima County located outside the officially adopted Yakima Urban Growth Area. The provisions of this title shall be and are hereby declared to supersede and replace the existing provisions of Yakima City Code Title 12. (Ord. 5 2011 § 1 (part), 2011).~~

(4) Terminology Unless the context clearly implies some other meaning references to County/City "County (City)" or similar terms in this Title refer either to the City of Yakima or Yakima County, whichever entity has jurisdiction over the particular land use proposal or other item involved or affected. In no event shall such references be construed to require, directly or indirectly, action by both entities or their respective officials or agencies. References to "legislative body", "Administrative Official", "Planning Department", "Hearing Examiner" Department of Community & Economic Development Director, or other official or agency under this Title means those officials or agencies of the City of Yakima or of Yakima County, whichever entity has jurisdiction. (Ord. 10-1985 §1 (part), 1986).

15A.01.030 Purpose and Intent

The purpose of this Title is to implement the Yakima Urban Area Comprehensive Plans for the cities of Yakima, Union Gap and Yakima County within the respective UGAs and promote the general health, safety and welfare of present and future inhabitants of the Yakima and Union Gap Urban Growth Areas. The goals and policies of the Yakima Urban Area Comprehensive Plans and neighborhood plans will be used for interpretation and implementation of this Title. Provisions of the Yakima County Comprehensive Plan pertaining to urban policies are also applicable. These goals are accomplished in many ways including:

- (a) Achieving public and private land use decisions consistent with the goals, policies and objectives of:
 - (1) The Yakima Urban Area Comprehensive Plan, including those of the West Valley Neighborhood Plan and new the Terrace Heights Neighborhood Plan;
 - (2) The Yakima County Comprehensive Plan pertaining to urban goals, policies and objectives;
 - (3) The relevant portions of the Union Gap Comprehensive Plan.
- (b) Dividing the unincorporated portions of the Yakima and Union Gap Urban Growth Areas into districts according to the use of land and structures and the intensity of such use.
- (c) Encouraging the location and use of structures and land for commerce, industry and residences in districts where they are compatible with neighboring land uses.

- (d) Encouraging development in areas where adequate public services including water and sewer, police and fire protection, roads, and schools can be provided; and limiting development in areas where these facilities are not provided.
- (e) Securing economy in local governmental expenditures.
- (f) Encouraging innovative site design.
- (g) Providing for adequate privacy, light, air and view.
- (h) Promoting development within the Yakima and Union Gap Urban Growth Areas that is cost effective to build and maintain.
- (i) Reducing the time required for public review of proposed projects.
- (j) Protecting existing land uses and property values from adverse impacts of adjoining developments.
- (k) Reducing traffic danger and congestion on roads and highways.
- (l) Minimizing public and private losses due to flooding.

This Title is designed to be flexible and intentionally increases the potential uses or choices available to individual property owners. This flexibility is balanced by procedures and standards based on the Yakima Urban Area Comprehensive Plans designed to guard against and mitigate undue adverse impacts and to protect individual neighborhoods and the community's general welfare. Both concepts are essential to this Title and declared necessary for the promotion of general health, safety and welfare.

Further, this Title divides all the land within the unincorporated portion of the Yakima Urban Growth Areas and the City of Yakima into zoning districts. Each zoning district has an intent statement that clearly defines the district's purpose, identifies the general character of the area within the district, and establishes objectives policies to be achieved by development in the district. Distinctions between each district are significant and based on the Yakima Urban Area Comprehensive Plans. The intent statements serve as a guide to the administration and interpretation of this Title and are declared to be an official statement of legislative finding and purpose. (Ord. 40-1985 §1 (part), 1986).

15A.01.040 Application Applicability.

- (a) Purpose ~~The purpose of this section is to generally state and summarize the uses and activities concerning land which are regulated by this title and to generally state and outline the manner of their regulation. This section is not intended to control over the more detailed provisions of this title.~~

- (a) Except as exempted, no use or development, or modification of use or development, as those terms are defined, may be established, placed, performed, constructed or implemented, in whole or in part, without a permit. The permit required by this Title is called a "development permit." Chapters 15A.11 and 15A.12 contain provisions governing such permits and applications for permits. The following uses and modifications listed under Subsection (e) are exempt from review and permit requirements; provided that they do not conflict with the requirements of a previously issued permit.
- (b) Generally - Uses of lands are regulated by this Title. "Uses" includes, by definition of this title, alterations to land itself, occupancy of land, all accessory uses, and associated structures and site improvements, or any combination thereof. Some of the development standards are designed to be administratively adjusted to accommodate the purpose and intent of the zoning district involved and allows flexibility of development. (See Section 15A.02.020 defining "use", "accessory use," "structure", and "site improvement"). Use also means "and "development". (See Section 15A.02.020)

This Title regulates such uses in two the following ways:

- (1) By specific development standards which must be met (see Chapters 15A.05, 15A.06, 15A.07, 15A.08 and 15A.09). Some of the development standards are designed to be administratively adjusted to accommodate the purpose and intent of the zoning district involved and allows flexibility of development. (See Section 15A.10.020).
- (2) By prior review of more significant uses to allow general policies and standards to be applied, to assure compliance with the purpose and intent of this Title and to allow more flexibility of development and use (See Section 15A.01.030). Different levels types of review (Class Type (1), (2) or (3) review) are established for different categories or classes of uses (Class (1), (2) or (3). The level type of review is generally determined by the classification of the principal use involved under the use chart contained in Table 4-1 (See Chapter 15A.04). Certain accessory uses are subject to detailed regulations, including home occupations, off street parking, signs, site screening, temporary use permits, swimming pools, communication towers, caretaker residences and yard sales (See Chapters 15A.04, 15A.06, 15A.07 and 15A.08). Accessory uses are also subject to the review processes and development standards of this Title.

Some of the specific development standards are designed to be administratively adjusted upwards or downwards to accommodate the purpose and intent of the zoning district involved and flexibility of development. (See Section 15A.10.020).

- (c) New and Existing Uses Regulated - Both uses established before and after the adoption of this Title are regulated, but are treated differently depending on their status under this Title. Totally new and different uses Permitted uses are established by Table 4-1, which

determines which particular uses are allowed, and the degree of compatibility of the land use in a given zoning district. Uses and development are reviewed under class Type (1), (2) or (3) review processes, and if approved are called "approved uses". Previous uses whose principal use would be permitted in the zoning district in which it is located are called "existing uses". Existing uses are allowed to continue even though they have not been through the regular review procedures of this Title and may not fully comply with the development standards of this Title. Such uses may be reestablished as they previously existed if damaged or destroyed (see Chapter 15A.18). Previously established uses which were legally established prior to the adoption of this Title, but which have a principal use which would not be permitted in the zoning district in which it was located, are called "nonconforming uses". Such uses are allowed to continue, but are subject to more restrictions (see Chapter 15A.19).

- (d) Changes and Alterations to Uses and Development - Changes and alterations to approved, existing, or nonconforming uses or development are also regulated by this Title and are called "modifications". (See Section 15A.02.020 (117)). Certain nominal modifications to "approved" or "existing" uses are exempt. Other modifications to "approved" or "existing" uses that which are minor and meet certain criteria can be administratively approved with minimal review. Procedures for such modifications are contained in Chapter 15A.17. More significant changes to "approved" or "existing" uses and development which do not meet the exemptions or administrative approval criteria of Chapter 15A.17 must be reviewed using the normal class Type (1), (2) or (3) review procedures of this Title. ~~Changes and alterations~~ Modifications to nonconforming uses are regulated by Chapter 15A.19.
- (e) Permits - Except as exempted, no use or development, or modification of use or development, as those terms are defined, may be established, placed, performed, constructed or implemented, in whole or in part, without a permit. The permit required by this Title is called a "development permit". Chapters 15A.11 and 15A.12 contain provisions governing such permits and applications for permits. The following uses and modifications are exempt from prior review and development permit requirements; provided that they do not involve a required site improvement contained in a previously approved final site plan or permit (~~some exempt uses must still comply with the standards of this title~~):
 - (1) Normal structural repair and maintenance.
 - (2) Changes to conforming structures which do not involve structural alteration as that term is defined by this Title.
 - (3) Rehabilitation of dwelling units, when such rehabilitation does not expand the number of units nor physically expand the structure.
 - (4) Accessory buildings or structures (Section 15A.04.060.02.020) otherwise meeting the specific development standards and other requirements of this Title and which

do not require a building permit under the provisions of the ~~Uniform applicable~~ Building Code as adopted by the city/county.

- (5) Communication towers less than thirty-five feet in height and which meet the requirements of Section 15A.04.130.
- (6) Exempt signs.
- (7) Yard sales meeting the requirements of Section 15A.04.060.
- (8) Alterations to land including grading, leveling, paving and excavation, ~~the fair market value of which are exempt from needing a grading permit under YCC Title 13.~~ does not exceed five hundred dollars ~~50 100 cubic yards.~~
- (9) Site screening and landscaping.
- (10) All grading, construction of private or public roads, landscaping, construction of sewer, wastewater facilities, water, electrical, and other utilities pursuant to an approved and valid short or long subdivision regulating such improvements. (Ord. 10-1985 §1 (part), 1986).

15A.01.050 Compliance

No structure, land or use shall hereafter be constructed, erected, maintained, enlarged, altered, repaired, moved, improved, removed, converted, or demolished except as authorized by the terms of this Title. (Ord. 10-1985 §1 (part), 1986).

15A.01.060 Conflict of Provisions

In the case of conflicts between parts of this Title and other rules, regulations, resolutions, ordinances or statutes lawfully adopted by the County/city, the most restrictive shall govern. In the case of conflicts between the text, maps and tables of the Title, the text shall govern unless otherwise stated. (Ord. 10-1985 §1 (part), 1986).

15A.01.070 Severability.

This Title is declared to be severable. If any division, chapter, section, paragraph, clause or other portion or any part adopted by reference is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of the Title. If any division, chapter, section, paragraph, clause or any portion is adjudged invalid for any reason as applied to a particular property, use or structure, the application of such portion of the zoning ordinance to other property, use, or structures shall not be affected. (Ord. 10-1985 §1 (part), 1986).

15A.01.080 Number and Gender

Words ~~importing~~ designating the singular number may also be applied to the plural of persons and things; words ~~importing~~ designating the plural may also be applied to the singular; words ~~importing~~ designating the masculine gender may be extended to female; and words ~~importing~~ designating the feminine gender may be extended to males. (Ord. 10-1985 §1 (part, 1986).

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Chapter 15A.02 **DEFINITIONS**

Sections:

- 15A.02.010 Purpose.
- 15A.02.020 Definitions.

15A.02.010 Purpose.

This chapter provides definitions for the terms and phrases used in this Title. Where any of these definitions conflict with definitions used in other Titles of the County/city code, the definitions in this chapter shall prevail for the purpose of this Title. (Ord. 10-1985 §1 (part), 1986).

15A.02.020 Definitions.

For the purpose of this Title, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified herein unless the context requires a different meaning. Where terms are not defined, they shall have the ordinary accepted meaning within the context with which they are used. Where an activity or land use could fall under two definitions, the more specific shall apply. The Webster's Ninth New Collegiate Dictionary, 1983, with the assistance of the American Planning Association Planning Advisory Service's "A Planner's Dictionary" and Black's Legal Dictionary shall be the sources for ordinary accepted meaning and for the definition of words not defined below. Specific examples are included as illustrations, but are not intended to restrict a more general definition.

- A -

Access Driveway means an entrance roadway from a street or alley to a parking facility.

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.

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.

Accessory Building or Structure means a building or part of a building or structure, which is subordinate to the main building or structure containing a lawful use, and the use of which is incidental to that of the main building or structure on the same lot.

Accessory Dwelling Unit (ADU) means a structure meeting the purpose and requirements of Section 15A.09.045 which is attached to a single-family home, or detached garage with living facilities for one individual or family separate from the primary single-family.

Accessory Dwelling Unit (ADU), means a structure attached to or constructed within a single-family dwelling (excluding a detached accessory building), which has living facilities for one individual or family separate from the primary single family dwelling including at least, but not limited to, a kitchen, bathroom and sleeping quarters. An ADU shall not have its own mailbox, water meter and gas meter.

Accessory Use means a use that is subordinate and incidental to a primary use.

Accessory Use means a land use that is customarily incidental and subordinate to the principal use of a structure or site. Therefore, accessory uses may only be permitted when a principal use has been established. They must be: clearly secondary to, supportive of and compatible with the principal use(s); consistent with the purpose of the zoning district; and comply with the provisions of this Title. The land use category of an accessory use shall be the same as that of the principal use(s) as listed in Table 4-1, unless otherwise specified.

Administrative Official means the ~~deputy appointed~~ Yakima County Planning Director or the Director of the City of Yakima Department of Community and Economic Development, whichever is appropriate or designee.

Adult Entertainment Facility means an adult cabaret, adult motion picture theater, adult retail store, or a commercial establishment that includes an adult sales practice as those terms are defined in the adult entertainment licensing provisions in YCC Chapter 5.06. Adult arcades as defined in YCC Chapter 5.06 are expressly prohibited by this Title. (Ord. 8-2010 § 6 part, 2011)

Adult Day Care Center see "Day Care Facility".

Adult Family Home means a regular family abode, licensed by the state, in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services (RCW 70.128.175)

Agriculture means the tilling of soil, raising of crops and horticulture. (See Table 4-1)

Agricultural Building means a structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit, and other agricultural products. Controlled atmosphere and cold storage warehouses are not agricultural buildings (see Agricultural Related

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

Agricultural Market means a use primarily engaged in the retail sale of fresh agricultural products, grown either on or off-site, An Agricultural Market but may include as incidental and accessory to the principal use, the sale of factory sealed or prepackaged food products such as boxes of apples or other fruit and some limited non-food items. These products shall consist of no more than 40% of the gross floor area. This definition does not include the sale of livestock.

Agricultural Product Support means a business that provides a product or service intended for use in the processing, storage, preservation, or distribution of agricultural commodities. This definition does not include agricultural processing, storage, preservation, distribution and related uses.

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. This definition ~~does~~ 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~~ This definition ~~does~~ not include slaughterhouses or rendering plants:- and or
- (c) Storage Facilities include controlled atmosphere and cold storage warehouses, and warehouses for the storage of processed and/or packaged agricultural products.

Agricultural Stand means a structure up to one thousand square feet in area used for the retail sale of agricultural products grown on the premise excluding livestock grown on the premises.

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) Yakima County Code. (Ord. 16 1998)

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) Yakima County Code. (Ord. 16 1998)

Airport Operations means activities, uses, structures and facilities that are located on and necessary to the operation of the Yakima Municipal Airport Air Terminal. 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) Yakima County Code. (Ord. 16 1998)

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

Amateur Radio Antenna and Support Structure means any device for receiving or transmitting radio frequency signals, including any tower, pole, mast, tree or guy wire used to support an amateur radio antenna. (See Section 15A.04.180(a)).

Amendment means a change in the wording, content or substance of this Title or change in the district boundaries on the official zoning map.

Amusement Park means a permanent indoor and/or outdoor facility, which may include structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or the sale of items and buildings for shows and entertainment.

Anemometer means a research device for measuring wind speed and is regulated as a wind tower for the purposes of this Title. An anemometer is considered a temporary use when removed after a period of 3 years or less. (See Section 15A.04.180(a)).

Animal Clinic/Hospital means a structure used for veterinary care of sick or injured animals. The boarding of animals is limited to short-term care and is accessory to the principal use. This definition does not include kennels.

Animal 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.

Appeal means a request for review of a reviewing official's an Administrative Official's or Hearing Examiner's written decision, determination, order or official interpretation of any provision of this Title. (See Chapter 15A.16, Chapter 2.23 and YCC Title 16B).

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.

Application for Development means the application form and all accompanying documents and exhibits required by this Title or the ~~responsible official~~ Administrative Official.

Arterial means a principal (primary), or minor or collector arterial as designated by the WSDOT or as proposed shown in the optimal arterial street plan Yakima Urban Area Transportation Plan or adopted in the Yakima Urban Area Comprehensive Plans. Synonymous with Federal Highway Administration definition.

Attached means in the case of dwellings, two or more dwellings connected by a common vertical wall(s) or roof line or in the case of multi-story buildings by a common ceiling/floor(s).

Auction House means a structure or enclosure where goods and/or livestock are sold by auction.

Automobile Service Station see "Service Station".

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.

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. (Ord. 3-1993 §1, 1993)

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Bed and Breakfast Inn means a residential structure providing individuals with lodging and meals for not more than 30 days. For Home Occupations such uses are limited to having not more than five lodging units or guest rooms.

Beverage Industries means the production, processing and/or packaging of milk, soft drinks, beer, wine, fruit juices and other drinks.

Bingo Parlor see "Game Room".

Boardinghouse means an establishment providing both lodging and meals for not more than ten persons residing in the facility on a permanent or semi-permanent basis.

Brokerage Offices, Transportation means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo.

Building see "Structure".

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.

Building Code means the Uniform International Building Code and related codes as amended and adopted by Yakima County/City of Yakima.

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~~.

Building Height is 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: See Figure 2-1.

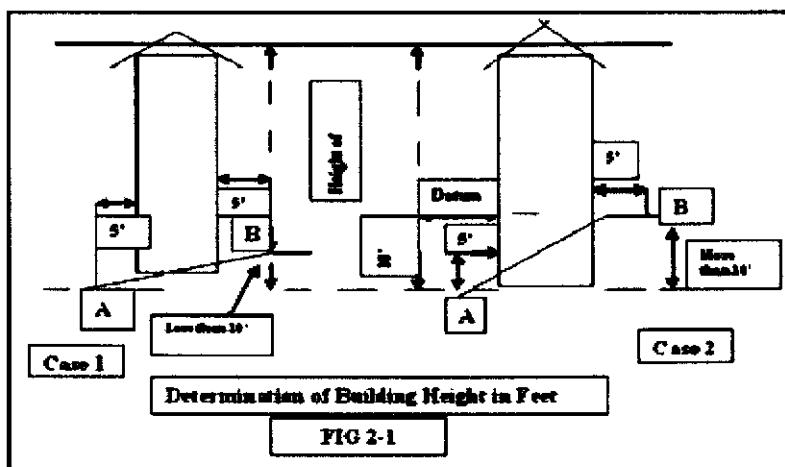


FIGURE 2-1

- (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 finished grade;
- (b) An elevation ten feet higher than the lowest finished grade when the highest sidewalk or finished ground surface described in Item 1 above is more than ten feet above lowest finished grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

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Building 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.

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

Butcher Shop means a custom retail meat cutting operation. This definition does not include slaughtering, but does include other accessory uses such as frozen food lockers. (Ord. 10-1985 Med. 12 §2, 1988; Ord. 10-1985 Med. 6 §2, 1987; Ord. 10-1985 §1 [part], 1986; Ord. 3-1993 §2, 1993)

- C -

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.

Car Wash means a business engaged in washing, waxing and/or polishing cars and small trucks. Includes self-service car washes, automated car washes, manned car washes and auto detailing.

Card Room see “Game Room”.

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

Center Line of Right-of-Way means the mid-point between the future alignment of the opposite edges of right-of-way. When the County Engineer determines that the centerline will be relocated, the future centerline shall be used.

Certificate of Zoning Review means that certificate issued by the planning department appropriate Administrative Official stating that the proposed use of the structure or land conforms to the provisions of this Title.

Change of Use means a change from one use listed in Table 4-1, Table of Permitted Land Uses to another use listed in that table.

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

City means the City of Yakima or Union Gap within their respective Urban Growth Areas.

Class (1) Uses are those uses set forth and defined in the text and tables of Chapter 15A.04 of this Title are considered compatible and are permitted on any site in the district provided district standards are met. The ~~building official~~ Administrative 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.~~ this Title.

Class (2) Uses are 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 ensure compatibility with the intent and character of the district, and the objectives the provisions and standards of this Title, and the policies of the Yakima Urban Area Comprehensive Plans.

Class (3) Uses are those uses set forth and defined in the text and tables of Chapter 15A.04 of this Title and are considered generally incompatible with their neighbors adjacent and abutting property because of their size, emissions, traffic generation, neighborhood character or for other reasons. However, they may be compatible with other uses in the district if they are properly sited and designed. Class (3) uses may be permitted by the Hearing Examiner when he determines, after holding a public hearing that the use complies with provisions and standards of this Title; and that difficulties related to the compatibility, the provisions of public services and the policies of Yakima Urban Area Comprehensive Plans ~~objectives~~ policies have been adequately resolved.

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

Class (1), (2) or (3) Use or Development, Existing means a use or development legally existing or legally established prior to the effective date of this Title has been or would be classified under 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 Type (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.

Clean & Sober Facility means a commercial business providing a dwelling or building for occupation by rehabilitated alcohol and/or drug users during their re-entry into the community. The Clean & Sober Facility provides residentially oriented facilities for the rehabilitation or social adjustment of persons who may need supervision or assistance in becoming socially reoriented, but who do not need institutional care. (Also See Halfway House).

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

Closed Record Appeal means an administrative appeal held under chapter RCW 36.70B, that is on the record to a County/City body or officer (including the legislative body following an open record hearing on a project permit application with no or limited new evidence or

information allowed to be submitted and only appeal arguments allowed. (See Chapter 15A.16, Chapter 2.23 and YCC Title 16B).

Coffee / Espresso Drive Through Facility means a place used to sell coffee and associated items from a drive up window to a person driving a vehicle.

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.

Communication Tower means any tower, pole, mast, whip or antenna or any combination thereof used for transmitting electronic communication through the air radio or television transmission or line of sight relay. This definition includes towers erected for use in the amateur radio service. (See Section 15A.04.180).

Communication Tower Height means the vertical distance above the ground measured to the highest point of the communication tower.

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

Community Water System see "Water System".

Community Youth Center means a structure open to the general public that is owned or operated by Yakima County or another public agency or a charitable nonprofit agency and that is used predominantly by children for cultural, educational, recreational or social purposes. (Ord. 8-2010 § 6 part, 2011)

Compatibility means the characteristics of different uses or development that permits them to be located near each other in harmony with or without special mitigation measures.

Comprehensive Plan means the Yakima Urban Area Comprehensive Plans and any supplemental or Neighborhood plans officially adopted under RCW Chapters 36.70 and 36.70A for the Yakima and Union Gap Urban Growth Areas or any portion thereof, specifically:

(a) The Yakima Urban Area Comprehensive Plan, including the West Valley Neighborhood Plan and Terrace Heights Neighborhood Plan;
(b) The Yakima County Comprehensive Plan pertaining to urban goals, policies and objectives;
(c) The relevant portions of the Union Gap Comprehensive Plan.

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.

Condition(s) of Approval means restrictions or requirements imposed required by a Reviewing Official pursuant to authority granted by this Title.

Consulting Services see "Professional Business".

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.

Converted Dwelling means a structure which, due to interior alterations has been modified to increase the number of individual dwelling units. This definition does not apply to multi-family structures constructed under the provisions of this Title.

Cosmetic Services means tattooing, body piercing and similar services.

County means Yakima County. (Ord. 10-1985 Mod. 6 §3, 1987; Ord. 10-1985 §1 [part], 1986; Ord. 3-1993 §3, 1993; Ord. 9-1995 §1, 1995)

County Engineer means the duly appointed official per RCW36.80. The County Engineer is responsible for the issuance of road approach permits to County roadways in conformance with YCC 10.08.

- D -

Dangerous Waste means those solid wastes designated in Washington Administrative Code, hereafter, "WAC" 173-303-70 through 173-303-103 as dangerous or extremely hazardous waste.

Day means calendar day. (See Section 15A.20.120 for Computation of Time.)

Day Care Facility means a building or structure in which an agency, person or persons regularly provide care for a group of non-related individuals (children or adults) for periods of less than twenty-four hours a day. This includes Family Day Care Homes and Day Care Centers.

Day Care Homes, Family means an in home day care facility serving one to twelve individuals.

Day Care Center means a day care facility that supplies care, attention supervision and oversight serving 13 thirteen or more individuals children regardless of whether such services are provided for compensation, as governed by Washington State DSHS licensing provisions for said day care use and conducted in accordance with said State DSHS requirements.

Day Care Home, Family means family day care home located in a private home that supplies care, attention, supervision and oversight for one to twelve children, as governed by Washington State DSHS licensing provision for said day care use and conducted in accordance with said State DSHS requirements.

Delicatessen and Other Specialty Food Stores means retail food stores selling ready to eat food products such as cooked meats, prepared salads or other specialty food items. This definition includes seafood, health food and other specialty food stores having seating for no more than five (5) persons.

Department means the Yakima County Planning Division of the Public Services Department, or the Department of Community & Economic Development of the City of Yakima, whichever is appropriate.

Desk Top Publishing means activity related to the use of computers in order to produce documents for personal use or for other uses.

Development means "use" as defined by this Title.

Development Permit Authorization 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 other development permit. If no building/construction permit is required, the Certificate of Zoning Review shall serve as the development permit.~~

Development, Planned Residential means in the residential districts, the coordinated development of a single lot of not less than 12,000 square feet with a number of residential units (not less than three), residential structures and/or dwelling types including, but not limited to: apartment complexes and mobile home parks, which are designed to:

- (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 commercial districts, "planned residential development" means a mixed use development combining multi-family residential and commercial use(s) into a single coordinated project.

Divide means any transaction or action, not otherwise exempt or provided for under the provisions 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.~~

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.

Drive-thru Facilities means a window or station for providing service to customers who remain in their vehicle to conduct a business transaction, excluding gas stations and car washes. (Ord. 8-2010 § 7, 2011)

Driveway means the private traveled path access to a property or through a parking lot for three or more vehicles.

Drugstore means a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and non-prescription medicines, but where non-medical products are sold as well.

Dwelling means a structure or portion thereof designed exclusively for residential purposes.

Dwelling, Multiple-Family 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.

Dwelling, Single-Family 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** - 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."

Dwelling, Single-Family Attached 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.

Dwelling, Single-Family Detached means one dwelling unit located on one lot and not attached to any other dwelling unit.

Dwelling, Two-Family 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".

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 provisions for living, sleeping, cooking, eating and sanitation. Dwelling unit does not include recreational vehicles or mobile homes. (Ord. 10-1985 Mod. 12 §3, 1988; Ord. 10-1985 Mod. 6 §4, 1987; Ord. 10-1985 §1 [part], 1986; Ord. 3-1993 §4, 1993)

- E -

Earthen Material means sand, gravel, rock, aggregate and/or soil.

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. (Ord. 10-1985 §1 [part], 1986) (See also YCC Title 16.)

Espresso/coffee drive-through facility means a place used to sell coffee and associated items from a drive-up window to a person driving a vehicle, but does not include establishments where an adult sales practice as defined in YCC Chapter 5.06 occurs.

Espresso/coffee Stand means a place used to sell coffee and associated items from a bar or counter area commonly inside a building and/or structure.

Existing Uses means a use or development legally existing or legally established by a jurisdiction prior to the effective date of 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 the appropriate zoning district.

- F -

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

- a) The term "family" shall also include:
 1. State licensed adult family homes required to be recognized as residential use pursuant to RCW 70.128.180; 175
 2. State licensed foster family homes and group care facilities as defined in RCW 74.15.180, subject to the exclusion of subsection (CB) of this section;
 3. Group homes for the disabled and consensual living arrangements equivalent to a familial setting required to be accommodated as residential uses pursuant to the Fair Housing Act amendments as the same exists or is hereafter amended and the Washington Housing Policy Act, RCW 35.63.220 and RCW 35A.63.240, respectively.
- b) The term "family" shall exclude individuals residing in halfway houses, crisis residential centers as defined in RCW 74.15.020(3)(g), group homes licensed for

juvenile offenders or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

C. Calculation of Residents. When calculating the number of unrelated persons residing in a single family dwelling unit, the following rules shall apply:

1. When one or more unrelated persons reside with a family whose members are related by genetics, adoption or marriage, the total number of residents shall not exceed five persons except as provided in subsection (D)(2) of this section.
2. A family unit consisting entirely of persons related by genetics, adoption or marriage may rent a room to a total of two additional renters, or up to two students as a part of a recognized foreign exchange program or similar educational, nonprofit program, or a combination of a renter and such student to a total of two additional persons. The additional renters and/or foreign exchange students, to a maximum of two, shall not be considered when calculating the number of unrelated persons residing in a dwelling unit under subsection (D)(1) of this section. Three or more renters and/or students shall be considered as unrelated individuals and all persons residing in a dwelling unit, regardless of whether a portion of them are related by genetics, adoption or marriage, shall be considered when determining the total unrelated persons residing at a site.
3. Accessory Dwelling Units (ADUs). When an accessory dwelling unit (ADU) is approved pursuant to YUAZO Chapter 15A.09.200, only one of the dwelling units, either the primary residence or the ADU shall be used to house renters and/or unrelated persons who are students. Occupancy of the ADU shall not exceed one family as defined in subsection (A) of this section.
 - a. See YUAZO Section 15A.02.020 for a definition of Accessory Dwelling Unit.
4. Nothing herein shall be interpreted to limit normal hosting activities associated with residential use.

Fence means a structure built to prevent escape or intrusion or to provide privacy or site screening.

Finding is a conclusion of fact reached by the Reviewing Official in a review process and based on the evidence available therein.

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. (See also YCC Titles 13, 16A, 16C & 16D)

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 watercourse without causing more than a one-foot rise in the water surface elevation of a one-hundred-year flood. (See also YCC Titles 13, 16A, 16C & 16D)

Food Preparation means a business, service or facility dealing with the preparation of food items for off-site consumption. Includes: confectioneries, catering services and preparation of food items for wholesale. (Ord. 10 1985 Mod. 6 §5, 1987; Ord. 10 1985 §1 [part], 1986; Ord. 3 1993 §5, 1993)

- G -

Game Room means a commercial facility or a portion thereof, open to the general public, in which card games, pool, electronic games, bingo, etc., are played. provided, however, that this definition shall exclude "Social Card Room" as defined herein. Also, see "Meeting Hall".

Garage, Private 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.

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

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.

Glare is the reflection of harsh, bright light.

Grade is 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.

Gross Floor Area see Section 15A.06.040.

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 house parents which are protected by state or federal law as residential uses. (Ord. 10-1985 Mod. 6 §6, 1987; Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §6, 1993)

- H -

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. A halfway house shall include means residentially oriented facilities that provide:

1. State licensed group care homes for juvenile delinquents;
2. Houses providing residence in lieu of instructional sentencing;
3. Houses providing residence to individuals needing correctional institutionalization; and
4. Detoxification centers licensed by the state where alcohol and drug abusers can be placed in lieu of incarceration for detoxification and treatment from effects of alcohol and drugs. (Also see Clean & Sober)

Hazardous Materials means any item listed as hazardous by a Federal Agency, or the State Department of Ecology or the Yakima County Regional Clean Air Authority Agency. See Section 15A.13.020(3).

Hazardous Waste means and includes all dangerous and extremely hazardous wastes as defined in RCW 70.105.010.

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.

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

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

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

Hazardous Waste Treatment 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.

Hearing Examiner means that person appointed by the ~~Yakima City Council and Board of County Commissioners~~ legislative body.

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).

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.

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.

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.

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. (Ord. 10 1985 Mod. 12 §4, 1988; Ord. 10 1985 §1 [part], 1986; Ord. 3 1993 §7, 1993)

Hulk Hauler means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained. A hulk hauler may not sell secondhand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, which may be sold to a licensed vehicle wrecker or disposed of at a public facility for waste disposal. (RCW 46.79.010)

- I -

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.

ICC Valuation Data means the latest data adopted by the Building Official representing average cost for most buildings produced from the building valuation data published in the Building Safety Journal by the International Codes Council.

Impervious Surface means any material which reduces or prevents absorption of stormwater into previously undeveloped land.

Intensity means a 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.

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. (Ord. 10 1985 Mod. 6 §7, 1987; Ord. 10 1985 §1 [part] 1986)

- K -

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. (~~Ord. 10-1985 §1 [part], 1986; Ord. 3-1993 §8, 1993~~)

- L -

Land means a lot or parcel.

Land Use means the manner in which land and structures are used.

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.

Legislative Body means the Yakima City Council or the Board of Yakima County Commissioners whichever is appropriate.

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

Lot means a division of land:

- (a) having defined boundaries and shown on a final plat or short plat officially recorded in the Yakima County Auditor's Office; or
- (b) which is a legally recognized prior division or parcel under the provisions of Yakima County's Subdivision Ordinance (Title 14) or the City of Yakima's Subdivision Ordinance (Title 14).

Lot means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include "tracts" or "parcels".

Lot Area means the total horizontal area within the boundary lines of a the gross lot.

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.

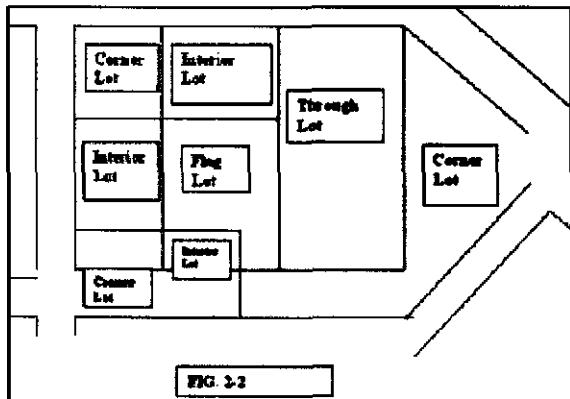
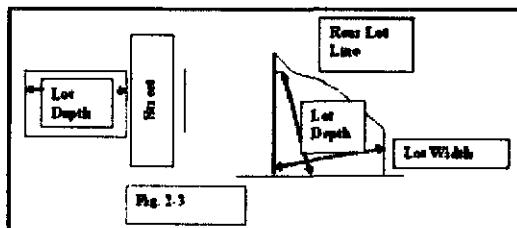


Figure 2-2

Lot Coverage means that portion of the lot that is covered by structures and other impervious surfaces.

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

Figure 2-3



Lot, Inside or Interior means a lot other than a corner lot. (See Figure 2-2)

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)

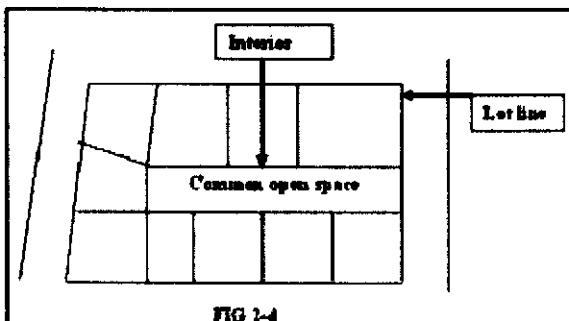
Lot Line, Front means in the case of an interior lot, the property line separating the lot or parcel from the road or street, other than an alley. For the purpose of establishing the front lot line for a corner or flag lot, the following shall apply:

(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.

Lot Line, Interior 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. (See Figure 2-4)

Figure 2-4



Lot Line, Rear 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, and 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.

Lot Line, Side means any lot boundary line not a front lot line or rear lot line.

Lot, Through means an interior lot having frontage on two streets. (See Figure 2-2)

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. (Ord. 10-1985 §1 [part], 1986; Ord. 3-1993 §9, 1993)

Low Impact Development means stormwater management and land development strategies that emphasizes conservation and use of existing natural site features integrated with disturbed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial and industrial settings. Low Impact Development addresses stormwater management and land development that is applied at the parcel and subdivisions scale that emphasizes conservation and use of on-site natural features.

- M -

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 and built after June 15, 1976. 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.

Manufactured Structure means a building manufactured with the intent of being transported to a fixed site and constructed in accordance with the Uniform International Building Codes as adopted by the City/County.

Massage Therapy/Spa means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.

Master Planned Development means any development within the Yakima Urban Growth Area approved under Chapter 15A.28 of this Title. Planned Residential Development, Planned Commercial Development, Planned Industrial Development and Planned Mixed-Use Development.

Meeting Hall means a private or quasi-private facility in which defined groups or organizations come together for meetings and social events. Includes This definition includes private bridge club type card rooms, Grange Halls, etc.

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.

Mixed Use Building means a building in a commercial district or planned development used partly for residential use and partly for a community facility or commercial use.

Mixed Use Development means use of the land or structure for two or more different uses.

Mobile Home means a dwelling on one or more chassis for towing to the point of use which does not meet applicable HUD manufactured housing standards of June 15, 1976. This definition does not include modular homes, manufactured homes, commercial coach, recreational vehicles or motor homes.

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 (see Section 15A.04.110) on the same parcel with another home.

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).

Modification (of Use, or Development) means any change or alteration in the occupancy, arrangement, placement or construction of any existing use, structure or associated site improvement, and any change or alteration of land.

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

Multiple Building Complex means a group of structures housing separate businesses which share the same lot, access and/or parking facilities.

Multiple Occupancy Building means a single structure housing more than one retail business, office, or commercial venture. (Ord. 10-1985 §1 [part], 1986; Ord. 3-1993 10, 1993)

-N-

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 Section 15A.05.030(B-b) to calculate the maximum number of dwelling units permitted on a site.)

~~Noise means an intense sound associated with a use and which is a nuisance.~~

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. (See Chapter 15A.19)

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. (See Chapter 15A.19)

Nonconforming Use means a use of land or structures which was lawfully established and maintained at the effective date of this title, but does not conform to this Title for the district in which it is located. (See Chapter 15A.19)

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. (Also see YCC Title 13)

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. (Ord. 10-1985 §1 [part], 1986)

- 0 -

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.

Off-road Vehicle Recreation Facilities includes motor-cross courses, jeep courses, snowmobile courses and similar facilities where there have been physical improvements made to the property either deliberately or inherently.

However, use of “Off-road recreational vehicles (ORVs)” shall not constitute “off-road vehicle recreation facilities” where the vehicle is:

- (a) Used for farming, military, fire, emergency, or law enforcement purposes;
- (b) Used by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which the company has an easement.
- (c) A construction or logging vehicle used in performance of the vehicle’s common function; or
- (d) Agricultural or garden equipment, like tractors or lawnmowers, used for their intended purpose.

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

Open Space means an area of land or water that is substantially free of structures, impervious surfaces and other land-altering activities.

Open Space, Common means open space within or related to a development that is not dedicated for public use, but is designed, intended and legally committed for the common use or enjoyment of the residents of the development. (Ord. 10-1985 §1 [part], 1986)

- P -

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

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

Parking Bay means the section of a parking facility containing a driveway and containing one or two rows of parking stalls.

Parking Lot means a facility designed to serve parking for five (5) or more motor vehicles.

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

Parking Stall means a clearly marked area in which one vehicle is to be parked, a parking space.

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

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

Personal Services means business providing specialized services such as: interior home or business design, shopping services, except as otherwise regulated.

Personal Wind Energy Tower means a system designed as providing a source of electrical power to an existing or new building or facilities, wherein the power generated is used primarily for on-site consumption and generates 25kW or less. The system consists of a vertical or horizontal wind turbine and associated controls and may include a tower. (See Section 15A.04.180).

Pet means a domesticated animal kept for pleasure or as a hobby rather than utility.

Pet Day Care means a building or structure in which an agency, person or persons regularly provide care for pets, but not including overnight stays. Uses not meeting this definition shall be considered kennels.

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 15A.56 of Yakima Municipal 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 this title.

~~Planned Residential Development~~ see "Development, Planned Residential."

Planning Commission means the duly constituted Regional Planning Commission (RPC) for the City of City of Yakima Growth Urban Area, unincorporated portions of Yakima County.

Planning Commission means the Planning Commission duly constituted by the Yakima County Legislative Body. (concerning land outside of the Yakima City limits).

Planning Department Division means the Yakima County Planning Department Division of the Public Services Department, or the Department of Community and Economic Development of the City of Yakima, whichever is appropriate.

Preliminary Approval means the contingent approval by the administrative official Administrative Official using an appropriate Type (2) or (3) review process in Class (2) review prior to final approval. Changed to reflect original intent of Class 2 & 3 Sections

Preschool see "Day Care Center".

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

Private Water System see See "Water System, Individual".

Product Assemblage means a business or service involved in assembling products for off-site sales.

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.

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

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.

Public Water System see See "Water System, Public." (Ord. 10-1985 §1 [part], 1986; Ord. 3-1993 §11, 1993)

- R -

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

Recreational vehicle means a motorized or nonmotorized vehicle designed and manufactured for recreational use, including, but not limited to, boats, travel trailers, snowmobiles, go-karts, motorcycles and dune buggies.

Recreational Vehicle means a motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, or immediately over land, snow, ice, marsh or other wetland types, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle; an ATV; an off-highway vehicle; a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle; an amphibious machine; a ground effect air cushion vehicle; or other means of transportation deriving motive power from a source other than muscle or wind.

However, use of "Off road recreational vehicles" shall not constitute "off road vehicle recreation facilities" where the vehicle is:

(1) Used for farming, military, fire, emergency, or law enforcement purposes;

- (2) Used by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which the company has an easement.
- (3) A construction or logging vehicle used in performance of the vehicle's common function; or
- (4) Agricultural or garden equipment, like tractors or lawnmowers, used for their intended purpose.

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.

Residential Density means the number of dwelling units per net acre of land. This term includes dwelling unit density.

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

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

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

Retirement Home 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.

Reviewing Official means the Building 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.~~

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

Right-of-Way, Public 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.

Road, Arterial means a public road designated as a major/principal arterial, secondary/minor arterial, or collector arterial by the transportation element of the Yakima Urban Area Comprehensive Plan.

Road, Local Access means a public road not designed classified as a principal Principal arterial, minor Minor arterial, Collector arterial or collector neighborhood 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.

Road, Minor Local Access 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.

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

Road, Public 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~~ Yakima County for public vehicular and pedestrian use. (Ord. 10-1985 Mod. 6 §9, 1987; Ord. 10-1985 §1 [part], 1986)

- 8 -

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.

School, Vocational means the commercial use of a structure or land for teaching arts, crafts, or trades.

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

Second Hand Store means a retail business selling used goods.

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.

Setback, Front is 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.

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

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

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

Sewer System, Regional means sewer service provided by a municipality or special purpose district.

Sign --see Chapter 15A.08 for a complete listing of sign definitions.

Sign Manufacturing & Assembly means the design, manufacturing and assembly of metal cased, thermo-formed, wooden, stone, neon, internally lit or electronic signs.

Site Improvement means any structure or other addition to land.

Site Improvement, Required 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.

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

Site Plan, General 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).

Social Card Room means a commercial facility or a portion thereof, open to the general public, in which house-banked social card games are played, as that term is defined by RCW 9.46.0282 (or as the same may be subsequently amended hereafter), or in which other activities occur that constitute gambling and are authorized by the Washington State Gambling Commission under RCW 9.46.070 (or as the same may be subsequently amended hereafter), to the extent that said activities include any gambling activity engaging in the use

of, or associated with, slot machines (whether mechanical or electronic) or any gambling activity engaging in the use of, or associated with, any other electronic mechanism including video terminals.

Specialty Food Store/Food Store, Specialty See "Delicatessen".

Standard, Administrative Adjustment of 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.

Standard, General means any standard not capable of precise numerical definition, but which expresses the policies of the community in this Title and which may be applied by the Reviewing Official during Class Type (1), Type (2) or Type (3) review.

Standard, Specific means those numerical standards established in Chapters 15A.04, 15A.05, 15A.06, 15A.07, 15A.08 and 15A.09.

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.

Stockpiling of Earthen Materials means permanent and/or continuous use for storage of rock, gravel, rubble, sand or soil.

Storage Facilities, Bulk means either enclosed (see warehouses) or outdoor areas designed for the storage of either large quantities of materials or materials of large size. Includes the storage of vehicles when such storage is not incidental and subordinate to another land use and is not vehicle parking, automotive wrecking/dismantling yards or vehicle sales lots. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive wrecking/dismantling.

Storage Facilities, Commercial means enclosed storage areas designated as support facilities for commercial activities and used for the storage of retail materials. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive wrecking/dismantling.

Storage Facilities. Residential Mini-Storage means enclosed areas providing storage for residential goods and/or recreational vehicles within the structure. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive
wrecking/dismantling.

Storage, Vehicle means keeping vehicles on a given site that are not actively used by the principal occupants of the site. All stored vehicles must not be inoperable, as defined by YCC Chapter 13.11. Does This definition does not include automotive wrecking/dismantling yards or vehicle sales lots. All stored vehicles must be licensed and operational as defined by YCC Chapter 13.11, unless use is automotive wrecking/dismantling.

Street means public or private road.

Structural Alteration means:

- (1) Any change in a major component or other supporting members of the structure, including foundations, bearing walls, beams, columns, floor or roof joists, girders, rafters; or
- (2) any change in the exterior lines or configuration of a structure if such changes result in the enlargement of the structure.

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

Structure, Temporary 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.

Swimming Pool means a contained body of water, used for swimming or bathing purposes, either above ground level or below ground level, with the depth of the container being more than eighteen (18) inches or the area being more than thirty-eight (38) square feet. (Ord. 10-1985 Med. 12 §5, 1988; Ord. 10-1985 Med. 6 §10, 1987; Ord. 10-1985 §1 [part], 1985; Ord. 3-1993 §12, 1993)

- T -

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

Technical Equipment means medical, dental, fire suppression, restaurant, etc. equipment.

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 (5) or more days shall be considered a "vehicle storage facility". Hulk Haulers are not included under this definition.

Travel Agency -- See "Professional Business". (Ord. 10-1985 §1 [part], 1986; Ord. 3-1993 §13, 1993)

- U -

Urban Growth Area means the area within the city limits of Yakima and Union Gap, and the unincorporated portion of Yakima County within the Yakima Urban Growth Area boundary established in by the Board of Yakima Urban Area planning County legislative body

~~Commissioners pursuant to RCW 36.70A agreement and adopted in the Yakima County Urban Growth Area Comprehensive Plan (YUACP) as amended. The boundary and legal description of the Yakima Urban Growth Area is set forth in Section 15A.01.020 of this Title. The Yakima Urban Growth Area (UGA) is that area where growth is expected to occur to over to over the year 2000 next 20 years from the most recent amendment of the Urban Growth Area boundary adoption of the YUACP year 2000 next 20 years from the adoption of the YUACP and is the area in which urban level public services can be most economically are or will be provided.~~

Urban Services include, but are not limited to, public water and sewer lines, neighborhood parks, street lights, police and fire protection.

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.~~

Use, Class (1), (2), (3) see Class (1), (2), (3) use.

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".

Use, Modification of see "Modification of Use or Development".

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

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

Utilities are those businesses, institutions, or organizations which use pipes or conductors, in, under, above, or along streets, alleys or easements to provide a product or service to the public.

Utility Services 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. ~~(Ord. 10-1985 §1 [part], 1986)~~

- V -

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

Veterinary Clinic See "Animal Clinic/Hospital".

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 Section 15A.05.040.)

- W -

Warehouse means a structure used for the storage of goods and materials. Also see "Agricultural Building". Does not include AG related materials.

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.

Waste Water Spray Field means an agricultural or otherwise vegetated field which is irrigated with wastewater or treated sewage. May include storage lagoons utilized solely for storing wastewater before spraying, but not other wastewater treatment facilities. Excludes sprayfields for wastewater defined as hazardous pursuant to Chapter. 70.105 RCW.

Water System, Public 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.

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.

Wineries or Breweries means a winery or brewery for processing and manufacturing purposes only, with limited wholesale trade incidental to the primary use. Wineries and breweries are categorized as follows:

(a) Basic does not have a commercial tasting room or restaurant;

A. Resort/Destination has either a commercial tasting room or restaurant. This type of winery or brewery is located on a site larger than five acres in size. It could typically be associated, or compatible with: high density residential, resort lodging, or a bed & breakfast.

C. (b) . Retail has either a commercial tasting room or restaurant.

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). (Ord. 10-1985 §1 [part], 1986; Ord. 3-1993 §14, 1993)

- Y -

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

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

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

Yard, Side means an open area between the side wall line of the structure and the side line of the lot. (Ord. 10-1985 §1 [part], 1986)

- Z -

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.

Zoning District means a portion of the Yakima Urban Growth 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 spaces are required and specific lot areas established, all as set forth and specified in this Title. This definition also includes the terms "zone" and "use district".

Zoo means a permanent site or facility having a collection of living animals for public display. (Ord. 10-1985 §1, [part], 1986; Ord. 3-1993 §15, 1993)

Note: Underlined colored text is added; ~~strike-through text~~ is deleted.

Blue text changes are as recommended by the Regional Planning Commission.

Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.03 ZONING DISTRICTS

Sections:

15A.03.010 Purpose and Establishment of Zoning Districts.

15A.03.020 (Reserved Future Use)

~~15A.03.020 Establishment of zoning districts~~ Zoning Districts.

~~15A.03.030~~ 020 030~~District intent statements~~ and Map Overlay Intent Statements.

15A.03.040 Map of Zoning Districts.

15A.03.010 Purpose and Establishment of Zoning Districts.

The following zoning districts are established to protect the public health, safety and general welfare by implementing the adopted Comprehensive Plan goals and policies in:

- (a) The Yakima Urban Area Comprehensive Plan, including the Terrace Heights Neighborhood Plan and the West Valley Neighborhood Plan;
- (b) The Yakima County Comprehensive Plan; and
- (c) The Union Gap Comprehensive Plan. (~~Ord. 10-1985 §1 [part], 1986~~).

15A.03.020 Establishment of Zoning Districts.

The following zoning districts are hereby established within the unincorporated portions of the Yakima and Union Gap Urban Growth Areas:

(a) Residential Districts

- (1) Suburban Residential District (SR)
- (2) Single-Family Residential District (R-1)
- (3) Two-Family Residential District (R-2)
- (4) Multi-family Residential (R-3)

(b) Commercial Districts

- (1) Professional Business District (B-1)
- (2) Local Business District (B-2)
- (3) ~~Historical Business District (HB)~~
- (3) Small Convenience Center District (SCC)
- (4) Large Convenience Center District (LCC)
- (6) ~~Central Business District (CBD)~~

- (5) ~~CBD Support (CBDS)~~ General Commercial (GC)
- (8) ~~Regional Development (RD)~~
- (9) ~~Airport Support (AS)~~

(c) Industrial Districts

- (1) Light Industrial District (M-1)
- (2) Heavy Industrial District (M-2)

(d) Overlay Districts

- (1) Airport Safety Overlay (ASO)
- (2) ~~Floodplain Overlay District (FP-FO)~~
- (2) Greenway Overlay District (GD GO)
- (3) Institutional Overlay (IO)
- (4) Master Planned Development Overlay (MPDO)

15A.03.030 020 030 District Intent Statements and Map Overlay Intent Statements.

The district intent statements define the specific purpose of each district and/or zoning map overlay. They shall reflect the policies of the adopted Yakima Urban Area Comprehensive Plans; shall serve as a guide for determining the appropriate location of uses; help determine appropriate conditions for development; and help the Reviewing Official interpret the standards and provisions of this Title.

(a) Suburban Residential District (SR) -

- (1) The intent of the Suburban Residential District is to provide a variety of residential lifestyles that lends itself to future subdivision in based on infrastructure availability with densities generally ranging from two units one unit per five net residential acres to seven units per net residential acre. Because it provides for different parcel sizes, the higher densities are density is reviewed and considered to be permitted when a public water system and the regional sewer system are used available, or if these utilities are not available, when community water and sewer systems are provided may be allowed after review by Yakima County Health District, and the City of Yakima Yakima County and appropriate utility provider or the Terrace Heights Sewer District (See Section 15A.05.030(c) Table 5.1)
- (2) This district is further intended to:
 - a) Limit residential density to one unit or less per five net residential acre acres in areas where flooding, airport noise, or other environmental constraints, such as surface and groundwater quality along with the avoidance of potential health hazards, make the land unsuitable for

residential use at higher densities and where public services will not be provided, and the dwelling units have individual wells and septic tanks; and Development at a lower density will be reviewed to allow conversion to higher densities once utilities are available or other limiting issues are mitigated; and

- b) Maintain surface and groundwater quality and avoid along with the avoidance of potential health hazards, by limiting residential density to two units or less one unit per five net residential acres, in areas where public services will not be provided, and the dwelling units have individual wells and septic tanks; and Development at a lower density will be reviewed to allow conversion to higher densities once utilities are available or other limiting issues are mitigated; and
 - c) Provide the opportunity for suburban residential development, up to three dwelling units per net residential acre, in areas with either public/community water service or a community sewer system; and
 - d) Allow residential development to seven dwelling units per net residential acre in areas with both public/community water service and an approved community sewer system.
- (3) This district is characterized by a mixture of land uses and residential densities including small farms, scattered low-density residential development and clusters of higher-density residential development. The minimum lot size in the district varies according to the suitability of the land for development and the provision of urban level services. See Section 15A.05.030

(b) Single-Family Residential District (R-1) –

- (1) The single-family residential district is intended to:
 - a) Establish and preserve new residential neighborhoods for detached single-family dwellings free from other uses except those which are compatible with, and serve the residents of, this district; which may include duplexes and zero lot lines if established during the subdivision process; and
 - b) Preserve existing residential neighborhoods for detached single-family dwellings free from other uses to ensure the preservation of the existing residential character, and serve the residents of this district; and
 - b) c) Locate moderate-density residential development, up to seven dwelling units per net residential acre, in areas served by public water and sewer system.

(2) Detached single-family dwellings are the primary use in this district. The district is characterized by forty-five percent lot coverage; access to individual lots by local access streets; large front, rear and side yard setbacks; and one and two story structures. The density in the district is generally seven dwelling units per net residential acre or less.

This zone is intended to afford single-family neighborhoods the highest level of protection from encroachment by potentially incompatible non-residential land uses or impacts. Non residential uses within these zones are not allowed; except for public or quasi-public uses, which will be required to undergo extensive public review and will have all necessary performance or design standards assigned to them as necessary to mitigate potential impacts to adjacent residences.

~~However, development exceeding seven dwelling units per net residential acre may be allowed in accordance with Table 4-1. This higher-density development shall be allowed only on those limited occasions when, the reviewing official finds that the location and site plan of the project is such that the higher density would be compatible with neighboring land uses and the level of public services, and is consistent with the goals and objectives in the Yakima Urban Area Comprehensive Plan. Public water, sewer and other urban services are generally available throughout the district.~~

(c) Two-Family Residential District (R-2) -

(1) The purpose of the two-family residential district is to:

- Establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses compatible with the intent of this district; and
- Locate residential development with densities up to twelve dwelling units per net residential acre in areas receiving a full range of public services including public water and sewer service, and police and fire protection.

(2) The district is characterized by up to fifty percent lot coverage, access via local access streets and collectors, one and two story buildings, some clustering of units, and large front, rear and side yard setbacks. Typical uses in this district are single-family dwellings and duplexes. The density in this district generally ranges from seven to twelve dwelling units per net residential acre. However, development up to eighteen dwelling units per net residential acre may be allowed in accordance with Table 4-1: ~~This higher-density development shall be allowed only on those limited occasions when, the reviewing official finds that the location and site plan of the project is such that the higher density would be compatible with neighboring land uses and the level of public services, and is~~

consistent with the goals and objectives in the Yakima Urban Area Comprehensive Plan, Chapter 15A.04.

(d) Multi-Family Residential District (R-3) –

(1) The Multi-Family residential district is intended to:

- a) Establish and preserve high-density residential districts by excluding activities not compatible with residential uses; and
- b) Locate high-density residential development, more than twelve dwelling units per net residential acre, in areas receiving the full range of urban services; and
- c) Locate high-density residential development near neighborhood shopping facilities; and
- d) Locate high-density residential development so that traffic generated by the development does not pass through lower-density residential areas.

(2) The district contains a variety of attached or clustered multi-family dwellings.

(e) Professional Business District (B-1) -

(1) The Professional Business district is intended to:

- a) Establish and preserve areas for professional offices; and
- b) Provide a buffer between commercial clusters and residential neighborhoods; and
- c) Locate professional offices in areas presently receiving a full range of urban services.

(2) Professional offices and in some areas, a mix of professional offices and multi-family dwellings are the primary uses in the district. Generally, the Professional Business District contains smaller lot or parcel sizes. Residential densities are generally greater than twelve dwelling units per net residential acre. Building coverage may be as high as eighty percent of the site since site. Site screening requirements have been established to soften the visual impact of large buildings and parking lots and to minimize potential nuisances from light, noise and glare. Development standards are intended to accommodate a mixture of high-density residential development and office uses.

(f) Local Business District (B-2) –

- (1) The purpose of the Local Business district is to:
 - a) Provide areas for commercial activities ~~outside the Central Business District~~ that meet the small retail shopping and service needs of the community; and
 - b) Accommodate small scale commercial uses ~~requiring high that need a higher level of~~ visibility and easy access to major arterials.
- (2) Uses characteristic of this district include small retail sales and service establishments.

(g) Historical Business District (HB)

~~The purpose of the historical business district is to recognize existing isolated commercial structures in otherwise residential areas, to allow those structures to be occupied by traditional neighborhood business uses, and to allow these structures to be replaced if destroyed. This district is not intended to allow structural expansion, or expansion of the use on to adjoining lots. It is further intended that this district is not to serve as a small convenience center (SCC). Examples of HB uses are: taverns, small grocery stores, laundromats, and other businesses which serve the immediate residential neighborhood.~~

(h) Small Convenience Center District (SCC) –

- (1) The purpose and intent of the Small Convenience Center district is to:
 - a) Provide areas for commercial activities ~~outside the central business district~~ that meet the retail shopping and service needs of the community; and
 - b) Accommodate small commercial centers, generally ~~three two to ten five~~ acres in size, where most of the commercial uses have located in a coordinated manner around a common parking lot and one major commercial approach driveway.
- (2) Small Convenience Centers serve the day-to-day convenience shopping and service needs of the surrounding neighborhood and should be designed to minimize the undesirable impacts of the center on the neighborhood it serves. Uses in this district should be retail or personal service establishments dealing directly with the consumer, the primary occupants usually being such uses as a supermarket, fast food restaurants and drug store.

(i) Large Convenience Center District (LCC) –

(1) The purpose and intent of the ~~large convenience center district~~ Large Convenience Center district is to:

- Provide areas for commercial activities ~~outside the central business district~~ that meet the retail shopping and service needs of the community; and
- ~~Accommodate existing clusters of retail, financial, professional service businesses and entertainment activities that attract shoppers from an area significantly larger than a neighborhood.~~
- ~~Accommodate commercial centers, generally five to ten acres in size, where most of the commercial uses are coordinated in a manner around a common parking lot and usually with two major commercial approach driveways.~~

(2) ~~New large convenience centers will generally be greater than ten acres in size, and may be permitted when they demonstrate that they will complement, and not have a significant detrimental impact on existing commercial areas or surrounding land uses.~~

(2) Large Convenience Centers serve the shopping and service needs of multiple surrounding neighborhoods and should be designed to minimize the impacts. Uses in this district should be larger retail or personal services, the primary occupants usually being such uses as a multiple tenant shopping, restaurants, office complexes and multi mixed-uses.

(j) Airport Support District (AS)

~~The purpose of the Airport Support district is to accommodate airport and aircraft related activities within the airport property. This district includes the Yakima Air Terminal. A variety of uses are permitted. However, the intensity of development is directly related to airport and/or aircraft related uses.~~

(k) CBD Support District (CBDS) General Commercial District (GC)

~~The purpose of the CBD support General Commercial district is to accommodate wholesale and retail activities with some high-density residential development. This district is primarily located near the central business district and along the major arterials leading to the central business district as designated in the Yakima Urban Area Comprehensive Plan. Like the CBD district, a variety of land uses are permitted. However, the intensity of development is intended to be less than in the CBD district.~~

(l) Central Business District (CBD)

~~The purpose of the central business district is to preserve the central business district of the City of Yakima as the region's center of commerce, industry, recreation and culture. This district is characterized by very intensive development and a variety of land uses including retail sales and service establishments, high density residential development, financial institutions, professional buildings and government offices.~~

~~The purpose of the central business district is to preserve the central business district of the City of Yakima as the region's center of commerce, industry, recreation and culture. This district is characterized by very intensive development and a variety of land uses including retail sales and service establishments, high density residential development, financial institutions, professional buildings and government offices.~~

(m) Regional Development District (RD)

~~The purpose of the Regional Development district is to provide high visibility from the interstate and state highways of the city of Yakima to provide regional commerce, office campus, recreation, large scale retail, culture and large multiple mixed uses. This district is characterized by very intensive development and a variety of land uses including retail sales and service establishments, high density residential development, financial institutions, professional office buildings, hotels, condominiums and corporation headquarters.~~

(n) Light Industrial District (M-1) –

- (1) The intent of the light industrial district is to:
 - a) Establish and preserve areas near designated truck routes, freeways and the railroad for light industrial uses; and
 - b) Direct truck traffic onto designated truck routes and ~~off away from~~ residential streets; and
 - c) Minimize conflicts between uses in the light industrial district and surrounding land uses.
- (2) The light industrial district provides areas for light manufacturing, processing, research and wholesale trade, storage and distribution facilities.

Uses permitted in this district should not generate noise levels, light, odor or fumes that would constitute a nuisance or hazard.

(o) Heavy Industrial District (M-2) –

- (1) The intent of the heavy industrial district is to:

- a) Establish and preserve areas near designated truck routes, freeways and the railroad for heavy industrial uses; and
- b) Direct heavy truck traffic onto designated truck routes and off away from residential streets; and
- c) Minimize conflicts between heavy industrial uses and surrounding land uses.

(2) The heavy industrial district provides areas for manufacturing, assembling, fabrication, processing, and distribution and storage facilities. Uses in this district have the potential to generate high levels of noise, light, odor, fumes or smoke that require their protection from encroachment by incompatible land uses.

(p) Airport Safety Overlay (ASO) (AO) -

- (1) The Airport Safety Overlay is intended to protect the airspace around state and federal system airports the ~~Yakima Air Terminal at McAllister Field~~ from airspace obstructions or hazards and incompatible land uses ~~in proximity to the~~ ~~Yakima Air Terminal at McAllister Field~~. In addition to the regulations of the principal use district, the **Airport Safety Overlay** includes provisions for:
 - a) Preserving land adjacent to the ~~Yakima Air Terminal at McAllister Field~~ airport for future commercial and industrial development; and
 - b) Assuring that land uses locating near the airport are compatible with noise, height obstruction and other impacts from the airport operation.

(q) Floodplain Overlay District (FP) (FO)

- (1) ~~In addition to the regulations of the principal use district, the Floodplain Overlay District includes provisions for;~~
 - a) ~~Restricting or prohibiting uses which may cause dangerous increases in erosion, flood heights or flood velocities;~~
 - b) ~~Requiring that uses vulnerable to floods, and facilities which serve such uses, be protected from flood damage at the time of initial construction;~~
 - c) ~~Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help to accommodate or channel flood waters;~~

- d) ~~Controlling filling, grading, dredging, and other development which may increase flood damage;~~
- e) ~~Preventing or regulating the construction of flood barriers which will divert floodwaters or which may increase flood hazards in other areas.~~
- f) ~~Implementing the Yakima County/City Shoreline Master Program.~~

(r) Greenway Overlay District (GD) (GO)-

The Yakima River Regional Greenway Plan was adopted to preserve and maintain the Yakima River as a natural resource for all citizens to enjoy. ~~In addition to the provisions of the principal use district, the Greenway Overlay District includes provisions for: The Greenway corridor extends from Yakima Canyon to Union Gap. Greenway boundaries were originally defined in 1977 by the state legislature with the creation of the Washington State Yakima River Conservation Area.~~

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

- (1) In addition to the provisions of the principal use district, the purpose of the Greenway Overlay is to:
 - a) Making ~~Make~~ the Greenway more attractive and accessible to the public;
 - b) Assuring ~~Assure~~ development conserves shoreline vegetation and controls erosion;
 - c) Implementing ~~Implement~~ the Yakima County/City Regional Shoreline Master Program and the Yakima River Regional Greenway Plan;
 - d) Limiting ~~Limit~~ development to these activities which are particularly dependent on a location in the Greenway;
 - f) Preserving ~~Preserve~~ and protecting the fragile natural resources and culturally significant features along the Greenway;
 - g) Increasing public access to publicly-owned areas of the Greenway where increased use is desirable;

- h) Protecting public and private properties from the adverse effects of improper development in hazardous shoreline areas;
- i) Giving ~~Give~~ preference to uses creating long-term over short-term benefits. (~~Ord. 10-1985 Mod. 6 §1, 1987; Ord. 10-1985 §1 (part), 1986; 2001; Ord. 4-1995 §1 & 2, 1995~~).

(s) Institutional Overlay (IO) –

The Institutional overlay is intended to allow designated community institutions that are valuable and necessary to the community, but which are located adjacent to or within residential zones. The City County finds that these institutions require special review and conditioning to ensure that adjacent residential areas are preserved and protected. (See Chapter 15A.31)

The Institutional Overlay includes provisions to:

- a) Make the institution more compatible and accessible to the public;
- b) Assure development has the ability for future expansion;
- c) Provide increased protection such as increased buffers as the institution locates closer to residential districts, especially R-1.
- d) Utilize the goals and policies of the Yakima Urban Area Comprehensive Plan. (Chapter 15A.)

(t) Master Planned Development Overlay (MPDO) –

The Master Planned Development Overlay is intended to allow larger scale, mixed-use developments in selected areas of the City where certain development requirements may be adjusted as necessary to promote an integrated approach to planning and site design. The City County finds that such developments require special review and conditioning to ensure that adjacent areas are preserved and protected. (CH: See Chapter 15A.28)

15A.03.040 Map of Zoning Districts and Overlays.

(a) Adoption, Changes, Filing, Replacement –

- (1) The zoning districts established by this Title are defined as shown on the official zoning map for the unincorporated portions of the Yakima and Union Gap Urban Growth Areas. The official zoning map, together with all the explanatory material thereon, is adopted by reference and declared to be a part of this Title. In addition, any adopted overlay shall be displayed on the zoning map as identified by the adopted ordinance.

(2) The official zoning map for the unincorporated portion of the Yakima and Union Gap Urban Growth Area shall be maintained in the Yakima County Planning Department Division. ~~The City of Yakima Department of Community and Economic Development shall maintain the official zoning map for that portion of the Yakima Urban Area within the Yakima City limits.~~

(3) Each official zoning map shall be identified by the ~~signatures of the legislative body having adopted ordinance of the appropriate jurisdiction~~ and the date of adoption. The official zoning map maintained by the County/city shall be the final authority as to the current zoning status of land.

(4) Any changes in the district boundaries established by this Title shall be made in accordance with the provisions of this Title. The official zoning map shall be promptly changed after the amendment has been approved by the legislative body ~~with jurisdiction~~.

(5) No changes of any kind shall be made on the official zoning map except in conformance with the procedures of this Title. Any unauthorized change by any person(s) shall be considered a violation of this Title and punishable as provided under Chapter 15A.25.

(6) If the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the legislative body may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

(b) Basis for Mapping the Floodplain District Overlay area, Warning and Disclaimer of Liability

(1) ~~The Floodplain Overlay District shall be that area within the One Hundred Year Floodplain shown in zones A - A30 of on the Federal Flood Insurance Rate Maps (FEMA) for the city and county. Consult the flood insurance rate maps for the location of the overlay district.~~

(2) ~~This title does not imply that land outside the floodplain district (areas of special flood hazards) or uses permitted within the district will be free from flooding or flood damages. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. This title shall not create liability on the part of county/city or any officer or employees thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this title or any administrative decision lawfully made thereunder. (Ord. 10-1985 §1 (part), 1986 Emergency Management Agency (FEMA))~~

Note: *Underlined colored text is added; strike-through text is deleted.*
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.04 PERMITTED LAND USES

Sections:

- 15A.04.010 Purpose.
- 15A.04.020 Land Use Classification System.
- 15A.04.030 Table of Permitted Land Uses.
- 15A.04.040 Unclassified Uses.
- 15A.04.050 Zero Lot Line Development.
- 15A.04.060 Accessory Uses.
- 15A.04.070 Overlays
 - 15A.04.055080 Drive-Thru Facilities.
 - 15A.04.060090 Yard Sales.
 - 15A.04.070100 Caretaker Dwellings.
 - 15A.04.080110 Swimming Pools.
 - 15A.04.090120 Home Occupations.
 - 15A.04.100130 Temporary Use Permits.
 - 15A.04.110140 Temporary Hardship Unit Permits.
 - 15A.04.115150 Standards for Mobile/Manufactured Home Parks.
 - 15A.04.120160 Placement of Mobile/Manufactured Homes in Residential Districts.
 - 15A.04.125170 Placement of Manufactured Modular Nonresidential Structures.
 - 15A.04.130180 Placement of Communication Towers.
 - 15A.04.190 Social Card Rooms.
 - 15A.04.200 State Fair Park – Exposition & Special Events Center.

15A.04.010 Purpose.

For any particular district, there are some uses that are consistent with the intent and character of the zoning district; some uses that may be consistent if careful site design neutralizes the adverse characteristics of the use or site; and other land uses that, regardless of site design, are not consistent with the intent or character of the district. The purpose of this chapter is to establish the degree to which each land use ~~is permitted~~ may be allowed in each district and establish the appropriate level of review for each land use in terms of the specific standards and requirements of each district. (Ord. 10 1985 §1 (part), 1986).

15A.04.020 Land Use Classification System.

Land uses within each zoning district shall ~~fall~~ be classified into four principal classifications categories which establish a *Class of Use*, as follows: The Class of use generally corresponds to

a Type of review that is based on a level of review complexity. However, certain circumstances may alter the Type of review due to a higher or lower complexity.

(a) Class (1) - Class (1) uses not requiring Class (2) review are permitted; provided, that the district standards of this Title are met. The building official Administrative Official shall use the procedures in Chapter 15A.13 to review Class (1) uses and associated site improvements. ~~for compliance with the provisions and standards of the zoning district in which they are located. Class (1) uses in certain situations the Administrative Official may require Class a Type (2) review as provided in Section 15A.13.050, when:~~

- (1) ~~All or part of the development, except for agricultural buildings and single family dwellings, and duplexes is in the floodplain or greenway overlay districts; or~~
- (2) ~~All or part of a planned residential development, mobile home park or multi family dwelling is in the Airport Overlay District; or~~
- (3) ~~The proposed use includes hazardous materials; or~~
- (4) ~~The applicant requests adjustment of one or more of the specific development standards pursuant to Section 15A.10.020. As required by 15A.13.020. The procedures in Chapter 15A.14 shall be used to review and evaluate Class (1) uses that require a Type (2) review process.~~

(b) Class (2) - Class (2) uses are generally permitted in the district. However, the compatibility between a Class (2) use and the surrounding environment cannot be determined in advance and occasionally a Class (2) use may be incompatible at a particular location. Therefore, Class a Type (2) review by the Administrative Official is required in order to promote compatibility with the intent and character of the district and the objectives policies and development criteria of the Yakima Urban Area Comprehensive Plan and this Title. The Administrative Official may approve, deny, or impose conditions on the proposed use and site improvements. The procedures in Chapter 15A.14 shall be used to review and evaluate Class (2) uses. In certain circumstances, the Administrative Official may require that a Class (2) use undergo a Type (3) review, as provided elsewhere in this Title.

The procedures in Chapter 15A.14 shall be used to review and evaluate Class (2) uses.

(c) Class (3) - Class (3) uses are generally not permitted in a particular district, but may be allowed by the Hearing Examiner after Class a Type (3) review and public hearing. The Hearing Examiner may approve, deny, or impose conditions on, the proposed use and site improvements to promote compatibility with the intent and character of the district and the objectives policies and development criteria of the Yakima Urban Area Comprehensive Plan.

The procedures in Chapter 15A.15 shall be used to review and evaluate Class (3) uses or Class (2) uses that have been forwarded to the Hearing Examiner for review.

(d) Class (4) Uses Not Permitted. Uses Any use listed in Table 4-1 and not classified subsections 1, 2 or 3 of this section as either a Class (1), (2) or (3) use in a particular district, are shall not be permitted in that district. A request for an Unclassified Use, under Section 15A.04.040, that is denied by the Hearing Examiner is considered as a Use Not Permitted.

(e) Multiple Uses. When two or more uses are proposed in for the same project, the entire project shall be subject to the level Type of review required by the highest classified use. Class (3) uses being higher than Class (2), and Class (2) uses being higher than Class (1). (Ord. 10-1985 Mod. 6 §12, 1987; Ord. 10-1985 §1 (part), 1986)

15A.04.030 Table of Permitted Land Uses.

Table 4-1 titled "Permitted Land Uses" is incorporated as part of this section. Each permitted land use listed in Table 4-1 is designated a Class (1), (2) or (3) use for a particular zoning district. In addition, some Class (1) uses may require a Class Type (2) review in accordance with Sections 15A.04.020 and 15A.13.020.(A). All permitted land uses and associated site improvements are subject to the design standards and review procedures of this Title. (Ord. 95-36 § 2, Ord. 95-13, §§ 3-4, 1995; Ord. 93-81 §16, 1993)

15A.04.040 Unclassified Uses.

Any use not listed in Table 4-1 is an unclassified use and shall be permitted only in those districts so designated by the Hearing Examiner. Any unclassified use permitted in a particular zoning district shall be allowed only as a Class (2) or (3) use. The Hearing Examiner shall follow the provisions of Chapter 15A.22 when determining which zoning districts are appropriate for a particular unclassified use. (Ord. 10-1985 §1 (part), 1986)

15A.04.050 Zero Lot Line Development. (See Section 15A.09.040)

(a) Purpose Zero lot line development for single family dwellings may be permitted in order to: promote efficient land use, permit a more energy efficient arrangement of structures, protect environmentally sensitive area, or provide more usable private or community open space.

(b) Review Required Zero lot line development in subdivisions and short subdivisions approved after the effective date of this title may be approved by Type (2) review. Zero lot line developments may also be approved on lots created before the effective date of this title by Type 3 review.

(c) Zero Lot Line Development Standards See Section 15A.09.040.

15A.04.050 060 Accessory Uses.

(a) ~~Generally An accessory use is a use customarily incidental and subordinate to the principal use of a structure or site. Accessory uses are permitted upon compliance with the terms and provisions of this title. They must be clearly secondary to, supportive of, and must be compatible with the principal use(s) and consistent with the purpose and intent of the zoning district. The land use classification and review requirements of an accessory use shall be the same as that of the principal use(s), unless otherwise specified.~~

(a) Generally. Accessory uses are customarily incidental and subordinate to the principal use of a structure or site. Therefore, accessory uses may only be permitted when a principal use has been established. They must be: clearly secondary to, supportive of, and compatible with the principal use(s); consistent with the purpose of the zoning district; and comply with the provisions of this Title. The land use category of an accessory use shall be the same as that of the principal use(s) as listed in Table 4-1, unless otherwise specified.

(b) On-site Hazardous Waste Treatment and Storage. Outside hazardous waste treatment and storage is may be permitted as an accessory use in the SR, B-1, B-2, ~~SCC~~ HB, LCC, CBD, CBDS GC, M-1 and M-2 districts, subject to state citing criteria in the Washington Administrative Code adopted pursuant to the requirements of RCW Chapter 70.105 RCW.

(c) Garages. - Private garages are permitted as an accessory use provided that in residential districts they are primarily used to store motor vehicles that are used by the occupants of the ~~primary site use~~ residence. Private garages in all other zoning districts must be accessory to a lawful building or structure allowed within the zoning district.

(d) Pets - are permitted as an accessory use provided that in residential districts they are subject to following restrictions (see definition of Kennel):

- (1) They are a domesticated animal kept for pleasure or as a hobby rather than utility, such as fish, birds, dogs and cats, except such as to constitute when the use constitutes a kennel.
- (2) Their presence does not create undue noise or odors such as would create a nuisance or diminish the residential nature of the neighborhood.
- (3) Such animals are properly fed, watered and kept in a humane manner and the other provisions of the YCC for animals are followed. (Ord. 10-1985 Mod. 12 §7, 1988; Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §17, 1993)

(e) Agricultural Buildings - Where permitted, an agricultural building shall not be used for human habitation, processing, treating or packaging of agricultural products, nor shall it be a place used by the public.

~~Accessory Uses Not Permitted: No cargo container and/or semi-truck trailer shall be used for a storage facility or other use within any zoning district other than the M-1 or M-2 zoning district.~~

(f) Accessory Uses Cargo Containers

1. Not Permitted. Cargo Containers shall not be used for a storage facility or other use within the residential, B-1, or B-2 zoning districts for more than two consecutive weeks at a time.
2. Permitted. Cargo containers and/or semi-truck trailers are allowed as an accessory use to a permitted business in the ~~SCC, LCC, AS, GC, RD, M-1 and M-2~~ zoning districts:
 - (a) Provided, all refrigerated cargo containers or semi-truck trailers that are not located within a designated loading dock or loading bay shall be located no less than ~~50~~ 200 feet from any existing residential zoning district; and
 - (b) The container is subject to site plan approval and site screening as determined necessary by the Administrative Official.

15A.04.070 Overlays.

(a) Purpose – Overlay standards and criteria are established to coordinate the provisions established in the zoning ordinance with more detailed policies and standards adopted in other plans and ordinances for the Yakima River Greenway Overlay, and Institutional Overlay, and Floodplain Overlay. The Airport Overlay is established separately pursuant to Chapter 15A.30 of this Title, and is expressly exempted from the provisions of this section. All Overlays are specifically governed by other sections of this Title.

(b) Project Review in Overlay – In order to assure the appropriate standards are applied:

1. All Class (1) uses in an overlay unless otherwise specified shall be subject to Type (2) review (Chapter 15A.14).
2. All Class (2) uses shall be subject to Type (2) review and Class (3) uses in an overlay shall be subject to Type (3) review.

(e) Specific Development Standards for Overlays – See Section 15A.09.020.

15A.04.055 080 Drive-Thru Facilities.

(a) Review Required - Any commercial use having a drive-thru service window or booth is subject to the additional elements of review required in Subsection (c) of this section for impacts on adjoining residential uses and the transportation arterial systems. Such uses shall also require one higher level type of review than shown in Table 4-1, except:

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- (1) Those noted as a Class (3) review which will use requiring a Type (3) review shall remain Class (3) a Type (3) review, and
- (2) Financial institutions or properties that do not abut residential zones, and
- (3) Espresso/coffee drive-through facilities as defined in Section 15A.02.020.

(b) Purpose – Such review is required in recognition of the potential impacts of drive-thru uses on adjoining residential uses and arterial transportation systems.

(c) Elements of Review - Review is intended to modify or mitigate negative impacts upon adjoining residential uses and the transportation arterial systems. ~~It~~ The review of a Drive-thru facility shall include consideration of impacts of impacts of from the following: noise from the drive-through speaker and/or car radio, glare from vehicle head lights and exterior lighting fixtures, fumes to residential uses; of and impacts to transportation traffic flow and carrying capacity to of the arterial systems street system.

(d) Adult Sales Practices - Any commercial use that includes an adult sales practice as defined in YCC Chapter 5.06 shall be reviewed as an adult entertainment facility under the provisions of Section 15A.09.200.

15A.04.060-090 Yard Sales.

Yard or garage sales shall be permitted as an accessory use to a dwelling provided all of the following provisions are met:

- (a) Only two yard sales per dwelling unit per year shall be allowed; and
- (b) Each yard sale shall not exceed three days in duration. (Ord. 10-1985 §1 (part), 1986).

15A.04.070 100 Caretaker Dwellings.

Caretaker dwellings or shelters for the occupancy of guards, watchmen, or caretakers are permitted as accessory uses in the CBDS GC, M-1 and M-2 districts. Caretaker dwellings or shelters are also permitted in the B-2, SCC and LCC and CBD districts when the dwelling is located within the structure used for the principal use. No other dwelling unit(s) or shelter(s) shall be allowed on the same parcel. This is not synonymous with Temporary Hardship Units. (Ord. 10-1985 Mod. 6 §14, 1987; Ord. 10-1985 §1 (part), 1986).

15A.04.080110 Swimming Pools.

Swimming pools are permitted as an accessory use to: dwellings, hotel/motels, boardinghouses, retirement homes, and other residential uses; schools, and recreational facilities when all of the

following provisions of Section 15A.05.020 (k), the International Building Code and YCC Title 13 are met:

(a) Setbacks.

- (1) ~~Front yard - The swimming pool, apron, and pumphouse meet the required front yard setback in Table 5-1.~~
- (2) ~~Side and rear yard: The swimming pool and pumphouse are setback at least three feet from the property line. The swimming pool apron may extend up to the property line.~~
- (3) ~~From an easement: The swimming pool, apron, and pumphouse may extend up to, but shall not encroach upon, an easement.~~

(b) ~~Fencing. The area around the pool is enclosed by a protective fence not less than four feet in height. (Ord. 2947 § 1 (part), 1986).~~

15A.04.090120 Home Occupations.

- (a) Purpose - the conduction of a business within a property dwelling may be permitted in the residential districts under the provisions of this section. It is the intent of this section to:
 - (1) Insure the compatibility of the home occupations or other uses permitted in the residential districts; and,
 - (2) Maintain and preserve the character of residential neighborhoods; and,
 - (3) Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.
- (b) Table of Permitted Home Occupations - Table 4-2 titled "Permitted Home Occupations" is incorporated as part of this section. Each permitted home occupation listed in Table 4-2 is designated as a Class (1), (2) or (3) use for a particular residential zoning district. All permitted home occupations are subject to the standards of this Title, including the specific conditions of Section 15A.04.090(c) and applicable review procedures of Chapters 15A.13, 15A.14 and 15A.15A. Specific uses not permitted as home occupations are listed in Section 15A.04.090(g).
- (c) Necessary Conditions - Home occupations are permitted as an accessory use to the residential use of a property only when all of the following conditions are met:
 - (1) The home occupation is conducted inside a structure within property on which is established the primary residence of the practitioner(s).

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- (2) The home occupation is incidental and subordinate to the residential functions of the property. No action related to the home occupation shall be permitted that impairs reasonable residential use of the dwelling.
- (3) There are no external alterations to the building which changes its character from a dwelling.
 - a) The portion of the structure or facilities in which a home occupation is to be sited must be so designed that it may be readily converted to serve residential uses.;
- (4) The business is conducted in a manner that will not alter the normal residential character of the premises by the use of color, materials, lighting and signs, or the emission of noise, vibration, dust, glare, heat, smoke or odors.
- (5) The home occupation does not generate materially greater traffic volumes that would normally be expected in a the residential neighborhood.
- (6) There is no outside storage or display of any kind related to the home occupation.
- (7) The home occupation does not require the use of electrical or mechanical equipment that would change the fire rating of the structure.
- (8) The home occupation does not require the use of electrical equipment that exceeds the FCC standards for residential use.
- (9) The home occupation does not increase water or sewer use so that the combined total use for the dwelling and home occupation is significantly more than the average for residences in the neighborhood.
- (10) A business license is purchased where required.
- (11) The home occupation is conducted only by immediate family members residing in the dwelling.
- (12) All stock in trade kept for sale on the premises is produced on site by hand without the use of automated or production line equipment.

In granting approval for a home occupation, the Reviewing Official may attach additional conditions to insure the home occupation will be in harmony with, and not detrimental to, the character of the residential neighborhood. Any home occupation authorized under the provisions of this Title shall be opened to inspection and review at all reasonable times ~~for~~ by the Building and enforcement Official for purposes of verifying compliance with the conditions of approval, other provisions of this Title and County Code.

(d) Nameplates - Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation (e.g., John Jones, Accountant). The nameplate shall be attached to the dwelling and shall not exceed two (2) square feet in area or be illuminated.

(e) Application, Fee and Review Period - Application for a home occupation shall be made in accordance with the provisions of Chapter 15A.11, except as noted, and shall be accompanied by the appropriate filing fee.

(1) The Administrative Official may waive part or all of the requirements for a site plan for Class (1) home occupations.

(f) Unclassified Home Occupations, Review by the Hearing Examiner - Home occupations not listed in Table 4-2 and subsection (g) shall be reviewed by the Hearing Examiner in accordance with the provisions of Chapter 15A.22. Provided, any unclassified home occupation permitted after review and decision by the Hearing Examiner in a particular district shall be allowed only as a Class (2) or (3) use.

(g) Home Occupations Not Permitted - The following uses by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations and impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses listed below shall not be permitted as home occupations:

(1) Auto repair;
(2) Antique shop or gift shop;
(3) Kennel;
(4) Veterinary clinic or hospital;
(5) Painting of vehicles, trailers or boats;
(6) Large appliance repair, including stoves, refrigerators, washers and dryers;
(7) Upholstering;
(8) Machine and sheet metal shops;
(9) Martial arts school;
(10) Taxidermist;
(11) Two-way radio and mobile telephone system sales and service;
(12) Vehicle sign painting (except for the application of decals); and
(13) Firearm sales and/or gunsmith

(h) Denial of Application for a Home Occupation - An application for a home occupation shall be denied if the Reviewing Official finds that either the application or record fail to establish compliance with the provisions of this chapter. When any application is denied, the Reviewing Official shall state the specific reasons, and shall cite the specific provisions and sections of this Title on which the denial is based.

(i) Parking - The Reviewing Official shall determine parking requirements for home occupations, as provided by Section 15A.06.040(b). This determination may be guided by, but not restricted by, the standards of Chapter 15A.06. (Ord. 10-1985 Mod. 6 §§ 15-17, 1987; Ord. 10-1985 § 1 (part), 1986; Ord. 3-1993 § 19, 1993)

15A.04.100130 Temporary Use Permits.

Temporary use permits may be issued by the Building Official for temporary structures and associated site improvements used for the storage of equipment, or supervisory offices in connection with major construction projects. Provided, that such temporary structures and associated site improvements may not be maintained for more than one year. The Building Official may extend this period for a period of up to one additional year. (Ord. 2947 § 1 (part), 1986). A site plan showing the location, size and type of structure is required to be submitted at the time of application for a Temporary Use Permit.

15A.04.110140 Temporary Hardship Unit Permits

In addition to the maximum number of dwelling units permitted on a lot, a mobile/manufactured home may be permitted as a temporary use in all zoning districts. Applications for a Temporary Hardship Unit permit shall be subject to Class Type (2) review and shall only be issued when all of the following conditions are met:

- (a) The applicant provides a physician's statement certifying the accessory living quarters are for a person(s) requiring daily care or supervision;
- (b) The temporary hardship unit meets the minimum setback and height standards for principal uses in the applicable district;
- (c) The temporary hardship units and principal dwelling together do not exceed the lot coverage standards for the applicable district;
- (d) The temporary hardship unit has an approved sewage disposal system, water supply, and electrical connection prior to occupancy;
- (e) The approval of the unit will not materially harm the public interest, the intent of the district, or the character of the neighborhood;
- (f) No rent, fee, payment or charge in lieu thereof may be made between the recipient and providers of special care for use of the temporary hardship unit.

Only one temporary hardship unit shall be permitted on a parcel.

Temporary hardship unit permits shall be subject to annual renewal, at which time the building official/Planning department Division shall review and certify the justification for continuation

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of the use, or terminate the permit. The temporary hardship unit shall be removed within ninety days from termination of the use or revocation of the permit. The responsibility for applying for and obtaining an extension of the temporary use permit shall be solely that of the permit holder. (Ord. 10-1985 Mod. 6 §18, 1987; Ord. 10-1985 §1 (part), 1986).

15A.04.115150 Standards for Mobile/Manufactured Home Parks.

- (a) **Purpose** - The purpose of this section is to establish standards and criteria for development and expansion of mobile/manufactured home parks within the Urban Growth Area. These standards are provided to ensure uniform, coordinated development of mobile/manufactured home parks and to ensure the general health, welfare and safety of the occupants of mobile/manufactured homes that may be located within a park developed under these standards. These standards shall be applied in a manner that stresses minimizing costs. Alternatives that reduce costs and meet the intent of these standards will be encouraged.
- (b) **Site Plan Requirements** - All proposals for mobile/manufactured home parks shall include a site plan based upon a land survey drawn by a licensed architect, engineer or surveyor and shall include the following information in addition to the standard information required for site plans:
 - (1) All spaces shall be clearly delineated on the site plan and include dimensions and square footage for each space;
 - (2) A building envelope shall be shown within each space;
 - (3) Unit set backs shall be shown for each space;
 - (4) The location of required off street parking for each unit shall be shown on the site plan;
 - (5) Streets shall be shown on the site plan;
 - (6) Signage for the park and directional signage shall be shown on the site plan;
 - (7) The location of all solid waste containers and screening of containers shall be shown on the site plan;
 - (8) All facilities, utilities, improvements and amenities shall be shown on the site plan, including pathways, sidewalks, and recreational facilities.
- (c) **Development Standards** - All mobile/manufactured home parks shall be developed in compliance with the underlying zoning district and shall be in compliance with this section. The density of a park or park expansion shall not exceed the density of the underlying zoning district. All required site improvements shall be installed prior to placement of units in the park. Additional site improvements may be required by the Reviewing Official.
 - (1) **Minimum Space Size and Width.** The minimum space size and width for a mobile/manufactured home park exclusive of streets shall meet the lot size, lot width and all other standards for detached single-family dwellings, as shown on

Table 5-2 of this Title. Space size may be reduced with the provision of improvements in accordance with the following:

- a) Provision of Recreational Areas. Space size requirements of the underlying district may be reduced by a maximum of ten (10) percent with the provision of a developed recreational area for use by the residents. The area shall be suitable for active recreation and shall consist of a minimum of ten (10) percent of the park area.
- b) Provision of Sidewalks. Space size requirements of the underlying district may be reduced by a maximum of ten (10) percent with the provision of sidewalks a minimum of four (4) feet in width, serving at least one side of each street and all recreational areas.
- c) Provision of Curbs, Gutters and Sidewalks. Space size requirements of the underlying district may be reduced by a maximum of ten (10) percent with the provision of curbs, gutters and sidewalks on both sides of the street.
- d) Cumulative Space Size Reduction. Space size may be reduced up to twenty (20) percent with the provision of any combination of items in subsections (c)(1) a through c above of this section.

(2) Internal Street Paving. A minimum of twenty-four feet of paved internal street shall be required for access to each unit, paved in accordance with Section 15A.06.110 of this Title.

(3) Off-Street Parking. Two paved off-street parking spaces shall be provided for each unit in accordance with this Title, Chapter 15A.06. Garages or carports, if provided shall be setback a minimum of 18 feet from the edge of the street or back of structure, sidewalks or pedestrian walkways.

(4) Street Lighting. A street light shall be provided at each street intersection within the park.

(5) Right-of-Way Dedication and Frontage Improvements. Appropriate provisions for right-of-way dedication and right-of-way improvements adjacent to the park shall be made, including street paving, sidewalks, curb, gutter, and street lighting. Improvements shall be installed prior to placement of units in the park, unless an appropriate bond or instrument acceptable to the County is provided to guarantee installation of improvements.

(6) Street Signs and Internal Directional Signs. All streets within the park shall be named utilizing street signs consistent with Yakima County Public Works Department standards. Internal directional signs indicating unit/space numbers shall be placed on all street intersections within the park.

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- (7) Utilities. All utilities, including irrigation and domestic water and sewer, shall be installed prior to placement of units in the park. All utilities, including electrical distribution, telephone, and cable TV, shall be installed underground. The internal water system shall include fire hydrants located at the direction of the ~~City of Yakima Fire Department or appropriate County Department appropriate jurisdiction's Fire Marshal department.~~
- (8) Minimum Unit Separation. Units shall be separated by a minimum of ten (10) feet, measured from the furthest extremity of each unit, including stairways.
- (9) Perimeter Sitescreening and Landscaping. The perimeter of a park shall be sitescreened with a six-foot-high, view-obscuring fence and shall include at a minimum a ten-foot-wide landscape strip adjacent to the fence and within the park consisting of a combination of shrubs, trees and groundcover. Trees shall be planted no more than thirty feet apart.
- (10) Stormwater Drainage. All stormwater drainage shall be retained on site, and a drainage plan shall be approved by the County.
- (11) Dumpsters/Solid Waste Containers. Dumpsters and solid waste containers shall be provided for common use and shall be screened with a six-foot-high, view-obscuring fence or wall and access gate.
- (12) Play Area Requirement. Each unit shall provide a play area for children contained within the unit's space, consisting of a minimum size of 600 six hundred square feet and a minimum width of 15 fifteen feet.

(d) Expansion of Existing Mobile/Manufactured Home Parks. All standards of this section shall apply to expansion of existing mobile home parks. The standards shall not apply to existing areas of a park not being expanded. The Examiner may, at his or her discretion, reduce one or more standards of this section for newly expanded areas of a park if expansion plans also include improvements to the existing park area.

(e) Maintenance of Common Areas, Landscaping and Open Space/Recreational Areas. All common areas and facilities, including streets, walkways, utilities, landscaping, storage areas, open space and recreational areas, shall be continuously maintained in good condition by the park owner or designated homeowner's association. An irrigation system shall be installed for maintenance of landscaping and recreational/open space areas that would normally require irrigation.

(f) Development Under ~~under~~ Planned Development Provisions of This Ordinance this Title. Development of a mobile/manufactured home park may be accomplished under the planned development provisions of this Title. (Ord 16-1998) (See Chapter 15A.28).

15A.04.120160 Placement of Mobile/Manufactured Homes in Residential Districts.

- (a) Purpose - The provisions established herein are intended to assure that the siting of mobile/manufactured homes is harmonious with the surrounding residential uses and preserves the general character and integrity of the neighborhood.
- (b) Table of Review Requirements for Mobile/Manufactured Homes - Table 4-3 titled "Review Requirements for Mobile/Manufactured Homes" is incorporated as a part of this section. The table indicates in which residential districts mobile/manufactured homes may be permitted with a Class (1), (2) or (3) use. All mobile/manufactured homes on individual lots are subject to the specific conditions of Section 15A.04.120(e) Subsection c of this Section and the applicable review procedures of Chapter Chapters 15A.13, 15A.14 and 15A.15 of this Title. (Ord. 3-1993, §20, 1993)
- (c) Siting Standards - All mobile/manufactured homes shall be installed in compliance with applicable ~~City and County~~ codes. In addition, mobile/manufactured homes installed in the residential districts, not in ~~mobile~~ manufactured home parks, may be required to meet the following siting standards:
 - (1) Roof Slope - Roof slope shall be not less than a two foot rise for twelve feet of horizontal run.
 - (2) Roofing Materials - Roofing materials shall be compatible in appearance with surrounding site built homes.
 - (3) Siding Materials - Siding materials shall be wood, masonite, or other material compatible with surrounding site-built homes.
 - (4) Pit Set - Manufactured homes shall be "pit set", with first-floor elevation no more than ~~+2~~ twelve inches above finished grade. The pit shall be of sufficient depth to accommodate ~~+8~~ eighteen inches clearance below the frame of the unit with crawl space access located near utility connections. The foundation shall be installed in compliance with the requirements of the Washington Administrative Code. Skirting or sidewalls shall be installed around the perimeter, and the tongue and axle shall be removed. (Ord. 10 1985 Mod. 6 §19 and §20, 1987; ord. 1 1985 §1 (part), 1986; Ord. 3-1993, §21, 1993; Ord. 4 1995, §5, 1995)
- (d) Replacement of a Nonconforming Mobile Home on an Individual Lot with another Mobile Home or Manufactured Home -
 - (1) Class Type (1) review shall be used to replace a nonconforming mobile home with another mobile home that is newer and the same size or larger.
 - (2) Class Type (1) review shall also be used to replace a nonconforming mobile home with a manufactured home. The modification provisions of Section 15A.17.050 of this title

(3) Type (3) review shall be used to replace a nonconforming mobile home with another mobile home that is ~~older or smaller~~ larger. A nonconforming mobile home cannot be replaced with an older mobile home. (Ord. 10-1985 Mod. 12 §9, 1988)

a) The replacement mobile home shall meet all Washington State Department of Labor & Industries improvement criteria *before* the mobile home can be moved to the replacement location site, which is limited to an existing manufactured home park.

b) Verification provided to the appropriate jurisdiction of said improvements and inspections by L & I shall be provided before said replacement.

(f) Replacement of an existing or approved Manufactured Home on an Individual Lot with another Manufactured Home –

(1) Class Type (1) review shall be used to replace an existing or approved manufactured home with another manufactured home that is newer and the same size or larger. The modification provisions of Section 15A.17.050 of this Title shall be used to replace a manufactured home with another manufactured home that is ~~older or smaller~~. (Ord. 10-1985 Mod. 12 §§8-10, 1988; Ord. 10-1985 Mod. 6 §§19-20, 1987; Ord. 10-1985 §1 (part), 1986)

(g) Any manufactured home which is constructed after June 15, 1976, and which complies with the following requirements, may be sited in the same manner, and subject to the same conditions, as a site built home, any other provisions of this Title to the contrary notwithstanding:

(1) Is a new manufactured home which has not been previously titled to a retail purchaser and is not a "used mobile home" as defined in RCW 82.45.032(2);

(2) Is set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground is enclosed by concrete or an approved concrete product which can either be load bearing or decorative;

(3) Is in compliance with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;

(4) Is thermally equivalent to the state energy code; and

(5) Meets all other requirements for a designated manufactured home as defined in RCW 35.63.160. (Ord. 6-2005)

(h) **Siting.** Manufactured homes constructed after June 15, 1976, which comply with the following requirements, may be sited in the same manner, and subject to the same conditions, as a site-built home, notwithstanding any other YCC Title 15A requirements.

1. Is a new manufactured home which has not been previously titled to a retail purchaser and is not a "used mobile home" as defined in RCW 82.45.032(2);
2. Is set upon a permanent foundation, as specified by the City of Yakima County, and the space from the bottom of the home to the ground is enclosed by concrete or an approved concrete product, which can either be load bearing or decorative;
3. Is in compliance with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;
4. Is thermally equivalent to the state energy code; and
5. Meets all other requirements for a designated manufactured home as defined by RCW 35.63.160.

15A.04.125170 Placement of Manufactured Modular Nonresidential Structures.

- (a) **Purpose** - To assure public safety and compatibility with the general character and integrity of the district.
- (b) **Standards** - Modular, non-residential structures are permitted in all districts, subject to compliance with other standards of the district.
- (c) **Definition** - A modular nonresidential structure manufactured with the intent of being transported to a fixed site and built in accordance with the Uniform International Building Codes as adopted by the City/County. (Ord. 3-1993 §22, 1993)

15A.04.130180 Placement of Communication Towers.

- (a) **Location.** The following provisions shall govern the placement of communication towers (amateur radio, communication, anemometers and personal wind energy) and support structures as defined in Chapter 15A.02 within the Urban Growth Area:
 - (1) Less than thirty five feet in height: Exempt from the review and permit procedures of this title, but must meet the minimum setbacks established in Section 15A.04.130(B)(1).
 - (2) Thirty five to fifty five feet in height and meeting the setback provisions of Section 15A.04.130(B)(2) are also exempt from the review and permit procedures of the ordinance codified in this title;
 - (3) Thirty to fifty five feet in height and not meeting the setback provisions of Section 15A.04.130(B)(2): Class (2) use in all districts.
 - (4) More than fifty five feet in height: Class (3) use in the R-1, R-2, R-3, B-1 and SCC districts and a Class (2) use in the remaining districts.

(b) Setbacks. The following setback standards shall apply to communication towers:

(1) Minimum Setbacks. All communication towers shall meet the minimum front yard setback standards established in Table 5-1 for the district in which they are located and shall be setback at least ten feet from the side and rear property lines.

(2) Optional Setback. Communication towers thirty five to fifty five feet in height shall be a Class (1) use in all districts when an additional twelve inches from the required front, side and rear yards is provided for each eighteen additional inches of tower height above thirty five feet. (Ord. 10-1985 §1 (part), 1986).

(1) Communication Towers less than thirty five feet in height require a Type (1) review to ensure compliance with minimum setbacks and Building Code requirements;

(2) Communication Towers thirty five feet or greater in height require a Type (2) review to ensure compliance with setback provisions and other permit procedures of this title are reviewed and met;

(3) Communication Towers more than fifty five feet in height shall follow the review procedures for Class (3) uses and shall meet all the provisions of this title and the building code.

~~Towers (Amateur radio, communication, anemometer and personal wind energy) and support structures as defined in 15A.08.077, 15A.08.083, 15A.08.175 and 15A.08.502~~

(1) Towers and support structures, exclusive of wind turbines or antennae placed on them:

(a) That are under the height restriction of a zoning district with a specific height standard, are self-supporting and have a 2 feet or less radius from the center axis of the base of the tower, and have antennae, rotors and other attachments with a diameter of 9.0 feet or less, shall be subject to Type 1 review. [35ft.: FW, MR, VR, RT, R1, R2; 45': R3, RS, B1, B2, C, HC] SR, R1, R2, SCC; 24 ft.: B2; 50ft.: R3, B1, LCC, GC

(b) That are above the height restrictions of a zoning district with a specific height standard or are not self-supporting or have a 2 feet or greater radius from the axis of the base of the tower, and have antennae, rotors and other attachments with a diameter of greater than 9.0 feet, and the height of the tower is 70.0 feet or less, the tower shall be subject to Type 2 review.

(c) That are within a zoning district that has a specific height standard and do not qualify for a Type 1 or Type 2 are subject to Type 3 review.

(d) That are located in the R/ELDP, AG, I, or MIN M1 or M2 zoning districts, where height of buildings or structures is not specified, are self-supporting, have a 2 foot or less radius from the center axis of the base of the tower, and have antennae, rotors and other attachments with a diameter

of 9.0 feet or less, and the height of the tower is 70.0 feet or less, the tower shall be subject to Type 1 review.

(e) That are located in the R/ELDP, AG, I, or MIN M1 or M2 zoning districts, where height of buildings or structures is not specified, are not self-supporting or 2 feet or greater radius from the center axis of the base of the tower, or and have antennae, rotors and other attachments with a diameter of greater than 9.0 feet, and the height of the tower or support greater is 70.0 feet or greater, the tower shall be subject to Type 2 review.

(f) That are located in the R/ELDP, AG, I, or MIN M1 or M2 zoning districts, where height of buildings or structures is not specified, tower height is 100.0 feet or greater, the tower shall be subject to Type 3 review.

(g) That propose to co-locate on existing towers, buildings, structures and facilities without an increase in height and have antennae, rotors and other attachments with a diameter of less than 9.0 feet, the tower shall be subject to Type 1 review. Towers with an increase of less than 10% of the tower height are subject to a Type 1 modification as long as a higher threshold of review is not exceeded.

(2) All towers and items affixed thereto, guy wires, or supports shall meet the setback standards of the zoning district in which they are located. Greater setbacks may be required by the Administrative Official.

(3) All towers and items affixed thereto, guy wires, or supports shall adhere to the requirements of the Airport Safety Overlay (ASO), when applicable.

(4) Towers that are located in M1 and M2 R/ELDP, AG, I, MIN, and qualify as a Type 3 use, but will be removed within 3 years, are considered temporary in nature and may be reviewed as a Type 2 use by the Administrative Official. An extension of one year may be requested by the applicant. No more than two extensions will be granted by the Administrative Official.

(5) With consideration to engineering and structural requirements, towers shall be subject to the following visual compatibility standards:

(a) Towers, rotors/turbines and antenna(e) should reflect the visual characteristics of the structure to which it is attached, or the surrounding environment in which it is placed. This should be achieved through the use of colors and materials, as appropriate. When located on structures such as buildings or water towers, the placement of the antenna or rotor/turbine on the structure should reflect the following order of priority in order to minimize visual impact:

i. A location as close as possible to the center of the structure; and

ii. Along the outer edges or side-mounted, provided that, in this instance, additional means such as screens should be considered and may be required on a case-by-case basis; and

iii. When located on the outer edge or side-mounted, by placed on the portion of the structure less likely to be seen from adjacent

lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.

(b) To the extent that there is no conflict with the color and lighting requirements of the Federal Communications Commission and the Federal Aviation Administration for aircraft safety purposes, transmission support structures shall be designed to blend in with existing surroundings to the extent feasible. This should be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed transmission support structure from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.

(c) The provisions of this subsection (5) may be modified by the Administrative Official in order to achieve greater levels of screening than that which would be available by using the stated setback during the course of the review process.

(6) Towers and support structures shall be removed within a year of the date of ceasing use or operation. Antenna shall be removed from support structures within 180 days after the antenna is no longer operational.

(7) Turbines on personal wind energy towers shall be designed, installed and operated so that noise generated by the system shall not exceed fifty decibels (50dBA) measured from the nearest property line, except during short term events such as utility outages and severe wind storms.

(8) Towers will be located no nearer than 50 feet from an edge of right-of-way or easement of a public or private road.

(9) No more than one tower, array, or rotor/turbine per parcel in residential districts (RT, SR, R-1, R-2, R-3), and no more than 2 towers, arrays, or rotors/turbines per parcel in all other zoning districts shall be permitted. More than 2 towers, arrays, or rotors/turbines shall be subject to Type 3 review.

Support structures and towers may include an equipment enclosure, structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

15A.04.190 Social Card Rooms.

In Zones where allowed, no social card room shall be permitted within five hundred feet of any public school, private school (meeting the requirements for private schools under Title 28A RCW, church or park, as measured according to RCW 66.24.010(9) or as the same may be hereafter amended.

15A.04.200 State Fair Park – Exposition & Special Events Center.

(a) Purpose To establish permitted uses and special development standards for the very unique fixed campus of uses and activities of the Central Washington Fairgrounds, hereafter known as the State Fair Park Exposition and Special Events Center. This section is intended to provide regulatory guidance that will ensure production integrity and economic performance of existing uses and continued development of the campus. The State Fair Park produces and hosts activities in multi-use facilities established specifically to address the unique market response, operations and sustainable economic performance requirements of the exposition and special events industry. This includes: production and operational requirements of the annual Central Washington State Fair and non-fair events and use activities; a broad array of land uses and the overall mix of types of uses found to be consistent with the state statutory authorizations for agricultural fairs (RCW 15A.76) and county fairs (RCW 36.37); in addition to those uses allowed in the General Commercial (GC) zoning district.

(b) Special Definitions The area of land currently occupied by the Central Washington State Fair, now known as "State Fair Park," is a unique fixed campus dedicated to providing a special venue for community use, commercial use, trade shows and exposition uses, special event uses, destination attraction uses, permitted uses and similar events. The following special definitions describe broad categories of uses, events and activities allowed within the campus. Each special definition is followed by a representative list of examples to illustrate a range of allowable uses that the campus site might host. The lists are not all inclusive; new uses and activities determined to be consistent with these special definitions may be added/included through the similar use, use interpretation and unclassified use review processes of this chapter as they are identified.

(1) Community Uses, Events, or Activities serve local or area community, social, cultural and service organizations, and local, state and federal agencies. The activities are "nonrevenue generating," meaning that the event may pay a use fee, but does not facilitate commercial product sales or services where revenues are for profit or financial gain of an individual, corporation or privately held organization. Those entities that generally qualify for community event status are local and area civic groups, service clubs, nonprofit associations, schools and universities, county and city government and other organizations that promote socio-economic well-being, serve a particular class of people, promote quality of life and respond to the safety and welfare of the general public.

Banquets;	Meetings/retreats;
Church groups;	Parties/socials;
Clinics;	Picnics;
Conferences;	Political fundraisers;
Dance classes	Professional/vocational education;
Day camps;	Recreation/leisure classes;
Emergency services;	Self improvement;
Family reunions;	Service club fundraisers;
Fashion apparel;	Training classes;

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Home improvement;	Weddings/receptions;
Classes;	Youth equestrian activities.

(2) ~~Commercial Uses, Events or Activities include revenue producing activities when the purpose of the organizer or promoter is to facilitate services or wholesale and retail sales activity, generating revenues for profit or to stimulate market activity creating sales beyond the actual event. Such organizations may include "nonprofit corporations," for profit organizations and industry associations that represent a particular product, service, special interest or commercial enterprise that attract general audiences, manufacturers, distributors, buyers or sellers and patrons.~~

Appliance shows;	Gun shows;
Auctions;	Home and garden shows;
Auto shows;	Livestock, animal exhibitions, shows, training, sales boarding;
Boat shows;	Model shows;
Breed shows;	Recreational equipment shows;
Computer shows	Religious festivals;
Flea markets;	Sports exhibitions;
Fireworks displays;	Technology exhibitions.
Floriculture/horticulture shows;	

(3) ~~Trade Shows and Expositions are classified as uses organized for the purpose of promoting a particular line of products, services or commodities within industry classifications, such as transportation, communications, aviation, boating, electronics, agriculture, entertainment/amusement and so forth. The event organizer and/or producer may be an industry association, nonprofit corporation, sponsor or for profit entity which facilitates an event designed to create business development opportunities, stimulate wholesale and retail transactions, distribute products and create short term, as well as long term, sales. Such shows or events are for industry and general public audiences, and are focused on specific products and market, client or customer development, product or service sales and other purposes that stimulate economic activity within a particular industry. The following is a representative list of trade show and exposition uses and activities:~~

Agricultural industries;	Forestry;
Amusement and entertainment;	Interior design;
Apparel;	Medicine;
Appliances;	Outdoor sports;
Consumer shows;	Professional services;
Electronics/communications;	Public transportation;
Environmental science;	Sports products;
Farm equipment;	Tourism/leisure industry;
Food and hospitality;	Trade shows.

(4) ~~Special Event Uses, Events and Activities include functions designed to attract large and diverse audiences, and are typically revenue producing activities that generate fund through gate and parking fees, product sales, advertising sales, concession contracts, and other revenue sources. Special events generally follow a particular theme, such as cultural or holiday themes, sports or program themes, relative to the purpose of the event and draws from local and regional market populations. The following is a representative of special event uses:~~

Amusement rides and games;	Motorized sports;
Carnivals;	Pageants;
Circuses;	Rodeos;
Concerts;	Seasonal celebrations;
Fairs;	Social/galas;
Festivals;	Sporting events/facilities;
Games;	Tournaments.

(5) ~~Destination Attractions Events Uses and Activities draw upon resident and visitor population markets, extol leisure and commercial recreation activities and are typically revenue based enterprises. Destination attractions may include amusement parks, family entertainment centers with special attractions including water features, major rides, cultural entertainment and virtual reality attractions. Destination activities may also include a mix of themed enterprise activities. Other destination attractions may include specialty retail shopping, entertainment center, hospitality, commercial recreation centers, health and fitness facilities and other permanent and temporary structures designed and developed to support destination activities.~~

(6) ~~Allowable Uses The following uses, including related events and activities are allowed within the State Fair Park subject to SEPA mitigation where required, the development standards of this code and other construction permit requirements:~~

- a) ~~Existing uses of the State Fair Park campus shall be considered Class (1) uses.~~
- b) ~~Uses identified in YCC 15A.04.135(b), Special Definitions, or uses determined by the Administrative Official to be consistent with, and similar to, those Special Definitions uses as may be determined in accordance with YCC 15A.22.050(#) shall be considered Class (1) uses.~~
- c) ~~Uses in Table 4.1 of the GC district, not otherwise listed in YCC 15A.04.135(b), Special Definitions, shall be allowed according to the type of review indicated.~~

d) ~~YCC 15A.22.050(1), Use interpretations, decisions by the hearing examiner.~~

(7) ~~Annexation State Fair Park In the event the State Fair Park is annexed to the City of Yakima, said annexation shall not alter any lease agreement by and between Yakima County as lessor and the Central Washington State Fair Association as lessee, or any powers or responsibilities of Yakima County or its lessee relative to the Central Washington State Fair or other activities at the State Fair Park that are subject to the provisions of Chapter 15A.76 or RCW Chapter 36.37 or other state law. Any future proposed amendments to the Yakima urban area zoning ordinance (YCC Title 15A) that would or may affect the operations of the State Fair Park shall be processed in accordance with the ordinary course of administering proposed amendments to said ordinance.~~

Note: CBDS ZONING removed from Table (City 2008)

Table 4-1		SR	R1	R2	R3	B1	B2	HB	SSC	LCC	AS	GC	CBD	RD	M1	M2
AGRICULTURAL (COMMERCIAL)																
Agriculture, Horticulture, General Farming (not feedlots and stockyards) (C)	1	+														
Agricultural Building (*)	1	2														
Agricultural Chemical Sales/Storage																
Agricultural Market (*)	1	2	3													
Agricultural Stand (*)	1	2														
Agricultural Related Industries (*)	3															
<u>Animal Husbandry (See YCC15A.09.090) (*)</u>	1	2														
Concentrated Feeding Operation (*)	3															
Floriculture, Aquaculture	1	2														
AGRICULTURAL (COMMERCIAL)																
Historical Business																
Large Convenience Center																
Small Convenience Center																
Professional Business																
Local Business																
Historical Business																
Large Convenience Center																
Small Convenience Center																
General Commercial																
General Business District																
Regional Development																
Light Industrial																
Heavy Industrial																

Table 4-1	SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2
Fruit Bin Sales/Storage	3									2				1	1
Winery and Brewery - Basic (*)										3				1	2
Resort/Destination w/onsite agricultural producer (*)	2	3		3						3	3	3		3	
Resort/Destination (*)	2	3		3						1	4	4		3	
Retail (*)								1	1	1	1	1	1	1	2

AMUSEMENT AND RECREATION

Adult Entertainment Facilities (*) (#)										3	3	3	+		2
Amusement Park (Permanent) (*)										3	3	3	+		3
Aquatic Center										3	3	3	+		2
Bowling Alleys								2	2	1	4	2		4	3
Campground (*)	3							2		2				2	2
Drive in Theatres	3									2			2	2	2
Exercise Facilities					3	1	1	1	1	2	1	4	4	1	2
Fairgrounds															
Game Rooms, Card Rooms, Electronic Game Rooms (*)										3	4	4	2	2	2
Golf Courses, Clubhouses, Golf Driving Ranges	3	3	3	3									4	2	
Gymnasiums, Exercise Facilities (Not associated with a use allowed in the zoning district.)					3	2	2	1	1	2	1	4	4	1	2
Horse Racing Tracks, Speedways													3	2	3

{See YCC Section 15A.04.200}

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Table 4-1

	SR	R1	R2	R3	B1	B2	HB	SSC	LCC	AS	GC	CBD	RD	M1	M2
Miniature Golf Courses											<u>1</u>				
Movie Theatres, Auditoriums, Exhibition Halls									<u>3</u>	<u>1</u>					
Parks (*) (†)	2	3	2	2	2	2			2	2				2	2
Roller Skating or Ice Skating Rink					3	2									
Sports Facility (Indoor)															
Social Card Rooms (See YMCA 15A.09.190)(*)									<u>2</u>	<u>2</u>					
Fairgrounds State Fair Park (see YCC 15A.04.135)(*)											<u>1</u>				

(See YCC Section 15A.04.200)

COMMUNITY SERVICES

Cemetery / Crematorium with Funeral Home	3	3	3	3	3										3
Churches, Synagogues, & Temples	2	3	2	2	2						<u>1</u>				
Community Center (*) (†)															
Meeting Halls, Fraternal Organizations	2	3	2	2	2	2			2	2		<u>1</u>			
Cemavaleesert-Nursing Homes-and Group Homes-(*)	3	3	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>									
Correctional Facilities	3														
Day Care Facilities (not home occupation); Family In-Home (*) (†)	1	2	2	2	2	2			2	1					
Day Care Center (*) (†)	3	3	2	<u>2</u>	<u>1</u>	<u>2</u>									
Funeral Home not associated with Cemetery / Crematorium	3										<u>1</u>				

Table 4-1		SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2
Hospital (*) Inside Institutional Overlay																
Hospital (*) Outside Institutional Overlay		3	3	3	3										3	3
Junior or Community College		3	3	3	3	2	2	2	2	2				2		2
Libraries (#)		3	3	3	2	1	2	4	1	1	1	1	1	4	4	+
Museums, Art Galleries		3	3	2	1	2	4	1	1	1	4	1	4	4		
Police, Fire Stations, Ambulance Service		3	3	3	2	2		1/2	1/2	4	1	1	4	4	1	1
Schools, Elementary and Middle (#)(#)		3	3	3	3	3					1	1	1	3		3
Senior High School(?)#)		3	3	3	3	3					3	3	3		3	
Business Schools(?)		3	3	3	3	3		2	2	4	1	1	4	2	2	
Community College / University - Inside Institutional Overlay																
Community College / University - Outside Institutional Overlay		3	3	3	3	3	2	2	2	2	2	2	2	2	2	2
Vocational Schools (1)		3	3	3	3	3	2		2	2	2	4	1	4	4	3
Storage of gravel and equipment for street construction		2	2	2	2	4	4	4	4	4	4	4	4	4	4	4
Treatment Centers For Drugs and Alcohol Rehabilitation						3	3	3	3	3	3	3	3	3	3	3
Wastewater Spravfield (1)		3													3	3
Zoo (*)		3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
HEALTH AND SOCIAL SERVICE FACILITY																
Boarding House (*)		3		3	3	3	3							1	2	
Group Homes (Six or fewer), Adult Family Home(?)		1	1	1	1	1	1						1	1	+	

(See YCC Section 15A.28)

Table 4-1		SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2
Hospital (*) Inside Institutional Overlay																
Hospital (*) Outside Institutional Overlay		3	3	3	3	3									3	3
Junior or Community College		3	3	3	3	2	2	2	2	2				2		2
Libraries (#)		3	3	3	2	1	2	4	1	1	1	4	4	4	+	
Museums, Art Galleries		3	3	2	1	2	4	1	1	1	4	1	4	4		
Police, Fire Stations, Ambulance Service		3	3	3	2	2		1/2	1/2	4	1	1	4	4	1	1
Schools, Elementary and Middle (#)(#)		3	3	3	3	3					1	1	1	3		3
Senior High School(?)#)		3	3	3	3	3					3	3	3		3	
Business Schools(?)		3	3	3	3	3		2	2	4	1	1	4	2	2	
Community College / University - Inside Institutional Overlay																
Community College / University - Outside Institutional Overlay		3	3	3	3	3	2	2	2	2	2	2	2	2	2	2
Vocational Schools (1)		3	3	3	3	3	2		2	2	2	4	1	4	4	3
Storage of gravel and equipment for street construction		2	2	2	2	4	4	4	4	4	4	4	4	4	4	4
Treatment Centers For Drugs and Alcohol Rehabilitation						3	3	3	3	3	3	3	3	3	3	3
Wastewater Spravfield (1)		3												3	3	
Zoo (*)		3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
HEALTH AND SOCIAL SERVICE FACILITY																
Boarding House (*)		3		3	3	3	3							1	2	
Group Homes (Six or fewer), Adult Family Home(?)		1	1	1	1	1	1						1	1	+	

(See YCC Section 15A.28)

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Table 4-1

Group	Homes (More than Six), Nursing Homes (*)	SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2
Convalescent and Nursing Homes (*)	3	3	2	2	2							3	4			
Halfway House /Clean and Sober Facility(*)			2									3	3			
Treatment Centers For Drug and Alcohol Rehabilitation				3	3	3	3					3	3	3	3	
MANUFACTURING																
Agricultural Product Support												2	2	2	1	1
Aircraft Parts												4			1	1
Aircraft-Industrial ^(*) Aircraft Commercial (*) and Industrial (*) uses on land owned by the Airport Board												4			1	2
Apparel and Accessories												3	2	2	1	1
Bakery Products (wholesale)												3.2	3.2	2	2	1
Beverage Industry(*)													2	2	1	1
Canning, Preserving and Packaging Fruits, Vegetables and Other Foods													2	2	1	1
Cement and Concrete Plants														3	1	
Chemicals (Industrial, Agricultural, Wood, etc.)														3	1	
Concrete, Gypsum and Plaster Products												2			1	1
Confectionery and Related Products (wholesale)												3.2	3.2	1	4	2
Cutlery, Hand Tools and General Hardware												4		3	1	1

Table 4-1	SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2
Product assembly															
Drugs									4	2				1	1
Electrical Transmission and Distribution Equipment									4		2			1	1
Electronic Components and Accessories and Product Assembly									4		2			1	1
Engineering, Medical, Optical, Dental, Scientific Instruments and Product Assembly									4		2			1	1
Fabricated Structural Metal Products									4		2			1	1
Food Processing									2	3	3			1	1
Furniture and Custom Cabinet Shops and Product Assembly									2	3	3			1	1
Glass Pottery and Related Products and Assembly									2	3	3			1	1
Grain Mill Products									3					1	1
Heating Apparatus Wood Stoves														1	1
Leather Products											3	4		1	1
Leather Tanning and Finishing														1	1
Machinery and Equipment											4	2		1	1
Meat, Poultry and Dairy Products												3		1	1
Metal Cans													3	4	1

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Table 4-1

	SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2	
Paints, Varnishes, Lacquers, Enamels and Allied Products															3	1
Paperboard Containers and Boxes										4	3				1	1
Planned Development, Industrial (*)															3	3
Plastic Products and Assembly									4	2				1	1	
Prefabricated Structural Wood Products and Containers									4					1	1	
Printing, Publishing and Binding																
Printing Trade (Service Industries)																
Rendering Plants, Slaughter Houses																
Rubber Products																
Sign Manufacturing and Product Assembly (*)										2	4	1			1	1
Sawmills and Planing Mills															3 2	1
Sheet Metal and Welding Shops															1	1
Stone Products (includes finishing of monuments for retail sale)																
Transportation Equipment, Including Trailers and Campers															1	1
Woodworking: Cabinets, Shelves, etc.										3	3	4	2	2	1	1
MINING/REFINING/OFF-SITE HAZARDOUS WASTE TREATMENT																
HAZARDOUS WASTE TREATMENT																
Asphalt Paving and Roofing Materials, Rock Crushing	3														3	1

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Table 4-1	SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2	
Mining Including Sand and Gravel Pits (*)	3														3	3
Stockpiling of Earthen Materials Not within FEMA Flood Plain(*)	2	2	2	1	1	4	1	1	1	1	1	1	1	1	1	1
Off-Site Hazardous Waste Treatment and Storage Facilities(*)					3									3	3	
RESIDENTIAL {Accessory uses, see 15A.04.050}																
Accessory Uses (*)																

Accessory Dwelling Unit (*) (See YACC 15A.09.045)	3	3	3	3	2	2										
Existing or New Detached Single-Family Dwelling on Existing Lots of 8,000 square feet or less																
Detached Single-Family Dwelling	1	1	1	1	1	1	2	2	2	2	2	2	2	2	2	4
Detached Single-Family Dwelling (zero lot line) (*) (See YCC 15A.09.040)	2	2	2	2	13	13	24	24	23	23	23	23	23	23	23	4
Attached Single-Family Dwelling (*), Common Wall (*)	2	2	1	1	43	43	24	24	23	23	23	23	23	23	23	3
Two-Family Dwelling (Duplex) (*)	23	23	1	1	42	42	24	24	23	23	23	23	23	23	23	3
Converted Dwelling (*)	23	23	2	2	2	2	2	2	2	2	2	2	2	2	2	4
Multifamily Dwelling (*){: 0-7 DU/NRA}	3	2	42	1	42	42	2	2	2	2	2	2	2	2	2	2
8-12 DU/NRA	3	2	1	42	42	42	2	2	2	2	2	2	2	2	2	2
13+ DU/NRA	3	12	42	42	42	42	2	2	2	2	2	2	2	2	2	2
Mixed Use Building					1	1	1	1	1	1	1	1	1	1	1	

See YMC YCC 15A.04.050

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Table 4-1

SR	R1	R2	R3	B1	B2	HB	SSC	LCC	AS	GC	CBD	RD	M1	M2
Multi-Family Above Ground Floor Non- residential				1	1		1	1	1	1	1	+	4	
Planned Development, Residential	3	3	3	3	3									
Planned Development (*)														
Mobile Home Parks (*)	3	3	2	2	2							2		
Mobile Home (*) or Manufactured Homes (*)														
Boarding House (-)	3	3	2 ½	1 ½	1 ½	2 ½	2					1	2	
Clean-and-Sober Facility or Halfway House (-)	3		2									2		
Retirement Homes (*)	2	3	3	2 ½	2 ½						1	+		
Temporary Hardship Units (See YCC 15A.04.110)	2	2	2	2	2	2	2	2	2	2	2	2	2	2

See YCC 15A.28

RETAIL TRADE, AND SERVICE

Addressing, Mailing, and Stenographic Services		1	1	2	1	1	1	1	1	1	1	4	4	
Advertising Agencies (See Office: Service Agencies)		4	4	2	4	4	4	4	1	1	1	4	4	
Airport Commercial (-)														2
Animal Clinic/Hospital/Veterinarian (*)	3		2	2		2	1	2	1	1	+	2	1	
Antique Stores			2	2	2	1	1	1	1	1	1	+		
Artist's Supplies				1	+	1	1	1	1	1	1	+	4	
Auction House for Goods (*)	3			3	3	3	3	3	3	3	3	2	2	2

See YCC 15A.04.120

RETAIL TRADE, AND SERVICE

Addressing, Mailing, and Stenographic Services		1	1	2	1	1	1	1	1	1	1	4	4	
Advertising Agencies (See Office: Service Agencies)		4	4	2	4	4	4	4	1	1	1	4	4	
Airport Commercial (-)														2
Animal Clinic/Hospital/Veterinarian (*)	3		2	2	2	1	2	1	1	1	1	+	2	1
Antique Stores			2	2	2	1	1	1	1	1	1	+		
Artist's Supplies				1	+	1	1	1	1	1	1	+	4	
Auction House for Goods (*)	3			3	3	3	3	3	3	3	3	2	2	2

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Table 4-1	SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CB	BD	M1	M2	
Auction House for Livestock (*)															3	3
Automobile: Truck, Manufactured Home & Travel-Trailer Sales Dealer			2				2			1	4-3	4			1	
New and Used Sales									1	1						
Weekend Automobile and Recreational Vehicle (RV) Sales									1	1		+				
Automotive: Car Wash / Detailing			2	4	4-2	1	4	1		1		+		4	2	
Parking Lots and Garages		2	1		1	1	+	1		1	+	+	1			
Maintenance and Repair Shops		2			1	1	2	1		2				2-1	2	
Paint and Body Repair Shops		2			3	1		1		1	4		1		1	2
Parts and Accessories (tires, batteries, etc.)		2			2	1	4	1		4-2	4		2			
Specialized Repair Shops (Radiator, etc.)		2			2	4				+				4		
Towing Services		2			3	4	+	3		+				2-1	2-1	
Alternative: Wrecking and Dismantling Yard (*) & Hulk Haulers (*)														3	1	
Bail Bonds										1	4-4	+				
Bakery	3-2	1	2-1	1	1	+	1			1	4	+				
Beauty and Barber Shops		2	1	2	1	1	4	1		1	4	4		2-2		
Bed and Breakfast Inn (*)	3-2		4-2			2	4-2			2	+					
Boats and Marine Accessories					2	2	2	2-1		1		+		2-1		
Books, Stationery, Office Supplies		2	1		1	1	+	1		1	+	+	2			
Building and Trade (e.g. Plumbering, Heating, Electrical, Painting, etc.)					2	2	2	2		+			+	2		

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Table 4-1

	SR	R1	R2	R3	B1	B2	HB	SSC	LCC	AS	GC	CBD	RD	M1	M2
Butcher Shop					1		1	1	1	1	1	1	1	2	1
Call Center (See Office:)				4-2			4-2-3	4-3	2	1	1	1	+	+	+
Camera Store			2	1	2	1	1	1	+	1	1	1	+	+	+
Candy Store			3-2	1	2	1	1	1	4	1	1	1	+	+	+
Clothing and Accessories			2	2-1	2	1	1	1	4	1	1	1	4	4	4
Coin and Stamp Shop			2	1	2	1	1	1	4	1	1	1	4	4	4
Commercial Services (1)			3	1	2	1	1	1	1	1	1	1	+	2	2
Communication Towers (*)															

See YCC 15A.04.130

Computer and Electronic Stores		2	1	2	1	1	1	1	4	1	1	1	+	+	+
Delicatessen (*)		3-2	1	2	1	1	1	1	+	1	1	1	+	+	+
Department, Discount, Variety Stores - (25,000 sq. ft. or less)				2		2	1	1	+	1	1	1	+	+	+
Department, Discount, Variety Stores - (25,001 sq. ft. or more)				3		3	1	1	1	1	1	1	+	+	+
Drug Stores (*) (optical goods, orthopedic supplies)		2	1	2	1	1	1	4	1	1	1	1	+	+	+
Employment Agencies (private) (See Office: Service Agencies)		+	+			+	+			1	1	1	+	+	+
Espresso / Coffee Drive-Through (*)		3	2			2	2	+	2	2	2	2	2	2	2
Espresso / Coffee Stand (*)		1	1	1	1	1	1	4	1	1	1	1	4	4	4
Fabric Store					1	2	1	1	4	1	1	1	2	3	1
Farm and Implements, Tools and Heavy Construction Equipment															1

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Table 4-1	SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2
Farm Supplies							<u>2</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>3</u>	<u>2</u>	<u>1</u>	
Financial Institutions				<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>4</u>	<u>2</u>	
Florist				<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>4</u>	<u>3</u>	
Food Store, Specialty					<u>1</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>4</u>	<u>4</u>	
Fuel Oil and Coal Distributors										<u>4</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>
Furniture, Home Furnishings, Appliances				<u>1</u>		<u>1</u>		<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>4</u>		
General Hardware, Garden Equipment and Supplies - (25,000 sq ft or less)					<u>2</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>4</u>		
General Hardware, Garden Equipment and Supplies - (25,000 sq ft or more)					<u>3</u>		<u>3</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>4</u>	<u>1</u>	
Gift Shop (*)					<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>4</u>	<u>3</u>	
Grocery Store (larger than 6,000 sq ft.)					<u>3</u>		<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>4</u>		
Grocery/Convenience Store Closed 10:00 p.m. to 6:00 a.m.					<u>2</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>4</u>	<u>2</u>	
Grocery/Convenience Store Open 10:00 p.m. to 6:00 a.m.						<u>3</u>	<u>3</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>4</u>	<u>2</u>	
Heating and Plumbing and Electrical Equipment Stores							<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>4</u>		
Heavy Equipment Storage, Maintenance and Repair		<u>3</u>										<u>4</u>		<u>1</u>	<u>1</u>
Insurance Agents, Brokers and Service Agencies (See : Office Service Agencies)												<u>4</u>	<u>4</u>	<u>4</u>	

Table 4-1

	SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2
Jewelry, Watches, Silverware Sales and Repair					1	2	1	1	1	+	1	+	4		
Kennels (*)	3													2	2
Laundries, Laundromats and Dry Cleaning Plants				2	2	1	1	+	1	-12				1	+
Liquor Stores					2	2	1			1	+	+			
Lumber Yards					3		2	1		1	+			1	1
Massage Therapy / Spa (*)				1	1	+	1	1	+	1	+	4			
Medical and Dental Laboratory, Offices and Clinic (See Office: Medical & Dental Laboratory Office and Clinic.)		3	4	+	2	2	+	4		1	+	+		2	
Motels and Hotels					2		2	1	+	1	+	4			
Motorcycles Sales/Repair (including maintenance)					2		1	2	1		1	-3	4	2	
Music Stores						2	2	1	+	1	+	4			
Nursery (*)	3					1	1	1	+	1	+	4	1		
Office															
Call Center					+	2		+	2	2	1	+	4	+	2
Contractor Building and Trade (e.g. Plumbing, Heating, Electrical, Painting, etc.)						2		2	2	1		2	1	1	4
Government						2	3		2	2	1	+	4	2	
Professional: (Architects, Attorneys, Engineers, Surveyors)				3	1	1	3	1	1	+	1	+	4	3	

Table 4-1	SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2
Medical and Dental Laboratory, Offices and Clinic	3	1	1	2	1	1	1	1	1	+	1	+	+	+	2
Service Agencies: (Advertising, Employment, Insurance, Real Estate, etc.)	1	1	1	2	1	1	1	1	1	+	1	+	+	+	
Outdoor Advertising (Billboards)															

See YCC 15A.08.130

Paint, Glass and Wallpaper Stores															
Pawn Broker															
Pet Stores, Pet Supplies and Dog Grooming															
Pet Daycare / Animal Training (*)	2														
Planned Development - Commercial (*)															
Printing, Photocopy Service															
Professional Office Buildings for Attorneys, Attorneys, Government, etc. (See Office, Professional)	3	4	+		2-3	4	+			1	+	1	+	1	2
Radio/TV Studio	3				3	2		1	1	1	+				2
Real Estate Offices (See Office, Service Agencies)															
Recycling Center (*)															
Rental: Auto, Truck, Trailer, Fleet Leasing Services with Storage															
Rental: Heavy Equipment (except automotive) with Storage															
Rental: Heavy Equipment (except automotive without storage)															

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Table 4-1

	SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CB	RD	M1	M2
Repairs: Small Appliances, TVs, Business Machines, Watches, etc.					1	2	1	1	1	+	1	42	4	1	
Repairs: Locksmiths and Gunsmiths					1	2	1	1	1	+	1	42	1	1	3
Repairs: Reupholstery and Furniture					2		2	1	1	+	1	2	1		
Repairs: Small Engine and Garden Equipment					2	2	32	1	+	1	2	1	2	1	3
Restaurant, Cafe and Drive-in Eating Facilities (*)#					3	1		1	1	+	1	1	4	1	
Seamstress, Tailor					1	4	1	1	1	+	1	4	4		
Second Hand Store (*)					3		3	3		2	3		2	2	
Service Station (*) Closed Between 10:00 p.m. and 6:00 a.m. (*)					2	3	1	1	+	1	4	4	1		
Service Station (*) Open Between 10:00 p.m. and 6:00 a.m. (*)					3	3	2	12	4	1	42	4	2		
Shoe Repair and Shoe Shine Shops					1	2	1	1	1	+	1	4	4	2	
Shooting Ranges (Indoor)					3		3	23		3	43		1		
Signs, printed, painted or carved					2			2	4	1	2		1	1	
Sporting Goods, Bicycle Shops					1	2	1	1	+	1	4	4	2		
Taverns (*), Bars, Dance Establishments (#)					3	32	2	1	+	1	4	4	1		
Technical Equipment Sales(*)					2	1	32	21	4	1	4	4	1		
Toy and Hobby Store					1	2	1	1	+	1	4	4	1		
Truck Service Stations and Shops										3	2	1	1		

Table 4-1

Table 4-1		SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2
Truck (Large) Manufactured Home & Travel Trailer Sales								2	4		1			3	1	
Video Sales/Rental				2	1		2	1	1	4	1	4	4		3 2	
Waste Material Processing and Junk Handling (*)											3		3	3	1	
TRANSPORTATION		TRANSPORTATION														
Bus Terminals										2+	1	4	4	1	1	1
Bus Storage and Maintenance Facilities										2		+		1	1	
Transportation Brokerage (*) Offices, without Truck Parking									2		2	4		1	1	
With Truck Parking														4	4	
Contract Truck Hauling, Rental of Trucks with Drivers											1			1	1	
Air, Rail, Truck Terminals (for short-term storage, office, etc.)											4		2	1	1	
Railroad Switch Yards, Maintenance and Repair Facilities, etc.														1	1	
Taxicab Terminals, Maintenance and Dispatching Centers, etc.											3	3	4		1	3
Airport Landing Field											3	4			4	
Airport Operations (*)											4			4		
UTILITIES		UTILITIES														
Power Generating Facilities														3	2	1

Table 4-1		SR	R1	R2	R3	B1	B2	HB	SCC	LCC	AS	GC	CBD	RD	M1	M2
Utility Services (substations, etc.)		3	3	3	3	3	3	3	3	3	3	3	3	3	1	1
WHOLESALE TRADE-STORAGE																
Warehouses (*)										3	2-4	2	1-2		1	1
Wholesale Trade (*)										2	2-4	1	1-2	4	1	1
Residential Mini-Storage (*)	3	3	3	3	3				3	3	2-4	2	2	3	1	1
Storage Facilities, Bulk (*)										2-4	2	3	1	1		
Storage Facilities Commercial (*)										3	2-4	2	2	3	1	1

Table Notes:

1. See section 15A.04.020.1(a-d) since Class (1) uses may require Class (2) review under certain conditions.
2. A higher level of review will be required if the use or development is in an overlay district; see section 15A.09.020.
3. (*) refers to a definition in section 15A.02.
4. Mobile home parks shall not exceed the maximum number of dwelling units per net residential acre established in Table 5-2.
5. Office-hazardous waste treatment and storage facilities shall be subject to the State siting criteria adopted in Chapter 70.105RCW.
1. *Refers to definition in YCC Ch. 15A.02
- 1 = Class (1) Permitted Use—may require Type (2) review under certain conditions (See Section 15A.04.020.
- 2 = Class (2) Requires Type 2 Administrative Review by the Administrative Official; may be referred to the Hearing Examiner.
- 3 = Class (3) Requires a Type 3 review Public Hearing by the Hearing Examiner

= Not Permitted

2. (*) refers to uses listed in subsection 15A.09.200(2)(b) which are subject to a required separation distance from adult entertainment facilities.

TABLE 4-2 TABLE OF PERMITTED HOME OCCUPATIONS

<u>HOME OCCUPATION USES</u>	<u>ZONING DISTRICTS</u>				
	<u>SR</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>B1</u>
	<u>SUBURBAN RESIDENTIAL</u>	<u>SINGLE-FAMILY RESIDENTIAL</u>	<u>TWO-FAMILY RESIDENTIAL</u>	<u>MULTI-FAMILY RESIDENTIAL</u>	<u>PROFESSIONAL BUSINESS</u>
Accountant	1	1	1	1	x
Architect	1	1	1	1	x
Artist, author, arts and crafts	1	1	1	1	x
Attorney	1	1	1	1	x
Barbershop, beauty parlor	2	2	2	2	x
Bed and Breakfast*	1	2	2 1	2 1	x
Business Administration	1	1	1	1	x
Cabinet, Mill work, carpentry work	2	x	x	x	2
Catering Service	2	2	2	2	2
Ceramics and sculpting	2	2	2	2	x
Composer	1	1	1	1	x
Daycare, Family Home*	1	1	1	1	1
Dentist	1	2	2	2	x
Dog Grooming	2	3	3	3	3
Dressmaker, seamstress, tailor	1	1	1	1	x
Engineer	1	1	1	1	x
Food Preparation*	1	2	1	1	1
Home Instruction*	1	1	1	1	1
1-5 Students					
6-8 Students	2	2	2	2	2
Insurance Agent	1	1	1	1	x
Locksmith	1	2	2	1	1
Massage Therapy/Spa*	1	1	1	1	1
Music Teacher	1	1	1	1	x
Photographer (not including productions studio)	1	2	2	2	x
Physician	1	2	2	2	x
Product Assemblage*	1	2	2	2	1
	<u>SR</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>B1</u>
Production of small articles by hand without the use of	1	2	2	2	x

<u>automated or production line equipment</u>					
<u>Radio, Television and Small Applicant Repair</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>x</u>
<u>Real Estate Agent</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>x</u>
<u>Secretarial, Phone Answering, Desk Top Publishing Service*</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>x</u>
<u>Small Engine Repair</u>	<u>2</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>Wedding Service</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>Unclassified Home Occupations:</u>	See Section 15A.04.090-120(f)				
<p><u>* = Refers to definition in Chapter 15A.02</u></p> <p><u>1 = Type (1) Permitted Home Occupation</u></p> <p><u>1 = Type (2) Review and Approval by the Administrative Official</u></p> <p><u>3 = Type (3) Review Public Hearing and Approval by the Hearing Examiner required</u></p> <p><u>x = Use Not Permitted</u></p>					

TABLE 4-3
REVIEW REQUIREMENTS FOR PREVIOUSLY TITLED MOBILE/MANUFACTURED HOMES

*Refers to definition in YCC Ch. 15.02	In approved or existing Mobile Home Parks	In approved or existing Manufactured Home subdivisions	On Individual Lots in the				
			SR	R-1	R-2	R-3	B-1
1 Permitted Use [Class (1) Review]							
2 Requires Review by Hearing Examiner [Class (2) Review]							
3 Requires Review by the Hearing Examiner [Class (3) Review]							
X Not Permitted							
Mobile Homes	1	X	X	X	X	X	X
Single-Wide Manufactured Homes [not meeting the siting criteria in 15A.04.120 160(c)]	1	2	2	X	3	3	X
Single-Wide Manufactured Homes [meeting the siting criteria in 15A.04.120 160(c)]	1	1	1	3	2	2	3
Multi-Wide Double-Wide Manufactured Homes [not meeting the siting criteria in 15A.04.120 160(c)]	1	1	2	X	3	3	X
Double-Wide Manufactured Homes [meeting the siting criteria in 15A.04.120 160(c)]	1	1	1	2	2	2	1

Note – No changes offered in 2008

Note: *Underlined colored text is added; strike-through text is deleted.*
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.05 SITE DESIGN AND IMPROVEMENT STANDARDS

Sections:

- 15A.05.010** Purpose.
- 15A.05.020** Site Design Requirements and Standards.
- 15A.05.030** Creation of New Lots—Subdivision Requirements.
- 15A.05.040** Vision Clearance at Intersections.
- 15A.05.050** Street Right-of-Way Dedication.
- 15A.05.055** New Development Improvement Standards
- 15A.05.060** Administrative Adjustment of Certain Basic Development Standards Allowed.

15A.05.010 Purpose.

The purpose of this section is to establish certain basic development requirements. These are the minimum criteria which must be met to assure land use compatibility and promote the public health, safety and welfare. Except, some of these requirements are flexible and may be adjusted by the Administrative Official or Hearing Examiner under the provisions of Chapter 15A.10. (Ord. 10-1985 §1 (part), 1986).

15A.05.020 Site Design Requirement and Standards.

- (a) **Table of Site Design Standards and Subdivision Requirements** - The provisions of this chapter and requirements in Table 5-1 "Site Design Requirements and Standards" and Table 5-2 "Subdivision Requirements" are hereby established for all development in the zoning districts indicated. (See tables at the end of this chapter.) (Ord. 93-81 §23, 1993; Ord. 3106 §11, 1988) (Ord. 95-13, §6, 1995) (See tables at the end of this chapter.)
- (b) **Development on Nonconforming Lots** - Development on nonconforming lots is governed by this section and Section 15A.19.040. Except as limited by this Title, any permitted use may be erected conducted on any lot legally created prior to the adoption of this Title. Such development and structures are subject to the following additional provisions:
 - (1) Detached single-family dwellings erected on nonconforming lots must meet the following criteria:
 - a) The setback dimensions of the structure conform to the regulations of this Title;

- b) The lot has at least twenty feet of frontage on, or a minimum twenty-foot wide access easement to, a public or private road;
- c) All other site design and development criteria other than the lot size requirements of Table 5-2 are met.

(2) Zero lot line, common wall, or duplex development may be permitted on such lots in the R-2, R-3 and B-1 districts only if the conditions of subsection (b)(1) of this section are met.

(3) Multifamily development may be permitted in the R-2, R-3, B-1, ~~CBD~~ and ~~CBDS~~ (GC) districts only if the criteria of subsection (b)(1) of this section are met.

(4) Zero lot line, common wall, duplex or multifamily development are not allowed on such lots in the SR and R-1 zones unless such development is the replacement or reconstruction of a destroyed or damaged existing use, as defined in Chapter 15A.19.

(5) Any permitted use or structure may be placed on a lot that is nonconforming as to width and/or lot area in the industrial and commercial districts, but only if the criteria of subsection (b)(1) of this section are met.

(c) Maximum Lot Coverage - Maximum lot coverage is the percentage of net land area of a site that can be covered with structures and other impervious surfaces. The maximum lot coverage in each district is shown in Table 5-1.

In the SR, and R-1 districts, this standard is intended to protect the open character of each district, and insure that land is available to accommodate septic tanks and drainfields. The intent in the R-2 and R-3 districts is to provide areas for landscaping and recreation. Maximum lot coverage requirements in the commercial districts are intended to promote development consistent with the character of the district, protect setbacks, and provide the opportunity to integrate open space and landscaping plans into the design and placement of the structure and off-street parking.

(d) Structure Setbacks - The minimum structure setbacks permitted in a particular zoning district with Class Type (1) review are as follows:

In the residential districts, structure setbacks are intended to provide privacy, light, air and emergency access. Setbacks along easements and rights-of-way are intended to minimize the impacts from traffic on adjoining property owners.

In the commercial districts, building setbacks provide visual clearance along streets and areas for site screening and landscaping.

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Structure setbacks are required in the industrial districts to provide fire protection, emergency access, and to reduce impacts on adjacent districts of lower intensity. No structure shall be built or located on or in an easement ~~unless written permission is obtained from the easement grantee. The use of an access easement by a structure shall only be allowed upon vacation/alteration of the easement in accordance with provisions established in the Yakima County Subdivision Ordinance.~~ The standard structure setback in each district is shown in Table 5-1.

(e) **Setbacks for Residential Accessory Structures** - The minimum setback for residential accessory structures in the residential districts shall be at least five feet from the side property line, five feet from the rear property line, and up to, but not within, the required front yard. Provided, that the accessory structure(s) shall not encroach on a public easement and applicable street setbacks are observed.

In the residential districts an accessory structure not requiring a building permit may be placed up to the side or rear property line if the structure will not encroach on a public easement and applicable street setbacks are observed.

(f) **Maximum Building Height** - **The maximum building height** is intended to maintain building heights compatible with the character and intent of the district. The maximum building height in each district is shown in Table 5-1.

(g) **Fences and Walls, Standard Height** - The following provisions shall govern the location and height of fences and walls:

(1) **In the front yard** - Fences and walls may be placed on or behind the property line. However, no fence, or wall shall exceed four feet (4') in height within the required front yard setback area, except must conform to clear view triangle standards where applicable. In the residential districts, six feet (6') shall be the maximum height in the front yard behind the required setback. In commercial and industrial districts eight feet (8') shall be the maximum height in the front yard behind the required setback.

(2) **In the side yard** - fences and walls may be placed on or behind the property line. **However, no fence or wall shall exceed four feet (4') in height within the required sideyard side yard setback area from a street.** In residential districts, six feet (6') shall be the maximum height behind the required street setback and in sideyards side yards not bordering a street. In the commercial and industrial districts, eight feet (8') shall be the maximum height behind the required street setback and in the sideyards side yards not bordering a street.

(2). **In the side yard and street side yard** - Fences and walls may be placed on or behind the property line. In residential districts, six feet shall be the maximum height, provided that no six foot street side yard fence shall extend past the front

corner of the dwelling into the front yard or be located within the clearview triangle. See Figure 5-1, Typical Residential Fence Location. In the commercial and industrial districts, eight feet shall be the maximum height.

- (3) In the rear yard - Fences and walls may be placed on or behind the property line. In the residential districts six feet is the maximum fence or wall height in the rear yard. Provided, that When the rear yard abuts a designated arterial, the maximum height shall be eight feet. Eight feet is the maximum rear yard fence height in the commercial and industrial districts.
- (4) Within the clearview triangle - No fence, hedge or wall exceeding 2.5 feet in height, shall be placed in the clearview triangles established in Section 15A.05.040 of this title.
- (4) ~~Within the clearview triangle: no fence, hedge or wall, exceeding 2.5 feet in height, shall be placed in the clearview triangles established in YCC 15A.05.040.~~
- (5) Fences over six feet in height - All fences over six feet in height shall meet the provisions of the Uniform International Building Code and YCC Title 13.
- (6) Fence height in combination with a retaining wall - No combination of a fence and retaining wall shall exceed a height of ten feet, measured from the lower elevation, except, existing retaining walls greater than ten feet in height at the time of the passage of this Title will be allowed a three and one-half-foot (3 1/2') fence above the retaining wall.

(h) Access Required - All new development shall have a minimum of twenty feet of lot frontage upon a public road or be served by an access easement at least twenty feet in width. The purpose of this standard is to provide for vehicular access to all new development. Provided, the construction of single-family and two-family dwellings on existing legally established lots are exempt from the requirements of this section.

(i) Standard Screen Height Recreational Screen - Is the maximum permitted height of a screen. A recreational screen is 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. (Ord. 3-1993 §§24-25, 1995) The specific standard for screen height in Table 5-1 does not apply to recreational screening as established by this Title. The height and materials for and need for screens will be evaluated by the Administrative Official based on the need, safety requirements, and relationship to residential and commercial properties and streets.

(j) Sidewalk Requirement - ~~Sidewalks on one side of the street are required with new construction, (except single-family structures).~~ A sidewalk is required if one exists

~~within 200 two hundred feet of the development on the same side of the street. Replacement of existing sidewalk is required only if existing sidewalk presents a safety hazard, except that for applications under the jurisdiction of the city of Yakima, the provisions of Title 12 of the Yakima Municipal Code shall prevail over the provisions of this section to the extent of any conflict between such provisions. (Ord. 9 1995 3, § 1995) See adopted Urban Growth Area street standards in YCC Title 14 and Table 5-3.~~

(k) Swimming Pools – Swimming pools are permitted as an accessory use to: dwellings, hotel/motels, boardinghouses, retirement homes, and other residential uses; schools, and recreational facilities when all of the following provisions are met:

(1) Setbacks:

- a) Front Yard – The swimming pool apron, and pumphouse meet the required front yard setback in Table 5-1.
- b) Side and Rear Yard – The swimming pool and pumphouse are set back at least three feet from the property line. The swimming pool apron may extend up to the property line.
- c) From an Easement – The swimming pool, apron, and pumphouse may extend up to, but shall not encroach upon, an easement.

(2) Fencing: The area around the pool is enclosed by a protective fence not less than four feet in height.

(l) Development within the State Fair Park – The following structures may be developed, maintained, altered, expanded, or erected within the State Fair Park without further zoning review provided such development is consistent with YCC 15A.04.135 (e), Allowable Uses, SEPA mitigation where required, the development standards of this code and other construction permit requirements:

<u>Administrative and operational offices;</u>	<u>Exposition structures;</u>
<u>Auditoriums, meeting and exhibit halls;</u>	<u>Grandstand facilities;</u>
<u>Bars and drinking facilities;</u>	<u>Libraries and museums;</u>
<u>Campgrounds;</u>	<u>Livestock barns;</u>
<u>Caretaker and/or employee residential quarters;</u>	<u>Motorized sports;</u>
<u>Equestrian facilities;</u>	<u>Parking facilities.</u>

15A.05.030 Creation of New Lots - Subdivision Requirements.

(a) Table of Subdivision Requirements. The provisions of this section and the requirements set forth in Table 5-2, "Subdivision Requirements", are hereby established for all subdivisions in the zoning districts indicated. In the case of conflict between the text and

tables, the text shall govern. Additional subdivision requirements are established in Yakima County Code Title 14, Chapters 14.28 and 14.32 and, the Yakima Municipal Code Chapters 14.30 and 14.35 this code.

(b) Maximum Number of Dwelling Units Per Net Residential Acre Maximum number of dwelling units permitted per net residential acre is used to determine the maximum number of dwelling units permitted within a single subdivision, short subdivision, mobile home park, multi family development, or planned residential development. This standard is intended to:

- (1) Assure that residential densities in new subdivisions, multi family developments, or planned residential developments are compatible with the existing or planned level of public services and the density of the zoning district; and,
- (2) Permit the clustering of dwelling units (when clustering occurs, open space shall be provided in accordance with Section YCC 15A.09.030); and,
- (3) Permit a variety of residential dwelling types within a development.

The following formula shall be used to determine the maximum number of dwelling units permitted for any particular subdivision, short subdivision, mobile home park, multi-family development or planned residential development:

THE MAXIMUM NUMBER OF UNITS PERMITTED ON A SITE = (the total site area in acres) (the area of streets, right of ways and, access easements, in acres) X (the maximum number of dwelling units permitted per net residential acre).

Any fraction of dwelling units shall be rounded up to the next highest whole number. Once approved under the provisions of this title, no subdivision, resubdivision, or short subdivision shall be further modified or divided in a manner that will raise the density of the subdivision beyond the maximum number of dwelling units permitted per net residential acre by Table 5-2. Provided that development exceeding the maximum number of dwelling units per net residential acre may be allowed in the R-1 and R-2 Districts as a Class (3) use in accordance with Table 4-1. This higher density development shall be allowed only on those limited occasions when, after Class (3) review, the Hearing Examiner.

(b) Minimum Lot Size. Minimum lot size is the smallest lot size permitted in a particular zoning district when land is subdivided, short platted, resubdivided, or when lot lines are adjusted. No lot shall be created that is smaller than the applicable minimum lot size standard established in Table 5-2.

(c) General Development Standards within the Urban Growth Area (UGA)

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(1) It is the intent of this Title and the comprehensive plan urbanization policies to:
(i) Provide for an orderly, phased transition from rural to urban uses within the
Urban Growth Area;
(ii) Facilitate coordinated and collaborative public infrastructure investment;
(iii) Prevent conversion of land in the urban growth areas to uses/densities that
cannot
be urbanized.
(iv) Require connection to public water and sewer systems where available,
including
interim community systems or facilities where feasible;
(v) Require urban standards for developments within the Urban Growth Area.
(2) Urban development standards shall be required within Urban Growth Areas,
including connection to public sewer and water service. To that end, no project
requiring potable water or sewage disposal shall be approved within the UGA
unless it can demonstrate that public sewer and water service consistent with
County and city standards is available; except as follows:

If public sewer and/or water service is not available to serve a proposed project
and extension of the system is not specified within the utility provider's capital
facility plan, the proponent shall extend the service, unless the Reviewing Official
and all other appropriate agencies authorize the use of interim systems.

When interim systems are authorized, the following improvements shall be
required as applicable:

(i) Double plumbing dry side sewer to connect the structure or use's on-site
system to public sewer when it becomes available;
(ii) Dryline sewer installation;
(iii) Interim community sewer system(s);
(iv) Community water supply system.

(3) All other urban development standards of this Title or adopted County, City or
State regulations, when applicable, (e.g. YCC 14.52) shall be met, except when
installation of permanent improvements would likely result in unnecessary future
public cost; in which case the developer may be required to place a proportional
share of funds in escrow to be applied to the future improvements.

(1) In residential districts, this standard is intended to maintain the residential
character of the area and will vary by dwelling type, the suitability of the land for
development, and the type of water and sewer system. The following are the
minimum lot size requirements in the residential districts, except when the
Yakima Health District determines that a larger area is necessary for the safe
installation of approved water supply and sewage disposal systems:

<u>Situation</u>	<u>Required Minimum Lot Size</u>
<u>In the Floodplain, Airport and Greenway Overlay Districts:</u>	<u>One acre (provided the minimum lot size of the underlying zoning district shall apply, when, in the opinion of the reviewing official, the lot has a buildable area outside the overlay district and a plat restriction prohibits development on that portion of the lot within the overlay district).</u>
<u>Individual water system and individual sewer system:</u>	<u>One half acre.</u>
<u>Public or community water system and an individual sewer system:</u>	<u>14,500 square feet.</u>
<u>Individual water system and the regional or an approved community sewer system:</u>	<u>9,600 square feet.</u>
<u>Public or community water system and the regional or an approved community sewer system:</u>	<u>See Table 5-2</u>

- (2) ~~The smaller lot size for zero lot line, attached and multifamily dwellings does not permit an increase in the maximum number of dwelling units per net residential acre established in subsection (B) of this section. Any lots created for zero lot line, attached and multifamily dwellings shall be so designated on the face of the plat or short plat.~~
- (3) ~~In the local business district, the minimum lot size is intended to maintain the character of the district and provide adequate space for off street parking and landscaping.~~
- (4) ~~The minimum lot size in the small and large convenience center districts and industrial districts are intended to accommodate the large uses permitted in these districts and maintain vacant land in relatively large parcels that can be easily assembled when development is proposed.~~
- (d) **Standard Lot Width** - Standard lot width is the minimum lot width generally permitted in a particular zoning district. The intent of this standard is to prevent irregularly shaped lots along, and to control access to, rights-of-way.

(e) Concurrent Subdivision and Zoning Review Required - Any application for a long subdivision which proposes a use or configuration of land or improvements which would require Class Type (2) or (3) review under this Title shall, at or prior to the filing of such application, also file an application for such review under this Title. Such application shall be heard by the Hearing Examiner concurrently with the subdivision application using the procedures for Class Type (3) review. (Ord. 10-1985 Mod. 12 § 13, 1988; Ord. 10-1985 Mod. 6 §§ 24, 25, 1987; Ord. 10-1985 § 1 (part), 1986).

15A.05.040 Vision Clearance at Intersections

(a) Intersections - All corner lots at street intersections or railroads shall maintain for safety vision purposes a triangular area, one angle of which shall be formed by the lot lines adjacent to the street(s) or railroad right-of-way. The sides of such triangle forming the corner angle shall be thirty feet in length measured along the sides of the aforementioned angle. The third side of the triangle shall be a straight line connecting the last two mentioned points. Within the area comprising the triangle nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights such a manner as to materially impede vision between the heights of two and one-half and ten feet above the centerline grades of intersecting streets and/or railroads. Landscaping meeting the height limits of this section is encouraged within the clear view triangles. The Administrative Official may consider the landscaped triangle area as part of any landscape requirement if planted and continuously maintained by the property owner(s).

All corner lots at unsignalized street intersections or railroads shall maintain, for safety vision purposes, a vision clearance triangle. The vision clearance triangle shall consist of the area bounded by the centerlines of the adjacent intersecting streets extending along the centerlines eighty feet from the point of intersection, and a straight line connecting said latter points. Provided that, when either of the intersecting streets has or will have eighty feet of right of way the vision clearance triangle shall be the area bounded by the centerlines of the adjacent intersecting streets extending along the centerlines one hundred feet from the point of intersection, and a straight line connecting said latter points. The vision clearance triangle shall measure fifteen feet by one hundred and twenty feet along the perpendicular lengths formed by three points including:

- (1) A point at the intersection of the extended curb lines or pavement edge/travel lanes;
- (2) A point measured one hundred and twenty feet from the first point, forming a line along the adjacent perpendicular street curb line or pavement edge/travel lane; and
- (3) A point measured fifteen feet from the first point, forming a line.

Nothing within the vision clearance triangle shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of two and one half and ten feet above the centerline of grades of intersecting streets (and/or railroads) or the future intersections centerline where improvements are programmed planned with the six year road improvement program, on file in the city engineering division. (See Figure 5-1).

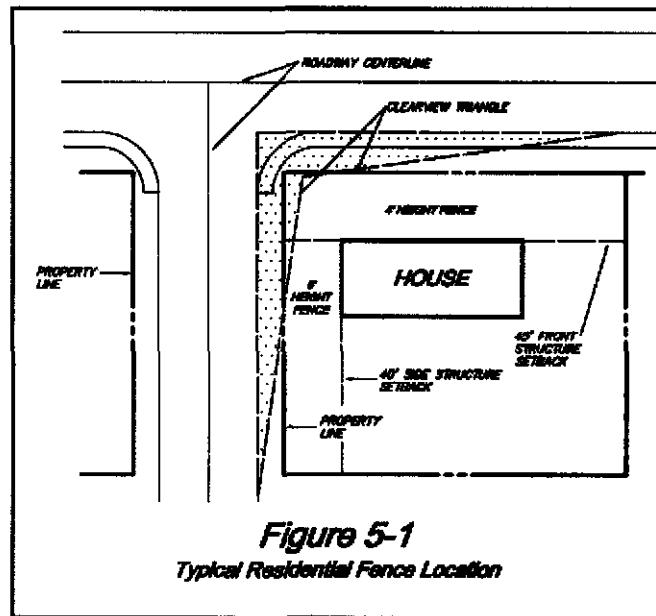


FIGURE 5-1 - Vision Clearance Triangle

b. Driveway Curbcuts or alleys – This subsection applies only to uses established under the terms of this Title.

Applies only to uses established under the terms of this title. A clearview vision clearance triangle shall be maintained at all driveways and, curbcuts and the intersection of an alley with a public street for vision and safety purposes. One angle shall be formed by lines a and b which are adjacent to the street and driveway. The line adjacent to the street shall follow the curbline or improved travel way. The sides of the triangle (a and b) forming the corner angle shall be fifteen feet (15') in length. The vision clearance triangle shall measure fifteen feet along the perpendicular street curb lines or pavement edge, or travel lane of the public street and fifteen feet along the driveway or alley. The third side of the triangle shall be a straight line connecting points c and d the fifteen foot sides described above. No sign or associated landscaping shall be placed within this

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triangle so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets. (Ord. 10-1985 Mod. 12 §14, 1988; Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §26, 1993)

15A.05.050 Street Right-of-Way Dedication

All new development shall dedicate, where necessary, street right-of-way in conformance with the ~~adopted Urban Area Street Standards in the county/city subdivision ordinance and the arterial street plan adopted in the Yakima Urban Area Comprehensive Plan~~. (Ord. 10-1985 §1 (part), 1986). ~~Yakima Urban Area Comprehensive Plan, except for application under the jurisdiction of the city of Yakima, the provisions of Title 12 of the Yakima Municipal Code shall prevail over the provisions of this section to the extent of any conflict between such provision.~~

15.05.055 New Development Improvement Standards

~~All development within the Urban Growth Area (UGA) must meet the County adopted Urban Area Street Standards of Table 5-3, Chapter 14.52 of the City of Yakima including the following: and the applicable provisions of Title 13 pertaining to the International Fire Code.~~

- a. ~~All residential development resulting in a combination of thirty or more existing and proposed housing units accessing a public street shall require two public street connections. Minimum requirements for the primary and secondary access will be at least 20 feet wide, unobstructed, paved lanes.~~
- b. ~~In order to promote safety for emergency access and circulation within and between new developments, cul-de-sac streets (public or private) shall not exceed 660 feet.~~

15A.05.060 Administrative Adjustment of Certain Basic Development Standards Allowed

Administrative adjustment of some of the basic development standards in this chapter are authorized under the zero lot line provisions of Chapter 15A.09 and the provisions of Chapter 15A.10. Except, as allowed by those provisions, no reduction of these standards is permitted except pursuant to Chapter 15A.21, Variances. (Ord. 10-1985 §1 (part), 1986)

TABLE 5-1 DESIGN REQUIREMENTS AND STANDARDS

SITE DESIGN REQUIREMENTS AND STANDARDS		ZONING DISTRICTS													
		SR	R1	R2	R3	HB	B1	B2	SCC	LCC	CBD	GC	AS	RD	M1
DEVELOPMENT ON EXISTING LOTS OR PARCELS		See Sections 15.05.020 and 15.19.040													
LOT COVERAGE ¹		45%	50%	80%		85%	90%	100%							
STANDARD STRUCTURE SETBACKS ⁵ (in feet)	FRONT	Arterials ²	60		40										
		Collector Arterials ²	50		30										
		Local Access ²	45												
		Private Road ²	37.50												
		Private Access Easement ^{3,7}			10										
	SIDE	Arterials ²	50		40										
		Collector Arterials ²	40		30										
		Local Access ²													
		Private Road ²	32.50												
		Private Access Easement ^{3, Alley, or Property Line²}	5		10	0									
		Residential District ⁴	5			20		30							
	REAR ⁵	Alley or Property Line			15	0									
		Residential District ⁴	15			20		30							
MAXIMUM BUILDING HEIGHT (in feet)		35	50	35	50	N/A	50	N/A							
STANDARD FENCE HEIGHT ⁶		See YCC 15A.05.020(g)													
STANDARD SCREEN HEIGHT	In Required Front Setbacks	Not Permitted													
	Behind Required Front Setbacks	15													

NOTES:

1. Landscaping may be required pursuant to YCC Ch. 15A.06.
2. The setback is measured from the centerline of rights-of-way (or access easement, in the case of private roads). In the Residential districts, the minimum front yard setback shall be 20 feet from the front property line and the minimum side yard setbacks shall be 10 feet from the side property line abutting the right-of-way.
3. The setback is measured from the edge of the access easement. Garages and carport entrances must be setback a minimum of 18 feet from the edge of a private access easement.
4. Measured from abutting residential district.
5. Additional setbacks may be required to conform to sitescreening requirements in YCC Ch. 15A.07.
6. The rear setback from arterials, collectors, and local access streets shall be the same as the front yard setback requirements from arterials, collectors, and local access streets, provided the required rear setbacks shall not be less than the required setbacks from the property line. (See also Note 3)
7. Zero lot line dwelling units are allowed a zero foot setback from one side property line not abutting a right-of-way. (See YCC Ch. 15A.09).

Table 5-2 Subdivision Requirements																
Subdivision Requirements		Zoning Districts														
		SR	R1	R2	R3	HB	B1	E2	SCC	LCC	EBD	GC	AS	RD	M1	M2
Maximum Number Of Dwelling Units Permitted Per Net Residential Acre		See YCC Ch. 15A.04, Table 4-1														
Detached S.F. Dwelling	7,000		6,000													
S.F. Dwelling, Zero Lot Line (4)		5,000		4,000												
S.F. Dwelling, Common Wall																
Two-Family Dwelling	8,000		7,000													
Multifamily Dwellings And PD - Residential	Density May Not Exceed Maximum Number Of Dwelling Units Permitted Per Net Residential Acre															
Permitted Nonresidential Uses ⁽⁵⁾	10,000		5,000		10,000		None									
Standard Lot Width (in feet)	ALL Except Common Wall Dwelling (Per Unit)															
	Common Wall Dwelling (Per Unit)	60	50	35												
Subdivision Requirements		SR	R1	R2	R3	HB	B1	E2	SCC	LCC	EBD	GC	AS	RD	M1	M2

NOTES:

1. In the Residential Districts (R-1, R-2, R-3, SR), these minimums apply when lots are served by a public or community water system and either the regional or approved community sewer system. Maximum density within the Residential Districts shall be the same as provided in Section 15A.03.030 for the Suburban Residential District where connection to a public water system or community/regional sewer system is not provided.
2. The lot width at the rear line of the required front yard shall not be less than 50 feet. (Note: this provision only applies to those districts with a minimum lot width of 50 feet or larger.)
3. One acre shall be the minimum lot size in Residential Districts within the Floodplain and Greenway Overlays.
4. See Special Development Standards for Zero Lot line Development, YCC 15A.09.040.
5. Lots created for utility purposes may be created below the minimum lot size listed in YCC Ch. 15A.05, Table 5-2, as long as the lot is designated as "non-buildable lot for utility purposes" on the face of the plat and the proposed lot is reviewed for compatibility. The lot must still meet the minimum lot width established in YCC Ch. 15A.05, Table 5-2, and structures built on the lot must still meet the setback requirements in YCC Ch. 15A.05, Table 5-1.

Table 5-3 Yakima Urban Growth Area Street Standards Summary

(Refer also to YCC Title 14, Subdivision Ordinance, Chapter 14.52)

Street Class	Item	Urban Growth Area Standard		
Principal Arterial	Right of Way Width	80' or tbd by Plan		
<u>Principal Arterial (in the Yakima Urban Growth Area include Summitview)</u>	Number of Lanes	4 or 5, tbd by Plan		
	Street surface width	tbd by Plan		
	lane width - exterior	14'		
	lane width - interior	11'		
	Turn lane	11'		
	Sidewalks	7'		
Minor Arterial	Right of Way Width	80' or tbd by Plan		
<u>Minor Arterials</u>	Number of Lanes	3 or 4, tbd by Plan		
	Street surface width	tbd by Plan		
	lane width - exterior	14'		
	lane width - interior	11'		
	Turn lane	11'		
	Sidewalks	7'		
Collector Arterial	Right of Way Width	70' or tbd by Plan		
<u>Collector Arterials</u>	Number of Lanes	2, 3 or 4, tbd by Plan		
	Street surface width	min. 35'		
	lane width - exterior	12' or 14'		
	lane width - interior	11'		
	Turn lane	11'		
	Sidewalks	7'		
Local Streets	Right of Way Width	60		
<u>Local Streets</u>	Number of Lanes	2		
	Street surface width	32' but may be reduced if no on-street parking		
	lane width	10' to 12'		
	Sidewalks	5'		
	sidewalk location	* Tiered program: No sidewalk if new cul-de-sac serves less than 10 homes (or units)		
		Sidewalk on one side if 10 to 30 housing units		
		Sidewalk on both side if more than 30 housing units		
Bike Lanes	Both City of Yakima and the County rely on Transportation Plans to determine if a bike lane is required. A shared lane (14' outside lane) may be appropriate in some cases. No bike lanes are required on local streets.			
tbd by Plan = To be determined by the Yakima Urban Area Comprehensive Plan as defined in this Title.				
Table 5-3 supercedes development standards in YCC14.52 in the event of a conflict.				

Note: *Underlined colored text is added; strike-through text is deleted.*
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.06 OFF-STREET PARKING AND LOADING

Sections:

- 15A.06.010 Purpose.
- 15A.06.020 Off-Street Parking and Loading Spaces Required.
- 15A.06.030 General Provisions.
- 15A.06.040 Off-Street Parking Standards.
- 15A.06.050 Computation of Required Spaces.
- 15A.06.060 Location of Required Spaces.
- 15A.06.065 Driveway Locations.
- 15A.06.070 Schedule of Minimum Parking Dimensions.
- 15A.06.080 Site plan Required.
- 15A.06.090 Required Landscaping of Parking Areas.
- 15A.06.100 Lighting.
- 15A.06.110 Construction and Maintenance.
- 15A.06.120 Time of Completion.
- 15A.06.130 Off-Street Loading Space Required.
- 15A.06.140 Nonconforming Parking.
- ~~15A.06.150 Handicapped Parking.~~

15A.06.010 Purpose.

The following parking standards are intended to assure establish adequate off-street parking, reduce on-street parking, increase traffic safety, maintain smooth traffic flow, and reduce the visual impact of parking lots. (Ord. 10-1985 §1 (part), 1986).

15A.06.020 Off-Street Parking and Loading Spaces Required.

No off-street parking or loading spaces shall be placed, constructed, located, relocated or modified after adoption of this Title without first receiving a development permit from the building Administrative Official. All vehicle storage, off-street parking and loading spaces which are not themselves a principal use are accessory uses and shall be subject to the same procedures and review requirements as the principal use. All off-street parking and vehicle storage shall be provided in conformance with the provisions of this chapter. (Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §27, 1993).

15A.06.030 General Provisions.

- (a) The off-street parking and loading facilities required by this section shall be established prior to any change in the use of land or structures and/or prior to the occupancy of any new or enlarged structure.
- (b) Required off-street parking spaces shall provide vehicle parking only for residents, customers, patrons, and employees, and Required parking shall not be used for the storage of vehicles or materials, the parking of company or business vehicles used in conducting the business, or for the sale, repair or servicing of any vehicle.
- (c) Any area once designated for required off-street parking shall not be used for any other purpose unless and until equal facilities are provided elsewhere and a site plan has been approved to reflect the change, or the primary use of the property is changed to a use requiring less off-street parking.
- (d) The required front yard in the R-3 district shall not be used for off-street parking for five four or more cars unless the three-foot strip nearest the front property line is landscaped and a two foot high concrete, masonry, or decorative block wall, or wood fence, or a solid landscaping screen is provided. (For corner lots see Section 15A.05.040, Vision Clearance at Intersections.) (~~Ord. 10-1985 §1 (part), 1986~~)
- (e) A Parking Circulation Plan is required for parking lots and the associated vehicular travel ways for multi-family and non-residential uses that have 5 or more required off-street parking spaces. The required off-street parking shall be designed in a manner that eliminates a need for backing and maneuvering from or onto streets, sidewalks, pedestrian ways or bikeways in order to exit a property or maneuver out of parking spaces. Further, the parking lot and associated travel ways shall be designed in a manner that provides for safe and adequate traffic flow.
 - (1) Loading paces and truck maneuvering areas shall be included in the Parking Circulation Plan.
 - (2) Drive-through lanes and related facilities shall be clearly shown on the Parking Circulation Plan.
 - (3) Driveway locations and specifications shall be shown on the Parking Circulation Plan and are subject to review for safety and traffic flow. The location of the driveways shall conform to Section 15A.06.065.
 - (4) The Parking Circulation Plan is a site plan requirement. Recommendations regarding adequate circulation may be received from the Traffic Engineering staff, City Engineering staff, Fire Department and other reviewing agencies. Additional mitigation or re-design may be required if the proposed circulation pattern creates safety conflicts.

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15A.06.040 Off-Street Parking Standards.

(a) **Table of Required Off-Street Parking** - The parking standards in Table 6-1, Table of Off-Street Parking Standards are established as the parking standards for the uses indicated. These parking requirements are based on gross floor area. Gross floor area means the total square footage of all floors in a structure as measured from the interior surface of each exterior wall of the structure and including halls, lobbies, enclosed porches and fully enclosed recreation areas and balconies, but excluding stairways, elevator shafts, attic space, mechanical rooms, restrooms, uncovered steps and fire escapes, private garages, carports, and off-street parking and loading spaces. Storage areas are included in gross floor area. However, the required off-street parking for storage areas shall be calculated at the rate of one space per five hundred (500) square feet rather than the specific parking standard established in Table 6-1. ~~Except~~ when the parking standard for the principal use would require fewer parking spaces (i.e., one space per six hundred (600) square feet.) All required off-street parking shall be subject to the procedures of this Title and the standards of this section.

(b) **Uses Not Specified.** Off-street parking requirements for uses not specifically listed in Table 6-1 shall be determined by the reviewing official based upon the requirement for similar uses.

(c) ~~Downtown Business District Exempt. The Downtown Business District of Yakima, as shown in Figure 6-1 and hereby adopted as a part of this chapter, shall be exempt from the provisions of this chapter as they relate to the number of parking spaces required; However, this exemption shall not apply to property that is used for residential purposes, and further provided, that all the other requirements of this chapter shall apply to any parking provided by the applicant. (Ord. 10 1985 Mod. 12 §15, 1988, Ord. 10 1985 Mod. 6 §27, 1987; Ord. 10 1985 §1 (part), 1986; Ord. 3 1993 §28, 1993; Ord. 9 1995, §4, 1995)~~

FIGURE 6-1: DOWNTOWN BUSINESS PARKING



FIGURE 6-1

15A.06.050 Computation of Required Spaces.

The following rules shall apply in the determination of the number of required off-street parking spaces:

- (a) Fraction - If the number of off-street parking spaces required in Table 6-1 contains a fraction, such number shall be changed to the next higher whole number.
- (b) Mixed Uses - When different uses occupy a single structure or lot, the total required parking spaces shall be the sum of the requirements of the individual uses.
- (c) Shared Uses -
 - (1) Owners of two or more uses, structures, or parcels of land within three hundred feet of each other may share the same parking or loading area when the hours of operation do not overlap.
 - (2) The owners of two or more uses, structures, or parcels within three hundred feet of each other may also share facilities concurrently; however, the total parking requirements shall be the sum of the requirements for each individual use.
 - (3) Whenever shared parking is allowed under this section, the parking lot shall be signed so as to reasonably notify the public of the availability of use, and spaces

shall not be assigned, allocated or reserved between uses. (Also see Section 15A.06.060.)

A parking agreement easement approved by the Administrative Official shall be filed with the county auditor whenever two or more uses propose to share off-street parking facilities.

- (d) Tandem Parking - Parking spaces in tandem, having a single means of ingress and egress, shall not be counted as two off-street parking spaces for the purpose of fulfilling the requirements of this chapter; except that, each tandem space for single-family and two-family (duplex) dwellings shall be counted as a required parking space. (Ord. 10-1985 Mod. 6 §28, 1987; Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §29, 1993)
- (e) Compact Car Parking - For parking areas with 20 or more required parking spaces, up to 15% of the required number of off-street parking spaces may be designed for compact car parking. Compact spaces shall be no less than 8 feet by 17 feet and each space must be labeled individually with a durable pavement marking "COMPACT".

15A.06.060 Location of Required Spaces.

Off-street parking facilities shall be located according to the following:

- (a) For single-family and two-family dwellings, parking facilities shall be located on the same lot or building site as the buildings they are required to serve.
- (b) For hospitals, convalescent, nursing or rest homes, parking facilities shall be located not more than one hundred fifty feet from the buildings they are required to serve. Unless they are part of an approved Master Plan or Campus Plan.
- (c) For uses other than those specified above, parking facilities shall not be located over three hundred feet from the buildings they are required to serve. Unless they are part of an approved Master Plan or Campus Plan.
- (d) Groups of five three or more parking spaces shall be served by a driveway so that no vehicular backing or maneuvering movement will occur within a public right-of-way other than an alley.
- (e) No parking lot or driveway serving a nonresidential use in a commercial or industrial district shall be located in a residential zoning district. (Ord. 10-1985 §1 (part), 1986).

15A.06.065 Driveway Locations.

All proposed or modified driveway approaches shall be shown on a general and detailed site plan. The locations shall conform to the following standards:

- (a) No driveway approach shall be so located as to create a hazard to pedestrians or motorists, or invite or compel illegal or unsafe traffic movements.
- (b) No driveway approach on a Local Access Street may be located closer to the street intersection corner than 30 feet as measured from the property line at the corner.
- (c) No driveway access to an Arterial Street shall be located within 75 feet (measured along the arterial) of any other such Arterial street access on the same side of the street.
- (d) No driveway access shall be allowed to an Arterial Street within 75 feet of the nearest right-of-way line of an un-signalized street intersection.
- (e) Internal driveways shall be paved and be minimum of 12 feet wide for one-way travel and 20 feet wide for two-way travel, or wider if required by the International Fire Code.
- (f) Driveway access shall be limited in the vicinity of a signalized street intersection. No driveway shall be permitted within 100 feet of a signalized intersection, as measured from the right-of-way line. Any driveway within 200 feet of the right-of-way line of the intersection shall be restricted to right turns only.
- (g) The construction of new driveway approaches from a public street or a modification of an existing driveway approach requires a construction permit pursuant to YCC 8.64 for the specifications of the driveway approach.
- (h) Adjustments from this section may be approved if the modification is reasonable and necessary, and does not create an unsafe condition for motorists or pedestrians.
- (i) Existing driveways in violation of these standards at the time of adoption will not be deemed non-conforming, but re-development of the property requires any new or modified driveway to be consistent with these standards.

15A.06.070 Schedule of Minimum Parking Dimensions.

Driveways and parking stalls shall conform to Table 6-2, which is hereby adopted as the schedule of minimum parking dimensions. (Ord. 10-1985 Mod. 6 §29, 1987; Ord. 10-1985 §1 (part), 1986)

15A.06.080 Site Plan Required.

A site plan for every new or enlarged off-street parking lot or motor vehicle sales area shall be approved by the Reviewing Administrative Official prior to construction. The site plan shall comply with the provisions for general or detailed site plans in pursuant to Sections 15A.11.040 and .050 and shall also show the proposed development, locations, size, shape and design of the parking spaces, Parking Circulation Plan, curb cuts, lighting, landscaping, irrigation and other

features of the proposed parking lot. The site plan shall be filed under the provisions of Section 15A.11.030. (Ord. 10-1985 §1 (part), 1986).

15A.06.090 Required Landscaping of Parking Areas.

- (a) The standard for landscaping of parking and vehicle storage lots with five or more spaces shall be five ten percent (5-10%) of the total parking area. This landscaping area may be included to satisfy the lot coverage (impermeable surface) requirements of Table 5-1. (Ord. 93-81 §30, 1993)
- (b) The planting area standard where required shall be a minimum of twenty-four square feet in-area with the exception of raised planter boxes around buildings.
- (c) A standard of one tree from an approved list shall be planted for every fifteen single-row parking stalls or every thirty double-row parking stalls within the parking lot.
- (d) Landscaping shall consist of combinations of trees, shrubs, and groundcover with careful consideration to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.
- (e) Landscaping shall be located within the parking area, such as in-between parking spaces or in parking "islands"; or around the perimeter of the parking lot.
- (f) Every parking area that abuts property in any residential district shall be separated from such property by a solid wall, view-obscuring fence, landscaped berm, or compact evergreen hedge at least six feet in height. The Administrative Official may increase the height, depth and content of said screening as necessary to adequately protect adjacent single-family residential development. The screening shall be provided and maintained along the property line of such lot except in the required front yard. (Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §30, 1993).

15A.06.100 Lighting.

Lighting shall be provided to illuminate any off-street parking or loading space used at night. When provided, lighting shall be directed to reflect away from adjacent and abutting properties. (Ord. 10-1985 §1 (part), 1986). Parking lots adjacent to residential districts or uses shall be designed with down-shielding and luminaries creating no lighting pollution upon those properties. A photometric lighting plan may be required if the parking lot is located adjacent or abutting residential properties. Further requirements and restriction are required when the property is located within the Airport Overlay District. (See Chapter 15A.30)

15A.06.110 Construction and Maintenance.

All off-street parking lots, driveways, travel ways, parking aisles, and vehicle storage and motor vehicle sales lots having a capacity of three (3) or more vehicles, shall be constructed in the following manner:

- (a) **Surfacing.** Paved with two-inch thick asphaltic surfacing on an aggregate base, or an equivalent surfacing acceptable to the reviewing official Administrative Official so as to eliminate dust or mud. Pervious asphalt or concrete materials is are encouraged.
- (b) **Grading and Drainage.** Graded and drained so all surface water is disposed of on-site. Grading and drainage facilities shall be designed according to accepted engineering standards, YCC Title 12.10 and the Eastern Washington Stormwater Manual, which will require review by the City Engineer Public Services Director or designee.
- (c) **Border Barricades.** Any parking, vehicle storage or motor vehicle sales area abutting the street property line shall provide a concrete curb or ~~timber~~ barrier at least six inches in height and located at least two feet from the street property line. The curb or ~~barrier~~ shall be securely anchored. No curb or ~~barrier~~ shall be required across any driveway or entrance to the parking area, or if the parking lot is separated from the street by a fence or hedge.
- (d) **Markings.** All parking spaces (except motor vehicle sales areas) shall be marked by durable painted lines at least four inches wide and extending the length of the stall or by curbs or other means approved by the reviewing official Administrative Official to indicate individual parking stalls. Signs or markers located on the parking lot surface shall be used as necessary to ensure safe and efficient use of the parking lot. In addition, when required all accessible parking spaces shall barrier free parking will be marked and signed in compliance with the currently adopted International Building Code, to comply with the Washington State Barrier Free requirements.

The owner or lessee of a required parking area shall maintain the paved surface, drainage facilities, landscaping and irrigation facilities in conformance with the standards of this chapter and the approved site plan. (Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §31, 1993)

15A.06.120 Time of Completion.

All parking required by this Title shall be installed prior to occupancy or commencement of use. Where compliance with this requirement is not possible, the Reviewing Administrative Official may grant an appropriate delay under the provisions of Section 15A.12.070(d), of this Title. (Ord. 10-1985 §1 (part), 1986).

15A.06.130 Off-Street Loading Space Required.

Off-street loading and unloading spaces shall be required for any use requiring frequent loading or unloading from trucks or other large vehicles. (See Parking Circulation Plan requirements in Section 15A.06.030).

- (a) Loading Space Size - The required loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loading or unloading at the structure. Each off-street loading space shall have the minimum dimensions of twelve feet in width and twenty-five feet in length. On-site maneuvering space of not less than fifty-two feet in length shall be provided adjacent to the loading dock. This maneuvering space shall not include any area designated for off-street parking.
- (b) Loading Space Location - Required off-street loading and related maneuvering space shall be located only on or abutting the property served. No part of any vehicle using the loading space shall project into the right-of-way of any public or private road. (Ord. 10-1985 §1 (part), 1986).

15A.06.140 Nonconforming Parking.

- (a) Any use which, on the effective date of this section or any amendments hereto, is nonconforming in terms of required off-street parking facilities may continue in the same manner as if they were conforming; however, the number of existing off-street parking spaces shall not be reduced.
- (b) When an existing structure with nonconforming parking is expanded and additional parking is required, the additional parking spaces shall be provided in accordance with the provisions of this Chapter; however, the number of additional spaces shall be computed only to the extent of the enlargement, regardless of whether or not the number of previously existing spaces satisfies the requirements of this Chapter.
- (c) When the use of an existing lot or structure with nonconforming parking is changed to another use listed in Table 4-1, the nonconformity shall cease and the new use shall provide all the required off-street parking in accordance with the provisions of this Chapter. However, this requirement may be waived or reduced by the Administrative Official for existing buildings and/or lots within the CBD or GC zoning districts, containing insufficient area to provide parking, provided the following factors are taken into consideration:
 1. New use has similar parking requirements to the previously approved use;
 2. The availability of on-street parking; and,
 3. The availability of nearby off-street parking or other opportunities to conform to the parking standard such as a shared parking agreement; and,
 4. Location of the business in proximity to the downtown business district exempt area (YMC § 15.06.040(C)).

15A.06.150 Handicapped Parking.

~~Handicapped parking shall be provided in accordance with RCW 19.27.030.5. The Washington State Barrier Free Code. (Ord. 10 1985 §1 (part), 1986).~~

15.06.150 Handicapped parking.

~~Handicapped parking shall be provided in accordance with the Washington State Barrier Free Code.~~

TABLE 6-1**TABLE OF OFF-STREET PARKING STANDARDS**

LAND USE	PARKING STANDARDS
AGRICULTURE (COMMERCIAL)	AGRICULTURE (COMMERCIAL)
Agriculturally related industries	1 space for each employee based on the maximum working at any given shift; or 1 space for each 300 square foot of gross floor area for packing and processing areas; 2 spaces for the first 1,000 sq. ft. of gross floor area, plus 1 space for each additional 5,000 sq. ft. for CA storage, warehouse, and refrigeration areas; whichever is deemed more appropriate by the reviewing official.
Storage facilities	2 spaces for the first 1,000 sq. ft. of gross floor area plus 1 space for each additional 3,000 sq. ft.
AMUSEMENT AND RECREATION	AMUSEMENT AND RECREATION
Game rooms, card rooms, electronic game rooms	1 space for each playing table, or for every each 3 seats or each every 3 machines, whichever is greater
Horse racing tracks, speedways, grandstands	1 space for each 3 fixed seats or 54" of bench seating
Bowling alleys	5 spaces for each lane
Gymnasiums, exercise facilities	1 space for each + 200 sq. ft. of gross floor area
Parks (public or private)	10 spaces per acre for passive recreation; 20 spaces per field for active recreation
Roller and or ice skating rink	1 space for each 250 <u>150</u> sq. ft. of skating surface area
Swimming pools	1 space for each 450 <u>50</u> sq. ft. of water surface area
Movie theatres	1 space for each 4 seats
Golf Course	5 spaces per green and 1 space per 300 sq. ft. of gross floor area
Golf Driving Range	1 space per tee or 1 space per 15 feet of driving line, whichever is greatest
Auditoriums, exhibition halls, <u>Community</u> Centers, fraternal organization	1 space for each 100 sq. ft. of gross floor area
COMMUNITY SERVICES	COMMUNITY SERVICES
Churches, synagogues, temples, and funeral homes	1 space for each 3 fixed seats (or 54" of bench type seating) + 1 space for each 40 sq. ft. of general reception/gathering area
Convalescent, nursing and group homes	1 space for each 2 beds
Clean & Sober Facility	1 space for each bedroom or sleeping area and 1 space per employee
Fire and police stations	1 space for each 200 sq. ft. of gross floor area
Halfway house (detention center)	1 space for each 2 beds

LAND USE	PARKING STANDARDS
COMMUNITY SERVICES (continued)	COMMUNITY SERVICES (continued)
Hospital	1.5 spaces for each bed
Schools: Primary, Elementary	3 spaces for each classroom, or 1 space for each 3 seats (54" bench type seating) in the assembly area, whichever is greater
Junior, Senior	Same as Primary/Elementary and 1 space for each 4 students over 16 yrs. old
Junior or community colleges	1 space for each 400 sq. ft. of gross floor area
Juvenile detention centers	1.5 spaces for each bed
Libraries	1 space for each 100 sq. ft. of gross floor area
Museums, art galleries	1 space for each 100 sq. ft. of gross floor area
Preschools, day care centers	1 space for each employee + 1 space for each 6 children
Vocational and business schools	1 space for each 400 sq. ft. of gross floor area
MANUFACTURING (MASS PRODUCTION)	MANUFACTURING (MASS PRODUCTION)
All uses listed under manufacturing in Table 4-1	1 space for each employee per maximum shift
RESIDENTIAL	RESIDENTIAL
Accessory Dwelling Unit	1 space
Single-family dwelling	2 spaces
Two-family dwellings	4 spaces
Multifamily dwellings (10 units or less) (more than 10 units)	2 spaces per dwelling 1.5 spaces per dwelling
Retirement homes	1 space for each dwelling unit
Planned Developments	See Planned Development Ordinance (YMC 15.28)
RETAIL TRADE AND SERVICES	RETAIL TRADE AND SERVICES
Addressing, mailing, and stenographic services	1 space for each 300 sq. ft. of gross floor area
Advertising agencies	1 space for each 300 sq. ft. of gross floor area
Automobile and truck, manufactured homes, travel trailer sales	1 space for each 500 sq. ft. of showroom and 1 space for each 1,000 sq. ft. of retail sales floor area
Automotive: Automobile maintenance and service shops Car wash Car wash, self service Paint and body repair Specialized repair shops (battery, radiator, etc.) Wrecking and dismantling yards	2 spaces per service area including work bays 6 spaces per wash bay 1 space for each 1,000 sq. ft. of gross floor area 2 spaces per service area including work bays 2 spaces per service area including work bays 1 space for each 500 sq. ft. of gross floor area
Wrecking and dismantling yards	1 space for each 500 sq. ft. of gross floor area

LAND USE	PARKING STANDARDS
RETAIL TRADE AND SERVICES (cont'd)	
Beauty and barber shops	1 space for each 75 sq. ft. of gross floor area
Bed and Breakfast Inn	1.1 spaces for each guest room
Building and contractors	1 space for each 800 sq. ft. of gross floor area
<u>Coffee restaurant / stand with or without drive-through</u>	<u>1 space for each 50 sq. ft. of gross floor area, including outside seating and 1 space for each employee</u>
Drug stores	1 space for each 200 sq. ft. of gross floor area
Employment agencies (private)	1 space for each 200 sq. ft. of gross floor area
<u>Espresso/coffee stand with or without drive-thru</u>	<u>1 space for each 50 sq. ft. of gross floor area, including outside seating, and 1 space for each employee</u>
Farm supplies	1 space for each 800 sq. ft. of gross floor area
Financial institutions	1 space for each 200 sq. ft. of gross floor area
Florist	1 space for each 500 sq. ft of gross floor area
Furniture, home furnishings, appliances	1 space for each 800 sq. ft. of gross floor area
Gas station	1 space for each 300 sq. ft. of gross floor area
Hardware store	1 space for each 300 sq. ft. of G.F.A. of structure and permanent outside display sales area
Heating and plumbing equipment stores	1 space for each 400 sq. ft. of gross floor area
Heavy equipment, tractor, and farm equipment repair	1 space for each 300 sq. ft. of gross floor area
Home occupations—See Section 15.04.090(E) (2)	See Section 15.04.090(E) (2) (1)
Household appliance, small engine, TV and furniture repair	1 space for each 300 sq. ft. of gross floor area
Insurance agents, brokers and service agencies	1 space for each 200 sq. ft. of gross floor area
Liquor stores	1 space for each 300 sq. ft. of gross floor area
Lumber yards	1 space for each 4-800 sq. ft. of gross floor area of structure and covered storage area
Nursery	1 space for each 400 sq. ft. of G.F.A. of structure and permanent outside display and sales area
Medical and dental laboratories, offices, and clinics	1 space for each 200 sq. ft. of gross floor area
Motels and hotels	1.2 spaces for each guest room

LAND USE	PARKING STANDARDS
RETAIL TRADE AND SERVICES (cont'd)	RETAIL TRADE AND SERVICES (cont'd)
Multiple use centers (3 or more uses with shared parking) —having less than 25,000 sq. ft. of gross floor area —having 25,001 - 400,000 sq. ft. of gross floor area —having 400,001 - 600,000 sq. ft. of gross floor area —having 600,001 + sq. ft. of gross floor area	1 space for each 300 sq. ft. of gross floor area 4 spaces for each 1,500 sq. ft. of gross floor area 5 spaces for each 2,250 sq. ft. of gross floor area 6 spaces for each 2,750 sq. ft. of gross floor area
Paint, glass, and wallpaper stores	1 space for each 400 sq. ft. of gross floor area
Professional office building for use by accountants, attorneys, etc.	1 space for each 200 sq. ft. of gross floor area
Radio and TV studios, offices	1 space for each 300 sq. ft. of gross floor area
Real estate offices	1 space for each 200 sq. ft. of gross floor area
Residential mini-storage	1 space for each 300 sq. ft. of gross floor area of office space
<u>Restaurants, café, and drive-in eating facilities</u>	<u>1 space for each 50 sq. ft. of indoor public floor area, and 1 space for each 200 sq. ft. of outdoor public eating area</u>
Retail service establishments in Table 4.1 but not listed in this table	1 space for each 300 sq. ft. of gross floor area
Retail trade establishments in Table 4.1 but not listed in this table —less than 25,000 sq. ft. of gross floor area —25,001—400,000 sq. ft. of gross floor area —400,001—600,000 sq. ft. of gross floor area —600,001 + sq. ft. of gross floor area	1 space for each 300 sq. ft. of gross floor area 4 spaces for each 1,500 sq. ft. of gross floor area 5 spaces for each 2,250 sq. ft. of gross floor area 6 spaces for each 2,750 sq. ft. of gross floor area
Service stations	2 spaces for working/service area, including bays
Shoe repair and shoe shops	1 space for each 300 sq. ft. of gross floor area
Taverns and bars, dine, drink, and dance establishments	1 space for each 75 sq. ft. of gross floor area
Waste material processing and junk handling	1 space for each 500 sq. ft. of gross floor area
TRANSPORTATION	TRANSPORTATION
Bus terminals, storage and maintenance facilities	1 space for each 500 <u>300</u> sq. ft. of gross floor area
Air, rail and truck terminal	1 space for each 300 sq. ft. of gross floor area
Taxicab terminals, maintenance and dispatching centers	1 space for each 300 sq. ft. of gross floor area

UTILITIES	UTILITIES
Utility services	1 space for each 800 sq. ft. of gross floor area
WHOLESALE TRADE	WHOLESALE TRADE
Wholesale trade warehouses	<u>1 space for each employee based on the maximum working at any given shift; or</u> <u>1 space for each 300 square foot of gross floor area for packing and processing areas;</u> <u>2 spaces for the first 1,000 sq. ft. of gross floor area, plus 1 space for each additional 3,000 5,000 sq. ft. for CA storage, warehouse, and refrigeration areas; whichever is deemed more appropriate by the reviewing official.</u>
Residential mini-storage	See residential mini-storage under Retail and Service category

How to Use Table 6-1:

1. Calculate the gross floor area for the structure. (See Section 15A.06.040 to determine gross floor area.)
2. Determine the amount of gross floor area used for storage rooms.
3. Required off-street parking for storage is one space per 500 square feet.
4. Find the proposed use in Table 6-1.

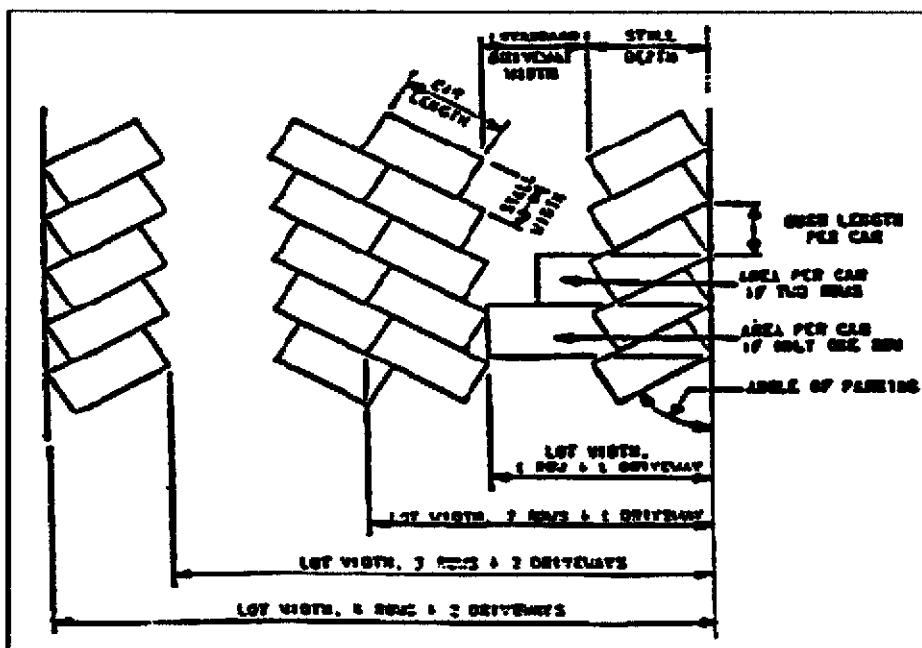
Example:

- The gross floor area of the structure is 3,000 sq. ft.
1,000 sq. ft. of the structure is used for storage. The parking standard for storage rooms is one space per 500 sq. ft. (Section 15A.06.040).
- $1,000 + 500 = 2$ off-street parking spaces for the storage area.
- The proposed use is a shoe shop. According to Table 6-1, shoe shops require one off-street parking space for each 300 sq. ft. of gross floor area.
- $2,000 + 300 = 6.6$ or seven spaces since fractions of parking spaces are rounded up (Section 15A.06.050(2)).
- The total required off-street parking of this use is:
2 spaces (for storage area)
+ 7 spaces (for the rest of the gross area) = 9 spaces.

**TABLE 6-2 STANDARD PARKING LOT DIMENSIONS
(REFER TO DIAGRAM BELOW / ALL DIMENSIONS ARE
BASED ON A BASIC 9' X 19' STALL)**

ANGLE OF PARKING ALONG CURB	STALL WIDTH	CURB LENGTH PER CAR	STALL DEPTH	MINIMUM DRIVEWAY WIDTH1	LOT WIDTH 1 ROW + 1 DRIVEWAY	SQ FT PER CAR	LOT WIDTH 2 ROWS + 1 DRIVEWAY	SQ FT PER CAR	LOT WIDTH 3 ROWS + 2 DRIVEWAYS	SQ FT PER CAR	LOT WIDTH 4 ROWS + 2 DRIVEWAYS	SQ FT PER CAR
ALONG CURB-0°	8'	23'	8'	12'	20'	460	28'	322	48'	368	56'	322
30°	9'	18' 17"3"	11'	28'4"	510	45'6"	411	66'2"	397	83'6"	376	
45°	9'	12'7"19'8"	13'	32'10"	420	52'5"	336	79'0"	376	98'10"	315	
60°	9'	10'4"21'0"	18'	39'0"	407	60'	313	95'0"	330	116'0"	305	
90°	9'	9'	19'	24'	43'	387	62'	279	105'	315	124'	279

- Ninety degree parking permits two-way travel if the angle is less than ninety degrees. Driveway travel shall be one way.



**FIGURE 6-2
▲ Minimum
DriveWAY Width**

- ▲ Curb Length Per Car
- ▲ Area per car if Two Rows
- ▲ Area per car if only One Row
- ▲ Angle of parking

Note: *Underlined colored text is added; strike-through text is deleted.*
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.07 SITESCREENING

Sections:

- 15A.07.010 Purpose.
- 15A.07.020 Sitescreening Required.
- 15A.07.030 Determination of Sitescreening Requirements.
- 15A.07.040 Sitescreening Standards.
- 15A.07.050 Table of Required Sitescreening Standards.
- 15A.07.060 Sitescreening Along Streets.
- 15A.07.070 Location.
- 15A.07.080 Existing Plant Material.
- 15A.07.090 Preparation of a Sitescreening Plan.
- 15A.07.100 Time of Completion.
- 15A.07.110 Retention and Maintenance.

15A.07.010 Purpose.

The purpose of this section is to establish sitescreening standards to provide a visual buffer between uses of different intensity, streets and structures, reduce erosion and stormwater runoff, protect property values, and eliminate potential land use conflicts by mitigating adverse impacts from dust, odor, litter, noise, glare, lights, signs, buildings or parking areas. (Ord. 10-1985 §1 (part), 1986).

15A.07.020 Sitescreening Required.

Sitescreening shall be required along the property lines in accordance with the provisions of this chapter whenever any use, development, or modification to use or development is being reviewed under this Title. ~~Provided, The construction of single-family residences or duplexes not part of a larger development are exempt from this chapter unless the site abuts a commercial zoned district, and No sitescreening is required along a property line shared with a vacant parcel, except where a non-residential use is developed upon a vacant parcel in the SR or R-1 zone.~~ The provisions of this chapter also apply to the approval of any residential subdivisions and planned residential development. (Ord. 10-1985 §1 (part), 1986).

15A.07.030 Determination of Sitescreening Requirements.

The Reviewing Official may adjust the vision sitescreening standards in this chapter by approving other sitescreening plans pursuant to the provisions of Section 15A.10.020 and Section 15A.10.030. (~~Ord. 10-1985 §1 (part), 1986~~).

15A.07.040 Sitescreening Standards.

Sitescreening requirements vary depending on the intensity of both the proposed use and its neighbors abutting properties. Three different standards, A, B and C, are hereby established to accommodate the range of sitescreening needs.

- (a) **STANDARD A** - A ten-foot wide landscaped planting strip with trees at twenty-feet to thirty-foot centers, which include shrubs, and groundcover.
- (b) **STANDARD B** - A three-foot-wide planting strip that will create a living evergreen screen that is at least six feet in height within three years.
- (c) **STANDARD C** - A six-foot-high, view-obscuring fence, made of wood, masonry block, concrete or slatted chain link material. A three-foot-wide planting strip landscaped with a combination of tree, shrubs and groundcover along the outside of the fence is also required when the fence is adjacent to streets, alleys and pedestrian ways.

Provisions (a), (b) and (c) are standards for the size of sitescreening area and the density and type of landscaping/planting. The developer may substitute a higher sitescreening standard, with standard C being higher than B, and B being higher than A.

Other sitescreening plans that improve the site design and achieve the purpose of this section may also be approved by the Reviewing Official in accordance with Chapter 15A.10. All sitescreening shall also conform to the provisions of Section 15A.05.040 vision clearance at intersections. (~~Ord 10-1985 §1 (part), 1986~~).

15A.07.050 Table of Required Sitescreening Standards.

Table 7-1 titled "Required Sitescreening Between Uses and Development" is hereby adopted as part of this chapter. The letter designation in this table refers to the sitescreening standards in Section 15A.07.040. (~~Ord. 10-1985 Mod. 6 §30, 1987; Ord. 10-1985 §1 (part), 1986~~)

15A.07.060 Sitescreening Along Streets.

Sitescreening standard A shall apply wherever sitescreening is required under Table 7-1 and the adjoining land use is separated from the proposed use or development by a collector or local

access street. The Reviewing Official may also require sitescreening Standard A along an arterial when such action is consistent with the purpose of this chapter. (Ord. 10-1985 §1 (part), 1986)

15A.07.070 Location.

Generally all required sitescreening shall:

- (a) Be located on the perimeter of a lot or parcel upon which the development occurs;
- (b) Extend from lot line to lot line;
- (c) Adhere to applicable Setback Standards of Chapter 15A.05; and
- (e) (d) Not be located on any portion of a public or private street, dedicated right-of-way, access easement or vision clearance triangle. (Ord. 10-1985 §1 (part), 1986)

15A.07.080 Existing Plant Material.

Existing trees and other vegetation may be used for sitescreening if they are healthy and will satisfy the purpose of this section. (Ord. 10-1985 §1 (part), 1986)

15A.07.090 Preparation of a Sitescreening Plan.

The Reviewing Official may require a vision sitescreening plan showing the approximate location, height, size and type of all plantings and fences whenever sitescreening is required. (Ord. 10-1985 Mod. 6 §31, 1987; Ord. 10-1985 §1 (part), 1986)

15A.07.100 Time of Completion.

All sitescreening required by this Title shall be installed prior to occupancy or commencement of use. Where compliance with this requirement is not possible because of seasonal planting limitations, the reviewing official Administrative Official shall may grant an appropriate delay. However, no permanent Certificate of Zoning Review or Certificate of Occupancy shall be issued until all required sitescreening is completed. (Ord. 10-1985 §1 (part), 1986)

15A.07.110 Retention and Maintenance.

All sitescreening shall be maintained in accordance with the purpose and intent of this chapter. It is the property owner's obligation and responsibility to maintain the sitescreening approved. In the event the sitescreening deteriorates or is not maintained in a condition consistent with plan approval, the County/city may at its option cause necessary maintenance to be performed and assess the costs thereof to the property owner. These costs shall constitute a lien on the property, from the date of filing a notice of lien in the office of the County Auditor. The lien shall state the legal description of the property and the amount of costs assessed. Such lien may be foreclosed

by the County/city in the manner provided by law for the foreclosure of mortgages. (Ord. 10-1985 Mod. 6 §32, 1987; Ord. 10-1985 §1 (part), 1986)

TABLE 7-1 REQUIRED SITE SCREENING BETWEEN USES AND DEVELOPMENT

COLUMN 1 Lowest Intensity District in which the PROPOSED LAND USE is a Class (1) Use	Lowest Intensity District in which ADJACENT use is Class (1) Use													
	Lower ← District Intensity → Higher													
	SR	R1	R2	R3	B1	B2	SCC	LCC	AS	GC	CBD	RD	M1	M2
SR			A		A	C	C	C	E	C	E	E	C	C
R1			B	C	C	C	C	C	E	C	E	E	C	C
R2	A	B		C	B	C	C	C	E	C	E	E	C	C
R3	A	A	A		A	B	C	C	E	C	E	E	C	C
B1	A	B	B	A									B	B
B2	C	C	C	B									B	B
SCC	C	C	C	C									B	B
LCC	C	C	C	C									A	B
AS	E	E	E	E										
GC	C	C	C	C									A	B
CBD	E	E	E	E									A	B
CBDS	E	E	E	E									A	B
RD	E	E	E	E									E	E
M1	C	C	C	C	B	B	B	A		A	A	E		
M2	C	C	C	C	B	B	B	B		B	B	E		

Sitescreening Generally Not Required

Letters refer to the sitescreening standards in 15A.07.040

Notes: a) Sitescreening shall not be required for the construction of Single-Family dwellings and duplexes not part of a larger development (15A.07.020).
b) M-2 is the highest intensity zoning district and the remaining zoning districts decrease in intensity in the following sequence: M-1, CBDS-GC CBC, LCC, SCC, B-2, B-1, R-3, R-2, R-1 and SR

HOW TO USE TABLE 7-1

Example: Proposed Use Residential Mini-Storage

1. Refer to Table 4-1 to find Lowest Density Zoning District in which the proposed use is permitted as a Class 1 use. For residential mini-storage this is M-1. Find this district in Column 1 above.
2. Refer to Table 4-1 to find the lowest Intensity District in which each adjoining use is permitted as a Class (1) use. If an adjoining use is not a Class (1) use in any district sitescreening, standard C is the required sitescreening standard along that property line.

Adjoining Uses: North Single-family dwellings

Lowest Intensity District Class (1) Use = SR

South Tavern

Lowest Intensity District Class (1) Use = LCC

East Employment Agency

Lowest Intensity District Class (1) Use = B-2

West Vacant

3. Use Table 7-1 to find the recommended sitescreening to be provided by proposed use. The recommended level of sitescreening is the letter in the intersection of the district found in Step 1 with each district noted in Step 2. (In this example: SR=C; LCC=A; B2=B; Vacant=None. Refer to specific sitescreening standards in YCC 15A.07.040. Prepare sitescreening plan. See YCC 15A.07.040.
4. Refer to specific sitescreening standards in 15A.07.040.

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5. Prepare sitescreening plan. See Section 15A.07.040.

Note: Underlined colored text is added; ~~strike-through text~~ is deleted.
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.08 SIGNS

Sections:

- 15A.08.010 Purpose.
- 15A.08.020 Definitions.
- 15A.08.030 Development Permit Required.
- 15A.08.040 Exempt Signs.
- 15A.08.050 Prohibited Signs.
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- 15A.08.080 Projection Over Right-of-Way.
- 15A.08.090 Roof Signs.
- 15A.08.100 Wall Signs.
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- 15A.08.120 Directional Signs.
- 15A.08.130 Off-Premises Signs and Billboards.
- 15A.08.140 Multiple-Building Complexes and Multiple-Tenant Buildings.
- 15A.08.150 Freeway Signs.
- 15A.08.160 Legal Nonconforming Signs.
- 15A.08.170 Administrative Adjustment of Sign Standards Allowed.
- 15A.08.180 Variances.
- 15A.08.190 Violations.

15A.08.010 Purpose.

The purpose of this section is to accommodate and promote: sign placement consistent with the character and intent of the zoning district; proper sign maintenance; elimination of visual clutter; and creative and innovative sign design. To accomplish this purpose, the posting, displaying, erecting, use and maintenance of signs within the urban area, shall occur in accordance with this chapter. (Ord. 10-1985 §1 (part), 1986)

15A.08.020 Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words and derivatives shall be construed as specified herein.

- (1) **Abandoned Sign** means any sign located on property that is vacant and unoccupied for a period of six months or more, or any sign which pertains to any occupant, business or event unrelated to the present occupant or use.
- (2) **Banner** means any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges. National flags, state, local flags or any official flag at an institution or business will not be considered banners.
- (3) **Canopy Sign** means any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.
- (4) **Changing Message Center Sign** means an electronically controlled sign where different automatic changing messages are shown on the lampbank. This definition includes time and temperature displays.
- (5) **Construction Sign** means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and to show the design of the building or the purpose for which the building is intended.
- (6) **Directional Sign** -- see Section 15A.08.020(13)(15), "Off-premises Directional Sign", and Section 15A.08.020(15)(16), "On-premises Directional Sign". Also see Section 15A.08.120. Also see Section 15A.08.120.
- (7) **Electrical Sign** means a sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.
- (8) **Flashing Sign** means an electric sign or a portion thereof (except changing message centers) which changes light intensity in a sudden transitory burst, or which switches on and off in a constant pattern in which more than one-third of the non-constant light source is off at any one time.
- (9) **Freestanding Sign** means any sign supported by one or more uprights, poles or braces in or upon the ground.
- (10) **Freeway Sign** means a freestanding sign designed and placed to attract the attention of freeway traffic. See Section 15A.08.150.
- (11) **Grand Opening Sign** means temporary signs, posters, banners, strings of lights, clusters of flags, balloons and searchlights used to announce the opening of a completely new enterprise or the opening of an enterprise under new management.
- (12) **Multiple-Building Complex** is a group of structures housing two or more retail offices, or commercial uses sharing the same lot, access and/or parking facilities, or a coordinated

site plan. For purposes of this section, each multiple building complex shall be considered a single use.

- (13) **Multiple-Tenant Building** is a single structure housing two or more retail offices, or commercial uses sharing the same lot, access and/or parking facilities, or a coordinated site plan. For purposes of this section, each multiple building complex shall be considered a single use. See Section 15A.08.140.
- (14) **Off-Premise Sign** means a sign which advertises or promotes merchandise, service, goods, or entertainment which are sold, produced, manufactured or furnished at a place other than on the property on which said sign is located. See Section 15A.08.130.
- (15) **Off-Premise Directional Sign** means an off-premise sign with directions to a particular business. See Section 15A.08.120(b).
- (16) **On-Premise Sign** means a sign incidental to a lawful use of the premises on which it is located, advertising the business transacted, services rendered, goods sold or products produced on the premises or the name of the business, name of the person, firm or corporation occupying the premises. See Section 15A.08.120(a).
- (17) **On-Premise Directional Sign** means a sign directing pedestrian or vehicular traffic to parking, entrances, exits, service areas, or other on-site locations. See Section 15A.08.120(a).
- (18) **Political Sign** means a sign advertising a candidate or candidates for public elective offices, or a political party, or a sign urging a particular vote on a public issue decided by ballot.
- (19) **Portable Sign** means a temporary sign made of wood, metal, plastic, or other durable material, which is not attached to the ground or a structure. This definition includes sidewalk, sandwich boards and portable readerboards (also see Section 15A.08.020(28-29), temporary sign).
- (20) **Projecting Sign** means a sign, other than a wall sign, that is attached to and projects from a structure or building face.
- (21) **Real Estate Sign** means any sign pertaining to the sale, lease or rental of land or buildings.
- (22) **Roof Sign** means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design. See Section 15A.08.090.

- (23) **Sign** means any medium, including its structural component parts which is used or intended to attract attention to the subject matter that identifies, advertises and/or promotes an activity, product, service, place, business or any other thing.
- (24) **Sign Area** means that area contained within a single continuous perimeter which encloses the entire sign cabinet, but excluding any support or framing structure that does not convey a message.

FIGURE 8-1 (See Attached)

- (25) **Sign Cabinet** means the module or background containing the advertising message but excluding sign supports, architectural framing or other decorative features which contain no written or advertising copy.
- (26) **Sign Height** means the vertical distance measured from the grade below the sign or upper surface of the nearest street curb, whichever permits the greatest height, to the highest point of the sign.
- (27) **Sign Setback** means the horizontal distance from the property line to the nearest edge of the sign cabinet.
- (28) **Street Frontage** means the length in feet of a property line(s) or lot line(s) bordering a public street. For corner lots each streetside property line shall be a separate street frontage. The frontage for a single use or development on two or more lots shall be the sum of the individual lot frontages.

FIGURE 8-2 (See Attached)

- (29) **Temporary Sign** means any sign, banner, pennant, valance, or advertising display constructed of cloth, paper, canvas, cardboard, or other light non-durable materials and portable signs as defined in Section 15A.08.020(18)-(19). Types of displays included in this category are: grand opening, special sales, special event and garage sale signs. See Section 15A.08.110.
- (30) **Use Identification Sign** means a sign used to identify and/or contain information pertaining to a school, church, residential development, or a legal business other than a home occupation in a residential district.
- (31) **Wall Sign** means any on-premises sign attached to or painted directly on, or erected against and parallel to the wall of a building. See Section 15A.08.100.
- (32) **Window Sign** means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the

exterior of the window. (Ord. 10-1985 Mod. 12 §16, 1988; Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §32, 1993)

15A.08.030 Development Permit Required.

No sign governed by the provisions of this Title shall be erected, structurally altered or relocated after the adoption of this Title without first receiving a development permit from the building official.

- (a) For New Uses - All on-premise signs are accessory uses and shall be subject to the same procedural and review requirements as the principal use. Off-premise signs and billboards are permitted as shown in Section 15A.08.130.
- (b) For Changes or Replacement of an Existing Sign - Structural changes to, or replacement of, an existing sign requires Class Type (1) review and approval by the building official Administrative Official. (Ord. 10-1985 Mod. 6 §33, 1987; Ord. 10-1985 §1 (part), 1986)

15A.08.040 Exempt signs.

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

- (a) Window signs;
- (b) Point of purchase displays, such as product dispensers;
- (c) Gravestones;
- (d) Barber poles;
- (e) Historical site plaques;
- (f) Structures intended for a separate use such as phone booths, Goodwill containers, etc.;
- (g) Official and legal notices issued by any court, public body, person or officer in performance of a public duty or in giving any legal notice;
- (h) Directional, warning or information signs or structures required or authorized by law, or by federal, state, county or city authority;
- (i) Official flags of the United States of America, states of the United States, counties, municipalities, official flags of foreign nations, and flags of internationally and nationally recognized organizations;

- (j) Political signs which during a campaign, advertise a candidate or candidates for public elective office, a political party, or promote a position on a public issue, provided ~~such~~ ~~I~~ ~~all political signs shall be not be posted more than ninety days before the election to which they relate and are removed within fifteen days following the election; except that in cases where a general election follows a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to fifteen days after the general election, and (ii) no political sign shall be erected upon any private property without the permission of the resident or owner thereof, and in cases where there is no occupied structure on the property, no political signs shall be placed thereon without the written consent of the owner of the property;~~
- (k) Construction and real estate signs not exceeding thirty-two square feet in sign area;
- (l) All temporary signs (see ~~Seet.~~ See Section 15A.08.110) except portable signs;
- (m) Church, school, ~~or~~ and community center name and/or readerboards not exceeding thirty-two (32) square feet in sign area;
- (n) Canopy and awning signs.
- (o) On-premise signs not readable from the public right-of-way, i.e. menu boards, etc.;
- (p) On-premise directional signs;
- (q) Official public or court notices issued by a government agency or body or required or provided for under adopted statute. ~~(Ord. 10-1985 Mod. 6 §34, 1987; Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §33, 1993).~~

15A.08.050 Prohibited Signs.

The following signs are prohibited:

- (a) Signs on any vehicle or trailer that is parked on public or private property and visible from a public right-of-way for the purpose of circumventing the provisions of this chapter. This provision shall not prohibit signs which are painted on or magnetically attached to any vehicle operating in the normal course of business;
- (b) Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal; could cause confusion with any official sign, or which obstruct the visibility of any traffic/street sign or signal;
- (c) Signs attached to utility, streetlight and traffic-control standard poles;

- (d) Swinging projecting signs;
- (e) Signs in a dilapidated (having peeling paint, major cracks or holes, and/or loose or dangling materials) or hazardous condition;
- (f) Abandoned signs;
- (g) Signs on doors, windows, or fire escapes that restrict free ingress or egress;
- (h) Balloon signs;
- (i) Signs erected on trees or drawn on rocks or natural settings;
- (j) Video signs;
- (k) Any other sign not meeting the provisions of this Chapter. ~~(Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 § 34, 1993)~~

15A.08.055 Sign Maintenance.

- (a) General Requirements - Signs shall be maintained in good order and repair at all times so that they do not constitute any danger or hazard to public safety, and are free of peeling paint, major cracks, and loose and dangling materials. Signs that are not maintained in this manner shall be considered prohibited signs.
- (b) Non-Conforming Sign Maintenance and Repair - Nothing in this Title shall relieve the owner or user of a legal non-conforming sign or owner of the property on which the non-conforming sign is located from the provisions of this section regarding safety, maintenance, repair and/or removal of signs. (See Section 15A.08.160) ~~(Ord. 3-1993 §35, 1993)~~

15A.08.060 Sign Standards.

The provisions of this chapter and the requirements in Table 8-1 "Type and Number of Signs Permitted", Table 8-2 "Maximum Sign Area", and Table 8-3 "Sign Height and Setbacks" are hereby established for all signs in the zoning districts indicated. All permitted signs are subject to the review procedures of this Title and the standards of this section. Signs for Class (1), (2), and (3) uses shall be subject to the same procedural and review requirement as the principal use. ~~(Ord. 10-1985 Mod. 12 §17, 1988; Ord. 10-1985 Mod. 6 §35, 1987; Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §36, 1993)~~.

15A.08.070 General Provisions.

All signs shall comply with the following provisions:

- (a) Construction shall satisfy the requirements of the Uniform International Building Code;
- (b) Except for exempt signs, all signs shall be permanently attached to a building or the ground;
- (c) Signs attached to a building shall not exceed the height of the building, except under the provisions of Section 15A.08.080(1) and Section 15A.08.090;
- (d) All signs shall comply with the setback requirements in Table 8-3; except, when the side or rear yard is a street frontage, then the front setback shall apply;
- (e) Lighting directed on or internal to any sign shall be shaded, screened or directed so that the light's intensity or brightness shall not adversely affect neighboring property or motor vehicle safety;
- (f) All signs together with their supports, braces, and guys shall be maintained in a safe and secure manner;
- (g) The ratio of the area of the sign support, framing structure, and/or other decorative features which contain no written or advertising copy, to the sign cabinet shall not be greater than 1:1;
- (h) A clearview triangle shall be maintained at all driveways and curb cuts for vision safety purposes. (See Section 15A.05.040);
- (i) No freestanding signs shall be placed in the clearview triangle established in Section 15A.05.040.
- (j) Any exterior lighting must be shielded and directed away from adjoining streets or residential uses. (Ord. 93-81 §37, 1993; Ord. 3106 §18, 1988; Ord. 2947 §1 (part), 1986).

Figure 8-3 (See Attached)

15A.08.080 Projection Over Right-of-Way.

Projecting and freestanding signs shall comply with the following provisions:

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

(b) All signs projecting over the public right-of-way shall conform to the following standards:

<u>Clearance Above Grade</u>	<u>Maximum Projection</u>
Less than 8 feet	Not permitted
8 feet to 9 feet	1 foot
9 feet to 10 feet	2 feet
Over 10 feet	2/3 the distance from building to curbline or a maximum of 10 feet

No sign shall project within two feet of the curb line. (~~Ord. 10-1985 Mod. 6 §36, 1987; Ord. 10-1985 §1 (part), 1986~~).

15A.08.090 Roof Signs.

All roof signs shall comply with the following provisions:

- (a) Roof signs shall be erected so as to appear from all sides as a wall sign applied to an existing penthouse which appears to be a part of the building itself.
- (b) Roof signs must not exceed the maximum allowable height of the building within the district in which it is located.
- (c) All roof signs shall be installed or erected in such a manner that there is no visual support structure. (~~Ord. 10-1985 §1 (part), 1986~~).

15A.08.100 Wall Signs.

All wall signs shall conform to the following provisions:

- (a) Wall signs may be painted upon, attached flat to, or pinned away from the wall, but shall not project more than twelve inches from the wall.
- (b) The number of wall signs is not regulated; provided the total area of the wall sign(s) may not exceed the area of the wall to which attached.
- (c) ~~Wall signs shall not extend above the height of the wall to which attached. (Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §38, 1993)~~

15A.08.110 Temporary Signs.

All temporary signs shall conform to the following:

- (a) No temporary sign shall be displayed for more than thirty days at any one time, nor more than ninety days during a calendar year.
- (b) Only one temporary sign on each street frontage per parcel or lot is permitted.
- (c) No temporary sign shall be placed in a required parking space, driveway, or clearview triangle.
- (d) No temporary sign may be placed in the public right-of-way or an easement unless specifically permitted by the City/County.
- (e) Temporary signs placed on the ground shall be separated from parking and driveway areas by a curb or other barrier. (~~Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §39, 1993~~).
- (f) No temporary sign shall be displayed more than fifteen days after the event for which it is intended.

15A.08.120 Directional Signs.

- (a) On-Premise Directional Signs - Off-premise direction signs readable from the public right-of-way may be permitted in accordance with Table 8-1. On-premise directional signs may contain both directions and the business name or logo provided the business name or logo shall not exceed fifty percent of the sign area. All on-premise directional signs shall meet the general provisions of this section, and shall not exceed ten square feet per sign face.
- (b) Off-Premise Directional Signs - Off-premise directional signs are permitted where indicated in Section 15A.08.130(b); provided, that:
 - (1) Each use located in a district where off-premise directional signs are allowed is permitted one off-premise directional sign;
 - (2) The off-premise sign contains only directional information and does not exceed thirty-two square feet in area nor twenty-five feet in height;
 - (3) The off-premise signs are permanently installed on private property;
 - (4) Only one off-premise sign is permitted on a parcel. (~~Ord. 10-1985 §1 (part), 1986~~).

15A.08.130 Off-Premise Signs and Billboards.

- (a) Billboards are: Class (1) uses in the M-1 and M-2 districts;

Class (2) uses in the ~~CBD, GC, and CBDS~~ RD districts;

(b) Billboards may be permitted in these districts after the required ~~level type~~ of review. Provided, they meet the provisions of this chapter and all of the following criteria:

- (1) The maximum sign area does not exceed three hundred (300) square foot per sign face;
- (2) There is not more than one product display per sign face;
- (3) There are no side by side panels;
- (4) Required front yard setbacks are met;
- (5) Billboards between a one-hundred fifty (150) and three-hundred feet (300) radius of a residential district shall be restricted to one-hundred sixty (160) square feet per sign face and may not be lighted.;
- (6) No billboard shall be located within one-hundred fifty (150) feet of a residential district.;
- (7) The billboard is not within five hundred (500) lineal feet of another billboard having the same street frontage.;
- (8) Billboard height standards shall not exceed that permitted for freestanding signs as provided in Table 8-3 of this Chapter.;
- (9) The total number of combined freestanding signs, off-premise signs and billboards does not exceed the number of freestanding signs allowed for the property.

(c) Off-Premises Signs are:

Class (1) uses in the M-1 and M-2 districts;

Class (2) uses in the ~~B-2, CBD and CBDS and GC~~ districts.

Off-premises signs may be permitted in these districts after the required level of review, provided they meet the provisions of this chapter and the specific standards for the district in which they are located. (Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §40, 1993).

15A.08.140 Multiple-building Complexes and Multiple-tenant Buildings.

(a) Purpose - The following provisions shall apply to multiple-building complexes and multiple-tenant buildings in the SCC, LCC and GC, CBDS (RD) districts.

(b) Number of Freestanding Signs. Each multiple-building complex shall be allowed one freestanding sign on each street frontage in accordance with Table 8-2.

When the street frontage is longer than four hundred feet:

- (1) One additional freestanding sign shall be permitted for each additional four hundred feet of street frontage or part thereof; or
- (2) A single larger freestanding sign can be erected in accordance with Table 8-2.

If option 1, as set forth in subsection (b)(1) of this section, is selected, no freestanding sign shall be placed closer than two hundred feet to any other freestanding sign or exceed the standards in Table 8-2. These provisions shall also apply to each multiple tenant building, unless it is a part of a multiple building complex.

The allowable freestanding sign(s) may be used to advertise one or more of the uses in the multiple-building complex or multiple tenant building. (~~Ord. 10-1985 §1 (part), 1986~~).

15A.08.150 Freeway Signs.

(a) Purpose. The purpose of this section is to permit hotels/motels, restaurants, service stations, and fruit stands, near the freeway a larger on-premise sign to inform freeway travelers of their service.

(b) Location - A use with more than one street frontage may substitute a freeway sign for one of its allowable freestanding signs. When the use:

- (1) Has frontage on Nob Hill Blvd., Yakima Avenue/Terrace Heights Drive, North 1st Street, North 16th Avenue, or North 40th Avenue and all or a portion of the lot is within one thousand feet of a freeway interchange, or
- (2) Is within two-hundred fifty feet (250') of the freeway right-of-way.

(c) Number of Freeway Signs. Only one freeway sign is permitted on each parcel, multiple building complex or for each development, whichever is most restrictive.

(d) Uses with Only One Frontage. Uses within the area described in Section 15A.08.150(2)(b) with only one street frontage may install a freeway sign in addition to the permitted freestanding sign.

(e) Sign Height. The maximum height for freeway signs is shown in Table 8-3. (Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §41, 1993)

15A.08.160 Legal Nonconforming Signs.

Any sign lawfully existing under all codes and ordinances in effect at the time this Title is enacted or amended may continue to be maintained and operated as a legal nonconforming sign so long as it remains otherwise lawful; provided, that:

- (1) No sign shall be changed in any manner that increases its noncompliance with the provisions of this Title; and
- (2) If the sign is structurally altered or moved, its legal nonconforming status shall be voided, and the sign will be required to conform to the provisions of this Title. Nothing in this section shall be construed to restrict normal structural repair and maintenance; and
- (3) The sign is not a hazardous or abandoned sign. (Ord. 10-1985 §1 (part), 1986).

15A.08.170 Administrative Adjustment of Sign Standards Allowed.

~~Administrative adjustment of the sign height, area and setback standards in this Chapter is authorized under the provisions of chapter 15A.10 when a comprehensive design plan is prepared that integrates the sign into the site plan of the project.~~

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

- (1) The physical components of the sign including sign size, height, shape, color, location and associated landscaping; and,
- (2) A description of how the sign relates to the immediate surroundings, including existing and proposed structures, other signs, neighboring land uses and the character of the zoning districts; and,
- (3) For multiple tenant buildings and multiple building complexes a description of how the available sign area will be allocated between tenants or leasable spaces. (Ord. 10-1985 Mod. 6 §37, 1987; Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §42, 1993)

(b) Review Procedures – The Administrative Reviewing Official shall review the comprehensive design plan in accordance with the provisions of Chapter 15A.10 and may either approve or disapprove the plan. The Administrative Reviewing Official shall approve the comprehensive design plan and/or adjustments in the standards of this chapter when he finds that such approval would be consistent with the character of the zoning district, compatible with neighboring land uses, and create visual harmony between the sign, structure and the site where it is located. The Administrative Reviewing Official may also attach conditions to this approval in order to accomplish the objectives of this section and Section 15A.10.030.

15A.08.180 Variances.

Except as allowed by Section YCC 15A.08.170 no reduction of the standards in this chapter is allowed except pursuant to Chapter 15A.21 Variances. (Ord. 10-1985 §1 (part), 1986).

15A.08.190 Violations.

Failure to comply with the provisions of this chapter is a violation of this Title and punishable under the provisions of Chapter 15A.25. (Ord. 10-1985 §1 (part), 1986).

TABLE 8-1 TYPE AND NUMBER OF SIGNS PERMITTED

SIGN TYPE		ZONING DISTRICTS												
		SR	R1	R2	R3	B1	HB	B2	SCC	LCC	CBD	GC	AS	RD
PERMITTED SIGNS														
On Premises Signs	Nameplate	Permitted as an accessory use to an approved or existing use												
	Subdivision Identification/ Project Identification ²													
	Roof/Portable Signs	Not Permitted	Class (1) Use											
	Freestanding ¹	Subdivision/ Proj. I.D. Only	Are Subject to the Same Reviews and Procedural Requirements as the Principal use											
Off Premises Signs	Projecting	Not Permitted	See Section 15A.08.150											
	Freeway	Not Permitted	Not Permitted	Class (2) Use	Not Permitted	Class (1) Use								
	Directional	Not Permitted												
	Advertising	Not Permitted												
NUMBER OF SIGNS PERMITTED														
On Premises Signs	Nameplate	1 per dwelling												
	Subdivision Identification/ Use Identification ²	1 per street frontage	1 per street frontage											
	Freestanding ¹	Not Permitted ²	Wall: See 15A.08.100 Roof: See 15A.08.090 Temporary: See 15A.08.110											
	Projecting		Not Permitted	Freeway: See Section 15A.08.150										
Off Premises Signs	Wall/Roof/Portable Signs	Not Permitted ²	Directional: See Section 15A.08.120(b)											
	Freeway		Not Permitted	1 Sign Per Parcel (Also See 15A.08.130)										
	Directional	Not Permitted	Not Permitted											
	Advertising													
	Billboards													

NOTES:

1. Section 15.08.140 YCC 15A.08.140 has freestanding sign provisions for multiple building complexes and multiple tenant buildings.
2. Nameplates and subdivision identification signs permitted in the Residential Districts may be placed on a wall—See Table 8-2.

TABLE 8-2 MAXIMUM SIGN AREA

MAXIMUM AREA PER SIGN FACE				
ZONING DISTRICT		FREESTANDING AND PROJECTING SIGNS	WALL SIGNS	FREEWAY SIGNS
		Sign is setback 15' or less from required right-of-way	Sign is setback 15' or more from required right-of-way	
<u>SR, R1, R2 & R3</u>		Nameplates up to 2 sq. ft & Subdivision/Project Identification up to 32 sq. ft.		
<u>R1</u>				
<u>R2</u>				
<u>R3</u>				
<u>B1</u>		24 sq. ft.	40 sq. ft.	NOT PERMITTED
<u>HB</u>				
<u>B2</u>		40 sq. ft.	60 sq. ft.	NOT PERMITTED
<u>SCC</u>	Frontage is less than 400 Ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 100 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	WHERE PERMITTED: UP TO 300 SQUARE FT.
	Frontage is more than 400 Ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.	
<u>LCC</u>	Frontage is less than 400 Ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.	
	Frontage is more than 400 Ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 250 sq. ft.	
<u>CBD</u>		1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.		
<u>GC</u>	Frontage is less than 400 Ft. long	.1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.	
	Frontage is more than 400 Ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 250 sq. ft.	
<u>AS</u>	Frontage is less than 400 Ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.	
	Frontage is more than 400 Ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 250 sq. ft.	
<u>RD</u>	Frontage is less than 400	1 sq. ft. of sign area per lineal ft. of	1-1/2 sq. ft. of sign area per lineal ft. of	

	Pt. long	frontage up to 150 sq. ft.	frontage up to 200 sq. ft.	
	Frontage is more than 400 Pt. long	1 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 250 sq. ft.	
M1				
M2		1 sq. ft. of sign area per lineal ft. of frontage up to 100 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	
MAXIMUM AREA PER SIGN = 2 TIMES THE MAXIMUM AREA PER SIGN FACE				

TABLE 8-3 SIGN HEIGHT AND SETBACKS

SIGN STANDARDS		ZONING DISTRICTS																																				
		SR	R1	R2	R3	B1	HB	B2	SCC	LCC	CBD	CBDS	GC	AS	RD	M1	M2																					
MAXIMUM SIGN HEIGHT																																						
Freestanding ¹	Sign is setback 15 feet or less from required right-of-way	5 ft.		10 Ft.	15 Ft.	30 Ft.	30 Ft.		30 Ft.		30 Ft.																											
	Sign is setback more than 15 feet from required right-of-way	10 Ft.		15 Ft.	20 Ft.	35 Ft.	40 Ft.		30 Ft.		40 Ft.																											
Projecting	Not Permitted ²	See Section <u>YCC 15A.08.080</u>																																				
Wall		Top of Wall to Which Attached																																				
Freeway		Where Permitted: 70'																																				
SETBACKS																																						
Minimum front yard setbacks	Edge of right-of-way																																					
Minimum side yard setbacks	Required setback standards for each zoning district (Table 5-1)																																					
Notes:																																						
1 Section <u>YCC 15A.08.140</u> has special freestanding sign provisions for multiple building complexes and multiple tenant buildings.																																						
2 Nameplates and subdivision identification signs permitted in the Residential Districts may be placed on a wall. (See Table 8-2).																																						

Note: *Underlined colored text is added; strike-through text is deleted.*
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.09 SPECIAL DEVELOPMENT STANDARDS

Sections:

- 15A.09.010 Purpose.
- 15A.09.020 Special Development Standards for the Overlay Districts.
- 15A.09.030 Common Open Space Requirements.
- 15A.09.040 Zero Lot Line Development.
- 15A.09.045 Accessory Dwelling Units
- 15A.09.050 Performance Standards—Emissions.
- 15A.09.070 ~~060~~ Special Development Standards for Service Stations and Other Retail Uses Selling Motor Fuel.
- 15A.09.090 ~~070~~ Special Requirements for Animal Husbandry.
- 15A.09.~~110~~ ~~080~~ Special Requirements for Bed and Breakfast Inns.
- 15A.09.120 ~~Planned Development~~
- 15A.09.090 Special Requirements for Social Card Rooms.
- 15A.09.100 ~~Gated Private Street Review Requirements~~ developments
- 15A.09.200 Adult Entertainment Facilities

15A.09.010 Purpose.

The purpose of this chapter is to specify certain standards which, under special circumstances may apply to, or be required for approval of, a proposed development or modifications to development. (Ord. 10-1985 §1 (part), 1986).

15A.09.020 Special Development Standards for the Overlay Districts.

- (a) Purpose. The Overlay zoning Districts (overlays) are established to coordinate the provisions established in the zoning ordinance with more detailed policies and standards adopted in other plans and ordinances for the Yakima River Greenway, shorelines, and flood hazard areas. The Airport Safety Overlay is established separately pursuant to Chapter 15A.30 of this title, and is expressly excepted from the provisions for overlay districts established in other chapters of this title. Specific overlays have been established as follows:

OVERLAY DISTRICT	DISTRICTS, OR PROGRAMS/ REGULATIONS
Greenway Overlay	<u>Yakima River Regional Greenway Plan</u> <u>YCC Title 16D - Yakima County Regional Shoreline Master Program</u> <u>YCC Titles 16A&C- Critical Areas Ordinance</u>

<u>Floodplain Overlay</u>	<u>Shoreline Master Program</u>
	<u>National Flood Insurance Program (flood Hazard areas)</u>
<u>OVERLAYS ESTABLISHED SEPARATELY IN THIS TITLE</u>	
<u>Airport Safety Overlay</u> (see Chapter 15A.30)	<u>Yakima Air Terminal at McAllister Field</u>
<u>Institutional Overlay</u> (see Chapter 15A.31)	<u>Large-scale institutional facilities with special locational needs</u>
<u>Master Planned Development Overlay</u> (see Chapter 15A.28)	<u>Master Planned Development</u> <u>Residential, commercial, industrial or</u> <u>Mixed-use development</u>

- (b) Application. The provisions of this Chapter shall apply when all or a portion of a development, or modification thereto, is proposed within the boundaries of an Overlay district.
- (c) Project review in an Overlay District. In order to assure the appropriate standards are applied, all Class (1) uses in an Overlay district, unless otherwise specified, shall be subject to Class Type (2) review (Chapter 15A.14). All Class (2) uses shall be subject to Class Type (2) review, and Class (3) uses in an Overlay district shall be subject to Class Type (3) review. A Reviewing Official may condition or deny approval of any use, development, or modification thereto, in an Overlay district based on the provisions set forth and adopted by this section. (Ord. 16-1998)
- (d)(1) Special development standards in the Greenway Overlay District. All development in the Greenway Overlay District shall conform to the requirements and standards of the underlying zoning district and the policies and intent of the Yakima River Regional Greenway Plan.
- (e)(2) Special development standards in the Floodplain Overlay District. All development in the Floodplain Overlay District shall conform to the requirements and standards of the underlying zoning district, and the flood damage prevention ordinance adopted by the county/city. Development within shorelines jurisdiction or the floodplain shall also be consistent with the county or city shorelines master program and/or the flood damage prevention ordinance.
- (f)(d) Coordination with the shorelines master program. If a proposed Class (2) or (3) use, nonconforming use expansion, or other modification is proposed on property within the jurisdictional boundaries of the Yakima County Shoreline Master Program and is subject to permits thereof, then the proposed change shall not be subject to the procedural requirements of this title, but shall be subject to all applicable standards of this title. If a conflict exists between the standards of the Shoreline Master Program shoreline master

~~program and this title, and the more restrictive provisions shall apply. (Ord. 10-1985 Mod. 12 §19, 1988; Ord. 10-1985 §1 (part), 1986.)~~

15A.09.030 Common Open Space Requirements.

The following provisions shall apply whenever common open space is proposed by the developer, or when required by a Reviewing Official under Class-Type (2) or (3) review as a condition of approval:

(a) Use. The common open space may be used for recreation, shoreline access, landscaping, visual, noise or land use buffer, drainage control, or other uses approved by the Reviewing Official during project review. Uses authorized for the common open space shall be appropriate with the use, size and density of the proposed development and the natural features of the site.

Common open space shall be improved for its intended use, but common open space containing natural features may be left unimproved. All structures and improvements permitted in the common open space must be appropriate with the authorized use and natural features of the common open space. Common open space may be used only for those uses specified in the approved final site plan.

(b) Location. The location, shape, size and character of the open space shall be suitable for the type of project. Generally, common open space shall be located:

- (1) Next to other open space areas;
- (2) So that it buffers the proposed development from neighboring developments;
- (3) To provide access to recreation facilities or link recreational facilities with sidewalks or paths.

(c) Retention and Maintenance. The final site plan shall include a provision approved by the Reviewing Official assuring the permanent retention and maintenance of the common open space. Such assurance may be in the form of restrictive covenants, dedication of open space to the public where such dedication will be accepted by the legislative body, a homeowner's association, or any other method approved by the Reviewing Official. All legal documents to carry out this requirement shall be approved by the jurisdictional legal authority. The document shall contain a provision vesting the County/eity with the right to enforce the permanent retention and maintenance of the common open space and providing that, in the event that common open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan, and program, the County/eity may at its option cause necessary maintenance to be performed and assess the costs thereof to the owners of the property within the project. A document shall also

provide for the collection of such costs by lien and/or direct civil action. (~~Ord. 10-1985 §1 (part), 1986~~).

15A.09.040 Zero Lot Line Development.

- (a) Purpose Zero lot line development for single-family dwellings may be permitted in order to: promote efficient land use, permit a more energy efficient arrangement of structures, protect environmentally sensitive area, or provide more usable private or community open space.
- (b) Review Required Zero lot line development in subdivisions and short subdivisions approved after the effective date of this ordinance may be approved by ~~Class-Type~~ (2) review. Zero lot line development may also be approved on lots created before the effective date of this Title by ~~Class-Type~~ (3) review. A site plan meeting the requirements of Section 15A.11.040 or, as applicable, Section 15A.11.050 shall be prepared for all zero lot line development.
- (c) Development Standards All zero lot line developments shall comply with the standards of Table 5-1 and 5-2, the provisions of this Title and the following requirements: provided, that where the standards included herein conflict with the standards established in other sections of this Title, the standards herein shall apply:
 - (1) Dwelling Unit Setbacks:
 - a) Interior Side Yard Setback Standard. The dwelling unit may be placed on one interior side property line (a zero setback). The setback standard from the other side property line shall be ten feet. No structures except for patios, pools, fences, walls and other similar elements are permitted within the required setback area.
 - b) Rear Yard Setback Standard. The rear yard setback standard is ten feet.
 - c) Front and Streetside Setback Standards. Front and streetside setback standards shall be those shown on Table 5-1, except that any garage shall be set back a minimum of 18 feet from the edge of the curb or sidewalk if a sidewalk is required.
 - (2) Accessory Building Setback. Accessory buildings and structures shall observe the setback requirements for the main dwelling unit.
 - (3) Maximum Lot Coverage. The total lot coverage on a lot shall not exceed the district requirements established in Table 5-1.

- (4) Platting Requirements. Each dwelling shall be located on its own individual platted lot. The plat shall show the zero lot lines and the related easements.
- (5) Openings Prohibited on the Zero Lot Line Side. In order to maintain privacy, there shall be no windows, doors, air conditioning units, or any other type of openings in the wall along the zero lot line, except when such a wall abuts permanent open spaces or a public or private right-of-way.
- (6) Maintenance and Drainage Easements. A perpetual maintenance, eaves overhang and drainage easement at least five feet wide shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title on the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Eaves, but no other part of any structure, may protrude across a side lot line, and such protrusion shall not exceed 18". Water runoff from the dwelling placed on the lot is limited to the easement area.
- (7) Common Open Space and Maintenance Facilities. Any common open space provided shall comply with the provisions of Section 15A.09.030. (Ord. 2947 §1 (part), 1986).

15A.09.045– Accessory Dwelling Units.

- (a) Purpose.** The purpose of the accessory dwelling unit (ADU) provisions are to:
 - (1) Provide homeowners with an opportunity for extra income, companionship and security;
 - (2) Better utilize existing infrastructure and community resources (sewer, water, roads, etc.);
 - (3) Provide a housing type that allows flexibility to respond to changing needs and lifestyles;
 - (4) Add to the supply of affordable dwelling units; and
 - (5) Protect neighborhood character and stability by ensuring that ADUs are compatible with surrounding land uses.
- (b) Requirements.** An accessory dwelling unit is a permitted Class (3-2) use, secondary to the primary use of a detached single-family dwelling, subject to all of the following conditions:
 - (1) The accessory dwelling unit may be attached to the primary residence; or attached to or above a detached garage located not more than one hundred feet from the primary residence.
 - (2) The front entrance to the ADU shall not be visible from a right-of-way or access easement.
 - (3) Paved off-street parking shall be provided as required in Chapter 15A.06 for both the ADU and the primary residence, separately, located on the lot they are intended to serve.
 - (4) The ADU's floor area shall be comprised of not more than fifty percent of the floor area of the primary dwelling unit or 800 square feet, whichever is less. *For example, a*

~~primary detached dwelling unit 2,800 square feet in size would be limited to 800 square feet. A primary structure 1,000 square feet in size would be limited to 500 square feet.~~

(5) The ADU's exterior walls shall be designed, so as to be similar in style, color and building materials to the primary detached dwelling.

(6) The ADU shall have the same building setbacks as the primary structure.

(7) A parcel/lot shall contain no more than one single-family residence and one ADU.

(8) ADUs shall not be allowed on parcels containing a common wall dwelling, zero lot line dwelling duplex, or multi-family dwelling, or a commercial or industrial structure/use.

(9) ~~ADUs shall only be permitted on parcels/lots one quarter acre in size or larger.~~

(10) ~~(9)The primary residence and the ADU shall both be connected to public sewer and water.~~

(a) If the ADU is attached to the primary dwelling unit, the two dwelling units shall share a single sewer and water connection.

(b) If the ADU is attached to, or located above, a detached garage, each unit shall have its own sewer and water connection, with required meters.

(11) ~~(10) A lot containing an ADU shall not be subdivided, or otherwise segregated in ownership, in a way that separates the ADU and the primary dwelling unit on different lots. A covenant to which the County is a party shall be recorded with the County Auditor to preclude the separate sale or division of the ADU from the single-family dwelling.~~

(12) ~~(11) A home occupation may be allowed, subject to Section 15A.04.120, in either the ADU or the primary unit, but not both.~~

(13) ~~(12) The site floor plan for the construction or conversion of an ADU shall be submitted with the Class (2) indicate the ADU application.~~

(14) ~~(13) Any exterior stairs shall be placed in the rear or side yard.~~

(15) ~~(14) A deed restriction, signed by the property owner and the City, shall be recorded with the Yakima County Auditor's office providing notice to potential buyers of the ADU restrictions.~~

(c) Enforcement. The City/County retains the right with reasonable notice to inspect the ADU for compliance with the provisions of this Section.

(d) Elimination. The City/County Reviewing Official retains the right with reasonable notice to withdraw occupancy approval if any of the requirements under subsection (Bb) are violated. In the event the City/County withdraws occupancy, the property owner may:

(1) If attached, merge the existing ADU to the single-family dwelling; or

(2) If detached, use the building for storage only or remove the structure from the premises.

15A.09.050 Performance Standards—Emissions.

(a) Purpose and Application. The purpose of this section is to provide guidelines and general standards governing emissions and miscellaneous items covered herein for use in evaluating the impact of proposed developments and uses, or changes or alterations thereto, being considered under the terms of this Title. A Reviewing Official, including those engaged in Class Type (1) review or administrative modification review may

impose reasonable conditions, or in appropriate instances deny proposed developments based on the standards and guidelines set forth in this section in order to assure that permitted uses do not generate gases, fumes, heat, glare, vibrations or store solid waste in a manner inconsistent with the intent of the district and/or incompatible with surrounding uses.

- (b) **Gases, Fumes and Vapors.** The emission of any gases, fumes or vapors dangerous to human health, animal life, vegetation or property are prohibited.
- (c) **Heat.** No use shall produce heat significantly perceptible beyond its lot lines.
- (d) **Glare.** No use shall produce a strong dazzling light, or a reflection of a strong dazzling light, beyond its lot lines.
- (e) **Vibrations.** No use shall cause vibrations or concussions detectible beyond its lot lines without the aid of instruments, with the exception of vibration resulting from construction or mining activity.
- (f) **Storage and Waste Disposal.** All materials and waste ~~which that~~ might cause fumes or dust, constitute a fire hazard, produce offensive odors, or ~~which~~ may be edible or otherwise attractive to rodents or insects shall be stored in closed containers and in a manner to eliminate or prevent such hazards. (Ord. 10-1985 §1 (part), 1986).

~~15A.09.060 Repealed Private road standards. (Repealed Ord. 10-1985 §1 (part), 1986; Ord. 10-1985 Mod. 6 §38, 1987)~~

15A.09.060 Special Development Standards for Service Stations and Other Retail Uses Selling Motor Fuel.

- (a) **Purpose.** The purpose of this section is to establish special site design standards for new service stations and other retail uses supplying motor fuel. These standards are intended to assure that these uses are compatible with adjoining residential districts and the character of the district in which they are located.
- (b) **Fifty-foot Setback from Residential Districts Required** - Each pump island shall be setback at least 50 feet from the zoning district boundary of all adjoining residential districts. Other permitted structures shall comply with the setback provisions established in Table 5-1.
- (c) **Storage and Display of Vehicles Prohibited** - No area of any service station or other retail use selling gasoline shall be used for the storage, display, sale or leasing of any new or used vehicle. (Ord. 10-1985 §1 (part), 1986).

15A.09.070 Special Development Standards for Service Stations and Other Retail Uses Selling Motor Fuel.

15A.09.090 070 Special Requirements for Animal Husbandry.

- (a) **Purpose** - The purpose of this section is to assure that the raising of domesticated farm animals within the urban area is compatible with adjoining residential uses and the intent and character of the district in which they are located.
- (b) **Minimum Lot Size** - The minimum lot size for animal husbandry within the Yakima Urban Area is one-half (1/2) acre. A lot at least one-half (1/2) acre in size shall be deemed to meet this requirement even though a portion of the lot may be used for a single-family dwelling.
- (c) **Project Review** - Animal husbandry operations which would create noise and odors, attract insects or rodents or be are otherwise incompatible with surrounding residential uses or the intent of the zoning district, may be conditioned or denied by the reviewing official in accordance with the provisions of this section and Section 15A.09.050.
- (d) **Minimum Setback** - No portion of any structure used to house a domesticated farm animal shall be within one hundred feet of any residence other than the dwelling on the same lot.
- (e) **Maximum Number of Animals** - The maximum number of animals that may be kept on the site at any time of the year shall be the number of animals that can be sustained by the pasture on which they are kept as their primary source of food, except during the winter months. The burden of proving that the pasture can sustain the number of animals in question shall be on the applicant.
- (f) **Fencing** - Fencing adequate to contain the animals shall be provided and maintained. (Ord. 10-1985 Mod. 12 §21, 1988; Ord. 10-1985 §21, 1988; Ord. 10-1985 §1 (part), 1986; ord. 3 1993 §43, 1993)

15A.09.110 080- Special Requirements for Bed & Breakfast Inns.

Bed and breakfast inns shall meet all applicable health, fire safety and building codes. Any reception hall or meeting room shall be restricted to serve no more than the total number of tenants, unless otherwise specifically authorized. In addition, bed and breakfast inns shall be subject to the following requirements, except in those zoning districts in which motels and hotels are Class (1), (2) or (3) uses:

- (a) Home occupation bed and breakfast inns shall be operated so as not to give the appearance of being a business and the inn shall not infringe upon the rights of neighboring residents to peaceful occupancy of their homes. Minimal outward

modifications of the structure or grounds may be made only if such changes are compatible with the character of the neighborhood.

- (b) Meals shall only be served to guests, even if required to be licensed as a restaurant under State regulations, except as otherwise permitted in this Title.
- (c) The number of guest rooms shall not be increased through any exterior modifications or additions to the home occupation bed and breakfast.
- (d) The front yard area shall not be used for off-street parking for bed and breakfast guests unless the parking area is screened and found to be compatible with the neighborhood or unless waived by the Reviewing Official.
- (e) One non-illuminated or externally illuminated sign not exceeding the maximum size allowed within the zoning district in which located, and bearing only the name of the inn and/or the operator shall be permitted.
- (f) The reviewing Administrative Official may authorize use of the bed and breakfast inn for receptions, group meetings and special gatherings based upon the size of the inn, availability of adequate off-street parking spaces, public health considerations and compatibility with the surrounding neighborhood.
- (g) The number of lodging or guest rooms in home occupations shall be no more than five.
(Ord. 3-1993 §44, 1993).

15A.09.090 – Special Requirements for Social Card Rooms.

No social card room shall be permitted within five hundred feet of any public school, private school (meeting the requirements for private schools under Title 28A RCW), church or park, as measured according to RCW 66.24.010(9) or as the same may be hereafter amended.

15A.09.100 - Private Street Review Requirements.

- (a) Private roads -- General requirements. Private streets serving three lots, housing units or more may be approved as an element of a Master Planned Development Overlay (Chapter 15.28), a Mobile Home/ Manufactured Park (Section 15A.09.500), a Condominium or within a Binding Site Plan in conformance with Subdivision requirements, or other appropriate situations as determined by the Administrative Official and County Engineer.
 - (1) Any private road that is located in a private street subdivision shall be constructed to the minimum standard of the appropriate jurisdiction and shall be permanently retained and maintained as a private road.

- (2) Private roads are the responsibility of the land owners to construct and maintain in accordance with the requirements of this chapter and shall be specified in a home-owner's association, development agreement or other
- (3) Names for private roads shall be approved by the Public Services Department Planning Department of the City or County of Yakima.
- (4) Private roadway signs with street name designations shall be provided by and maintained by the developer or home-owner's association and shall be located at the intersections of private roads. Such signs shall meet the specifications set forth by the respective governing body.
- (5) A gate may be installed at the entrance to a private street, providing there is a minimum of fifty 50 feet between the public street and the gate and the width of each travel aisle is twenty-four 24 feet.
- (6) A private gated access fence shall not obstruct emergency, public service and utility vehicles and have an emergency access device so access can be gained.
- (7) Private roads and the entire easement or right-of-way width shall be open and available for use by emergency, public service and utility vehicles.
- (8) The face of any plat, short plat Master Development Plan, Binding site plan or condominium document containing a private road, and all subsequent documents transferring ownership of lots within such plat or short plat, shall bear the following language: "The City of Yakima County has no responsibility to build, improve, maintain or otherwise service any private road for this plat/short plat. Any right-of-way dedicated to the public by this plat/short plat shall not be opened as a City (or County) public street until such time as it is improved to Urban city (or County) s Street Standards and accepted as part of the City (or County) public transportation system."
- (9) The placement of utilities shall be coordinated as much as possible with the placement of private roads and public rights-of-way.
- (10) Utility easements having a minimum width of eight feet shall serve each interior lot. Utility easements shall be located outside private access easements and dedicated road rights-of-way unless approved otherwise by the City/County Engineer.

15.09.110 Reasonable Accommodations Process.

1. Purpose.
2. Reasonable accommodations.
3. Waiver of building code requirements.
4. Accommodations personal to the applicant.

5. Appeal.

1. Purpose.

~~This chapter has been enacted to authorize the community services director or his designee to waive or vary provisions of the Yakima Municipal County Code (YMC) (YCC) when necessary to reasonably accommodate the statutory rights of the disabled under the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA) or the Washington Law Against Discrimination (WLAD). This process shall be interpreted and administered in order to ensure the full exercise and enjoyment of a disabled person's right to the residential housing of his or her choosing. The provisions of this chapter shall apply to commercial and may apply to some residential activities or zones; provided, however, that nothing herein shall be interpreted to limit the exercise of a disabled person's rights by or through a residential care provider. In the event of any conflict or if an interpretation of this chapter is required, it shall be implemented and interpreted in accordance with the provisions of the Americans With Disabilities Act, the Fair Housing Act and the Washington Law Against Discrimination.~~

2. Reasonable accommodations.

- (a) ~~Upon the application of a disabled person or individual or entity providing services to the disabled in a residential facility or other group living arrangement, the community services director or his designee is hereby authorized to vary, modify, or waive the provisions of the Yakima Municipal County Code, including the provisions of YMC Titles 10, 11 and 15, in order to provide a reasonable accommodation as necessary to provide to a disabled person's or care provider to the disable's full enjoyment of a residence.~~
- (b) ~~The city's duty to accommodate is an affirmative one, and the director of community & economic development department is thereby authorized to provide accommodations in a thoughtful and proactive manner.~~
- (c) ~~The following review may, at the discretion of the director of community & economic development department, Reviewing Official include citizen input into the administrative process. The director of community & economic development department shall provide written notice of the accommodation to the applicant and property owners within five hundred feet of the subject site.~~
- (d) ~~When applying this reasonable accommodation process to the Yakima Municipal County Code, including the State Building Code and other codes adopted pursuant to YMC (YCC), the staff shall avoid the stereotypical assumptions regarding the disabled and shall attempt to ascertain the actual physical and/or mental limitation of the disabled individual in order to craft an accommodation which best suits the exercise of that individual's rights.~~

3. Waiver of building code requirements.

~~No reasonable accommodation shall be provided by a waiver or variance of the provisions of the Yakima County codes adopted pursuant to YMC YCC Titles 10, 11 and 15, which does not substantially accomplish the purposes of those Titles or which would reduce the fire safety of any structure. Modifications, waivers or variances of the provisions of International Building Code, International Fire Code and the other codes adopted pursuant to YMC YCC Titles 10 and 11 shall provide at least the same level of safety required by the respective state code. The applicant shall have the burden of establishing that the proposed modification, waiver or variance accomplishes substantially the same purpose without reduction of fire safety.~~

4. Accommodations personal to the applicant.

~~The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site who establish the same use within six months of the date the prior use by disabled person or residential care provider ceases. The director of community & economic development department may therefore direct that any physical change in the structure which would otherwise be illegal under the use or bulk requirements of the Title 15A, Yakima Urban Area Zoning Ordinance be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the ADA, FIA and WLAD.~~

5. Appeal.

~~There shall be no appeal from the decision of the community services director within the city. Interested persons, that are persons located within five hundred feet of the building site, may appeal the reasonable accommodation by filing a petition for review with Yakima County Superior Court within ten days of the date of mailing of the written notice of decision.~~

15A.09.120 Planned Development Purpose.

~~The purpose of the Planned Development (PD) regulation is to provide a degree of flexibility in design and density in planned developments, provided overall development standards and quality of life consideration are maximized. The PD regulation is intended to create regulatory incentives to encourage construction of affordable housing and a mix of housing types, encourage small scale mixed use retail/residential/professional development within neighborhoods, and encourage compatible infill development. Those incentives may include density bonuses and use of innovative standards for projects which help meet affordable housing goals or include features that enhance quality of life (e.g., sensitive treatment of environmental features: parks, open space, interconnected pathways, features that promote security and safety for both the neighborhood and the community).~~

An application for a Planned Development must support the purpose of this regulation as stated above. In addition, it must be consistent with the adopted Yakima urban Area Comprehensive Plan's "Action Plan" goals, objectives and policies; the Future Land Use Map; and the intent statement and densities for the designated land use, as shown on the Future Land Use Map. The Planned Development regulation is not intended to reduce minimum development standards, such as setbacks and lot coverage, beyond that of the current administrative adjustment provisions of chapter 15A.10 of this title.

15A.09.130 Permitted Uses and Minimum Project Size.

- (a) A Planned Development may be approved and located within any zoning district and shall be consistent with the Comprehensive Plan. In a PD, uses are permitted in accordance with those uses and densities permitted in the underlying zone, as well as allowing for a mix of uses. Additional uses may be permitted, as outlined within this chapter.
- (b) The following uses are permitted in a Residential PD:
 - (1) One family, two family, and multi family residences;
 - (2) Accessory incidental retail may be specifically and selectively authorized in a residential PD. Permitted accessory uses, however, shall be sealed to meet only the needs of the inhabitants of the project;
 - (3) Recreational facilities which are intended to serve the PD including, but not limited to, tennis courts, swimming pools and playgrounds;
 - (4) School, library;
 - (5) Manufactured home park and subdivision, provided that the provisions of UAZO 15A.04.120 shall be met as a condition of approval of the preliminary PD plan.
- (c) The following uses are permitted in a Commercial or Industrial PD:
 - (1) Uses are permitted in accordance with those uses allowed within the underlying zoning district.
 - (2) Uses shall meet all zoning standards in accordance with the underlying zoning district.
 - (3) Uses shall be consistent with the Yakima Urban Area Comprehensive Plan and Future Land Use Map.

A Planned Development incorporating commercial or industrial facilities must provide a buffer area along the boundary of the Planned Development, which shall visually screen the Planned Development from any adjacent properties zoned or used for residential

purposes. If automobile parking, driveways, or machinery operation is to be provided within one hundred (100) feet of a PD boundary, a fence or structure six (6) feet high shall be provided between the parking, driveway, or machinery and the adjacent residential zones or areas. Evergreen plantings may be used to fulfill the screening requirements. Evergreens shall be planted and designed to present a natural appearance to adjacent properties.

- (d) In residential, nonresidential and mixed land use PDs, various land uses may be permitted, subject to conditions, if such uses are deemed by the Hearing Examiner to be appropriate, in compliance with the comprehensive plan, and not detrimental to surrounding land uses. No retail or commercial uses shall be allowed within the Suburban Residential (SR) or Single Family Residential (R-1) districts. Within the Two-Family (R-2) and Multi Family (R-3) residential districts, nonresidential uses may be permitted by the Hearing Examiner, provided the following conditions are complied with:
 - (1) Any nonresidential uses proposed in a PD shall be limited to those designed and intended for the use of the residents within the proposed development and planned as an integral part of that PD. Evidence shall be provided to show the intended use by the residents and the integral design;
 - (2) If the nonresidential use is a commercial use, the applicant shall establish specific community need for the facilities;
 - (3) Where the underlying zone is R-3, nonresidential uses are limited to those allowed under the B-1 zone as a Class (1) or Class (2) use as listed in Table 4-1 of the Urban Area Zoning Ordinance (UAZO), in compliance with B-1 provisions, unless specifically provided otherwise in these PD provisions;
 - (4) As a general guide, where the underlying zone is R-3, commercial uses will be limited to no more than five percent of the land contained in the PD, except as provided for in section 15A.09.170. The commercial uses in a PD overlaying an R-3 zone may not be occupied until two thirds of the proposed residential units are completed and occupied;
 - (5) No commercial or other intensive non-residential use may be permitted within one hundred fifty feet of the boundary of an adjacent residential district. The Hearing Examiner may require buffers, landscaping and other requirements to minimize undesirable impacts. All existing significant trees and landscaping within required buffer areas shall be retained whenever feasible. The examiner may require evidence that adequate control measures are provided to protect the general public interest, health, safety, comfort and welfare from any suspected nuisances, hazards, or offensive conditions.
- (e) Minimum Project Size. The minimum project size for a PD proposal is one half acre.

15A.09.140 Application and Hearing Process.

- (a) Public Hearing. PD projects complying with this chapter shall be submitted to the Hearing Examiner for a public hearing. PD projects which include elements normally subject to legislative review, such as rezones and long subdivisions, shall be subject to approval by the appropriate legislative body shall proceed in accordance with UAZO section 15A.23.030(f).
- (b) Consolidated Application. When an applicant applies for a PD, the applicant may be considered simultaneously (consolidated) with an application for one or more of the following: a preliminary plat, rezone, or any other Hearing Examiner action ruled to be suitable. The application for a consolidated PD hearing shall contain all of the information required as if each application were being considered separately. Notice of the consolidated public hearing shall state clearly and separately each action to be considered. This notice shall satisfy the requirements for each action under consideration. A comprehensive plan modification application shall be submitted, if required.
- (c) Reapplication. A sketch plan may first be submitted to the county planning department which shall include the tentative material outlined for a Preliminary Application in subsection (d) of this section. Planning will provide recommendations to the applicant regarding the compliance of the PD with these provisions.
- (d) Preliminary PD Application. The applicant shall file with Planning 20 copies of the preliminary PD application. Subdivision of property, if included as part of the application, shall comply with the applicable subdivision regulations. Planning prescribes the application form for a PD and the type of information to be provided by the applicant. The application shall include a site plan as required by the Urban Area Zoning Ordinance.

The PD application may include two or more phases of development, provided that:

- (1) A comprehensive site plan for the entire PD site is provided;
- (2) Timing for each phase is indicated;
- (3) Each phase will be subject to current development standards;
- (4) Each phase of a proposed PD must contain adequate infrastructure, landscaping and all other conditions of the PD to stand alone if no other subsequent phases are developed.

- (e) Department Comment. Planning transmits copies of the PD plan to County departments and other governmental agencies with jurisdiction for their advice and report.
- (f) SEPA Environmental Checklist. A SEPA Environmental Checklist may be required depending on the size and scope of the project and if the project triggers locally adopted SEPA thresholds.
- (g) Public Notice. Public notice of the hearing shall be provided pursuant to UAZO section 15A.11.090.
- (h) Public Hearing and Recommendation. After public hearing thereon, the Hearing Examiner's decision will be final unless appealed, or unless the examiner's action is a recommendation to a legislative body. The approval/recommendation is provided in writing and is based on written findings of fact to record the reasons for approval or denial. The approval of the Hearing Examiner is binding as to the general intent and apportionment of land for building and other uses, circulation, and conditions of approval. The Hearing Examiner may recommend the requirement of a bond or surety to guarantee compliance with a condition(s) if deemed necessary.
- (i) Preliminary/Final PD Application Combined. An applicant may combine a preliminary/final PD application, provided all requirements of a Final PD Submittal are met at the time of application.
- (j) Final PD Submittal. The applicant shall, within five years of the date of preliminary approval of a PD, submit to Planning a final PD plan, in total or by phases, of the proposed development, which shall contain evidence of compliance with all the conditions of the PD approval. The final PD shall be prepared by a licensed architect or registered civil engineer or surveyor. The development plan shall be to scale and contain sufficient information to establish the identity of proposed uses, grades, and approximate dimensions and locations of proposed structures, streets, parking areas, walkways, easements and property lines. Planning evaluated the final PD plan to assure compliance with all conditions of the examiner's preliminary approval, and forwards the final PD plan to the legislative body for approval by ordinance. Planning also submits to the appropriate County department the list of persons to be notified of the adoption public meeting. If the final PD plan is not received within five years, approval of the PD expires. Required improvements not constructed prior to final PD submittal may be guaranteed by a surety bond or other financial obligation acceptable to the County. Building permits may be issued after final PD plans are approved by the legislative body.
- (k) Development Agreement. The final PD may be subject to a development agreement as provided for in this chapter.

- (l) Recordation. The final PD plan as approved by the legislative body shall be recorded with the Yakima County Auditor's office, in accordance with the Auditor's recording procedures.
- (m) Appeal. Hearing Examiner and legislative decisions are subject to appeal pursuant to this chapter.
- (n) Zoning Ordinance Map. The PD is identified on the zoning map when the final PD is effective by the symbol "PD" and with appropriate reference to the PD number.
- (o) Revocation of Approval. A PD approval may be revoked by decision of the appropriate legislative body upon the finding that the development of the subject property has not been consistent with the PD permit.

15A.09.150 Modification of Underlying Zoning Requirements.

The Hearing Examiner may modify the requirements and standards of the zone or zones in which the project is located in accordance with UAZO section 15A.10, Adjustments, subject to the following:

The Maximum lot coverage, setback, parking and other requirements of the underlying zone may be modified in the PD by the Hearing Examiner, provided consideration is given to the following principles:

- (a) Privacy. Each development shall provide reasonable visual and acoustical privacy for dwelling units and spaces for private use. Mitigating measures may include fences, insulation, walks, barriers and landscaping.
- (b) Light and Air. Building spacing, coverage and height shall be designed to provide adequate provisions for natural light and air.
- (c) Code Compliance. In no case may spacing, setbacks, or heights of buildings violate fire, safety, or other building code requirements.
- (d) Compatibility. The PD shall be integrated with surrounding land uses and minimize any negative impact thereto.
- (e) Quality of Life. The modifications would not result in a significantly reduced quality of life for residents or the larger neighborhood.

The examiner may also reduce lot size requirements of an underlying district by a maximum of 20%, provided all other requirements of the Urban Area Zoning Ordinance are met or adjustments are granted by the examiner.

15A.09.160 Modification of an Approved PD.

(a) Except for changes determined to be minor changes as provided by this section, changes to an approved PD or to any conditions imposed on a PD approval shall be reviewed and approved, approved with conditions, or denied by the examiner and appropriate legislative body pursuant to the procedures provided by this chapter for an original request for PD approval.

(b) **Minor Changes.** Minor changes to a PD may be approved by the Administrative Official. Any changes which would adjust the minimum requirements for lot coverage, setbacks, parking and other requirements of the underlying zone, or that would alter an adjustment granted by the examiner, are not considered minor in nature. For purposes of the section, "minor changes" means changes which meet the following qualifications:

- (1) For residential buildings, an increase of not more than 5% in the size of structures, provided that there is no increase in the overall density of the project.
- (2) For nonresidential buildings, a reduction or increase of no more than 5% in gross floor area.
- (3) A revision in internal floor plans, if consistent with the character of the use.
- (4) The alteration of vertical elevations by no more than 5%.
- (5) The relocation of building footprints by no more than 5 feet, unless a specific setback or separation distance was imposed as a condition of PD approval. Building locations must meet setback requirements unless an adjustment has been granted by the examiner.
- (6) The substitution of plant materials included, provided they are substituted by similar types of landscaping.
- (7) A reduction in the size of signs or an increase in sign setbacks.
- (8) The internal rearrangement of parking spaces in a parking area, if the total number of parking spaces provided is not reduced and circulation hazards or congestion are not created by the redesign.
- (9) A change in the name of the PD or in the names of streets within the PD.
- (10) Other similar changes or a minor nature proposed to be made to the configuration, design, layout or topography of the PD which are deemed not to be material or significant in relation to the entire PD and are determined not to have any

~~significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.~~

(e) ~~Any proposed change to an approved PD may be referred to the examiner and appropriate legislative body for review, regardless of whether the change may qualify as a minor change as noted above.~~

15A.09.170 Density Bonus Criteria.

(a) ~~The purpose of density bonuses is to encourage developers to promote housing affordability by encouraging planned developments to include affordable housing strategies within a project.~~

(b) ~~Eligibility to obtain a density bonus is based upon site plan review and hearing approval by the Hearing Examiner. Such density bonus may be granted if the PD plan submitted is judged by the Hearing Examiner to have achieved one or more of the density bonus criteria.~~

(c) ~~The maximum density bonus allowed is limited to an additional ten percent over the density allowed in the underlying zone.~~

(d) **Density Bonus Criteria.** Upon submittal of the PD application, Planning reviews the proposed project and submits a report to the Hearing Examiner, containing recommendations and findings of fact with respect to the allocation of density bonus for the project. The allocation of density bonus should be based upon a comprehensive review of the entire project. The amount of density bonus shall be decided by the examiner based on the type and amount of additional amenity provided by the project. No density bonus will be allowed if it is determined by the examiner that the additional density may create incompatibilities with adjoining properties, significant environmental degradation, or substantial reduction of the capacity of available community infrastructure. Consideration of the following criteria should be given but need not be limited to these:

(1) **Affordability of Housing.** Items for consideration here would include the provision of a mix of housing types, utilization of townhouses, condominiums and apartments directed toward providing a reasonable variety of housing types, especially including low and moderate income dwelling units, and provisions of housing for senior citizens (age 55 and over) and special needs populations. Up to 5% additional density bonus may be allowed for this category.

(2) **Facilitation of Small Lot Sizes and Clustering.** Small lot sizes, clustering and other options which increase the supply of affordable housing and home

~~ownership options will be considered under this category. Up to 5% additional density bonus may be allowed for this category.~~

- (3) ~~Infill Development. Development which utilizes without overburdening existing infrastructure may be considered eligible for density bonuses. Up to 5% additional density bonus may be allowed for this category.~~
- (4) ~~Quality of Life. Use density bonuses to reward projects which:~~
 - a) ~~Treat environmental features sensitively;~~
 - b) ~~Include parks, other public or private open space, and interconnected pathways;~~
 - c) ~~Are designed to promote security and safety within a neighborhood and community context; and~~
 - d) ~~Utilize other design features to enhance the quality of life for residents and the larger neighborhood.~~
- (5) ~~Other Items. Other suitable items believed by the Hearing Examiner to be related to the Purpose section of this chapter and worthy of consideration may also be included as density bonus criteria. Up to 2% additional density bonus may be allowed for this category.~~

15A.09.180 Common Open Space.

- (a) ~~Provision of Common Open Space. In the event that a PD provides common open space, the open space shall be developed and maintained by the owner(s) of the PD. Each ownership interest within the PD shall include an undivided proportionate interest in the common area. Ownership and maintenance of the common areas designated for the enjoyment of residents/owners shall be the responsibility of the owner(s) pursuant to an appropriate covenant, recorded with the County Auditor, binding the PD owner(s) to the maintenance of the common areas, or a different arrangement determined to be adequate by the Hearing Examiner.~~
- (b) ~~Open Space Management Plan. In the event that a PD provides common open space, an Open Space Management Plan (OSMP) shall be prepared by the applicant for review at the time of application. The OSMP shall include provisions for the periodic inspection of the subject open space by the appropriate jurisdiction. In the event that open space is not maintained consistent with the OSMP, the County shall have the right to provide the maintenance thereof and levy an assessment against the property in favor of the County for all reasonable and necessary costs of such maintenance. The assessment levied~~

~~against the property shall constitute a lien against the property in favor of the County and shall be subject to foreclosure as are deeds of trust and mortgages.~~
~~(Ord. 16-1998)~~

15A.09.200 Adult Entertainment Facilities and Separated Uses.

- (1) **Scope of Restrictions.** All adult entertainment facilities and uses listed in subsection (2)(b) of this section shall comply with the requirements of this section. The purpose and intent of requiring standards for adult entertainment facilities and listed uses is to mitigate the adverse secondary effects caused by such facilities and to maintain compatibility with other land uses and services permitted within the County. The standards established in this section shall not be construed to restrict or prohibit the following activities or products: (i) plays, operas, musicals, or other dramatic works that are not obscene; (ii) classes, seminars, or lectures which are held for a serious scientific or educational purpose that are not obscene; and (iii) exhibitions, performances, expressions, or dances that are not obscene.
- (2) **Separation Requirements.** Adult entertainment facilities shall be permitted as indicated in Table 4-1 "Permitted Land Uses" set forth in Chapter 15A.04 only if the following separation requirements are met:
 - (a) No adult entertainment facility shall be located closer than eight hundred feet to any residential zoning district including, but not limited to, the SR, R1, R2 and R3 zoning districts designated in this Title, and the R1, R2, R3, RT, VR, and RS zoning districts designated by YCC Title 15 (Zoning). This separation requirement applies whether such residential zoning district is located within or outside the city limits of any adjacent city or zoning jurisdiction.
 - (b) No adult entertainment facility shall be located closer than eight hundred feet to any of the following uses or community entranceways, and no use listed in this subsection (b) shall be located closer than eight hundred feet to any adult entertainment facility, whether or not such use or entranceway is located within or outside the city limits of any adjacent city:
 - (i) Any public park;
 - (ii) Any public library;
 - (iii) Any public or private nursery school or preschool;
 - (iv) Any public or private primary or secondary school;
 - (v) Any licensed day care;
 - (vi) Any community youth center;
 - (vii) Any church or other house of worship;
 - (viii) Any multifamily residential use located in the B1, B2, SCC, LCC, GC, or CBDS zoning districts;
 - (ix) Any other adult entertainment facility;
 - (x) Any existing establishment selling alcoholic beverages for consumption on premises.

- (xi) Any entranceway to the community, including rights-of-way of State highways (SR 12, SR 24, SR 97, I-82), and the intersection of two streets nearest any entranceway or gateway to the community identified in any adopted neighborhood plan, whether such entranceway is located within or outside the city limits of any adjacent city or zoning jurisdiction.

(3) **Measurement.** The eight-hundred-foot buffer required by this section shall be measured by extending a straight line from the nearest point on the property line of the lot containing the proposed adult entertainment facility to the nearest point on the boundary lines of the zoning districts, parcels containing uses, and the right-of-way of entranceways listed in subsection (2) of this subsection.

(4) **Variance.** The separation requirements of subsection (2) of this section may only be reduced through the provisions of Chapter 15A.21, Variances.

(5) **Signage.** Signage of adult entertainment facilities shall comply with the provisions of YCC Chapter 15A.08, Signs, together with the following specific conditions. Each adult business use shall be allowed one on-premise sign, in addition to the entrance sign required by YCC Subsection 5.06.200(10), if applicable, which shall be limited to displaying the name of the establishment, the street address, the days and hours of operation, restrictions on the age of persons that may be admitted to the building and the nonspecific identification of the nature of the stock-in-trade or entertainment offered therein (e.g., "adult entertainment," "adult films"). Nowhere on the signage or on the building visible to outside passersby shall appear any verbiage, insignias, pictures, drawings or other descriptions suggestive of sexual acts or actions, or which represent the sexually oriented material and/or performances of the adult entertainment use. (Ord. 8-2010 § 8, 2011)

Note: *Underlined colored text is added; strike-through text is deleted.*
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.10
CONDITIONS OF APPROVAL/ADMINISTRATIVE ADJUSTMENT OF STANDARDS

Sections: added

- 15A.10.010 Purpose.
- 15A.10.020 Administrative Adjustment of Some Development Standards Authorized.
- 15A.10.030 Special Conditions of Approval Authorized.
- 15A.10.040 Authority to Impose Special Conditions Limited in ~~Class~~ Type (1) Review and Administrative Modification Review.

15A.10.010 Purpose.

The purpose of this chapter is to specify and outline the authority of the Reviewing Official to impose special conditions of approval on any permit or approval issued under the provisions of this Title and to establish the authority of ~~the certain~~ Reviewing Officials to administratively adjust some of the development standards set forth in Section 15A.04.115 and Chapters 15A.05 through 15A.08 of this Title. (~~Ord. 10-1985 § 1 (part), 1986, 2001~~).

15A.10.020 Administrative Adjustment of Some Development Standards Authorized.

- (a) The purpose of this section is to provide flexibility by allowing certain development standards in Chapters 15A.05 through 15A.08 to be administratively adjusted. A particular standard may be reduced or modified so long as the Reviewing Official determines that the adjustment and/or reduction is consistent with the purpose of this Title, the intent and purposes of the standard, and will accomplish one or more of the following objectives:
 - (a) Allow buildings to be sited in the manner which maximizes solar access;
 - (b) Allow zero lot line or common wall construction in conformance with the provisions of this Title;
 - (c) Coordinate development with adjacent land uses and the physical features of this Title;
 - (d) Permit flexibility in the design and placement of structures and other site improvements;

- (e) Allow development consistent with a specific adopted sub-area plan, adopted by either the city or county appropriate jurisdiction.
- (b) Administrative adjustments of development standards shall be processed under the Type (2) review provisions for modifications as contained in Section 15A.17.050 of this title for Class (1) and Class (2) uses, and under Class (3) review for Class (3) uses, ~~except for development within or adjacent to residential zoning districts, and under Type (3) review for Class (3) uses. Type (3) review is required to balance this flexibility and general welfare of individual neighborhoods and the community.~~
- (c) The Reviewing Official shall not have the authority to reduce the site design requirements for:
 - (1) Minimum lot size, and
 - (2) Building height, ~~nor the~~
 - (3) Subdivision requirements set forth in Section 15A.05.030 and Table 5-2
 - (4) The siting of manufactured and mobile homes; ~~as set forth in 15.20.100, within urban growth areas or the Rural Transitional and Rural Settlement zoning districts;~~
 - (5) Home occupations; ~~as set forth in Chapter 15.18;~~
 - (6) Number of signs;
 - (7) The requirements set forth in other Titles of the Yakima County Code.
- (d) Where specific procedures and criteria are provided elsewhere in this Title for reducing or modifying the requirements of this Title, the Reviewing Official shall not accept an adjustment application for processing.
~~(Ord. 10 1985 Mod. 12 §22, 1988; Ord. 10 1985 Mod. 6 §39, 1987; Ord. 10 1985 §1 (part), 1986; Ord. 4 1995 §8, 1995)~~

15A.10.030 Special Conditions of Approval Authorized.

- (a) The development standards and other conditions for approval specified in this Title are not a limitation on the authority of a Reviewing Administrative Official to impose additional or greater requirements as conditions of approval on any use, development or modification being reviewed. Except, as otherwise expressly provided, any Reviewing Administrative Official may impose conditions to:
 - (1) Accomplish the objective and intent of any development standard or criteria for approval set forth in this Title;
 - (2) Mitigate any identified specific or general negative impacts of the development, whether environmental or otherwise;
 - (3) Insure compatibility of the development with existing neighboring land uses;

- (4) Assure consistency with the intent and character of the zoning district involved;
- (5) Ensure that the structures and areas proposed are surfaced, arranged and screened in such a manner that they are compatible with and not detrimental to existing or reasonable expected future development of the neighborhood, or resource uses, consistent with the comprehensive plan.
- (56) Achieve and further the expressed intent, goals, objectives, and policies of the ~~Yakima Urban Area Comprehensive Plan~~ and this Title.

(b) It is the intent of this Title to grant broad authority to impose special conditions to achieve and further the objectives listed above. Such authority shall extend, but not be limited, to the following:

- (1) Increasing the minimum development standards of this Title;
- (2) Limiting and controlling the dimensions, number, shape, lighting and location of uses or structures, including fences, signs and buildings;
- (3) Regulating the number and location of vehicular access points;
- (4) Requiring the dedication of additional rights-of-way for public streets;
- (5) Requiring the dedication of public use or drainage easements and the recording of the same;
- (6) Regulating the design, manner and timing of construction of any site improvements;
- (7) Regulating the size and/or hours of operation of any commercial or industrial use;
- (8) Providing for the maintenance or retention of any regulated site improvement;
- (9) Requiring and designating the location and size of open space or recreational areas;
- (10) ~~Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;~~
- (10) Requiring reclamation of any site upon discontinuance of use and/or expiration or revocation of a project. (Ord. 10-1985 §1 (part), 1986).

- (11) Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
- (12) Requiring view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
- (13) Requiring that public facilities are adequate to serve the proposed use;
- (14) Requiring improvements to public or private roads, bridges, drainageways, water systems or sewage systems;
- (15) Requiring mitigation measures to effectively reduce the potential for land use conflicts such as: landscape buffers; special setbacks; screening; site design using physical features such as rock outcrops, ravines, roads, irrigation canals or critical areas.

15A.10.040 Authority to Impose Special Conditions Limited in Class Type (1) Review and Administrative Modification Review.

- (a) Unless specifically granted in some other provision of this Title, the authority of the reviewing Administrative Official to impose special conditions of approval during a Class Type (1) review or an administrative modification (Chapter 15A.17) is limited to those which are reasonable and necessary to accomplish the objective and intent of any expressed development standard, or criteria of approval, in this Title. This provision shall not prevent the reviewing Administrative Official from denying or conditioning approval of any permit under this Title based on the application of: criteria set forth in Chapters 15A.13 and 15A.17.
 - (a) The State Environmental Policy Act (SEPA); or,
 - (b) Traffic engineering standards and policies established by Yakima County and the City of Yakima the appropriate jurisdiction to protect the function and satisfactory level of service of arterial and collector streets. (Ord. 10 1985 Mod 6 §40, 1987; Ord. 10 1985 §1 (part), 1986).
- (b) In granting a Type I permit, the Administrative Official shall review the application, site plan, and all other necessary information to determine that:
 - (1) The proposed development complies with the standards and provisions of the zoning district in which it is located, the development standards of this Title, except when adjusted or otherwise modified according to the provisions of this Title.

(2) Adequate water, sewer, roads, and other infrastructure improvements exist, or will be provided, to serve the project consistent with the purpose of the zoning district. When necessary to meet current development standards, or to serve the proposed use, conditions may be required relating to: the number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits); the dedication of additional right-of way; public use easements; increased building setbacks to provide for future road improvements identified in an adopted transportation plan; storm drainage facilities; other infrastructure improvements; or other mitigation measures required under the State Environmental Policy Act (SEPA).

(c) When the proposed Class (1) use does not meet one or more of the requirements of subsection (b) above, it shall either be subject to conditions to correct the deficiency, or if it cannot be adequately conditioned to comply with this Title, it shall be denied.

(d) When a Type I application is denied, the Administrative Official shall state the specific reasons therefore.

(e) When a proposed Class (1) use is conditioned or denied, the applicant and/or property owner may appeal the determination to the Hearing Examiner, as provided for in Chapter 15A.16 and YCC Title 16B.

(f) Violation of such conditions and safeguards, when made part of the terms under which the project permit is granted, shall be considered a violation of this Title and subject to the remedies set forth in Chapters 15A.24, 15A.25 and YCC Title 13.

Note: *Underlined colored text is added; strike-through text is deleted.*
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.11 GENERAL APPLICATION REQUIREMENTS

Sections:

- 15A.11.010 Purpose.
- 15A.11.020 Application Requirements.
- 15A.11.030 Table of Application Requirements.
- 15A.11.040 General Site Plan Form and Contents.
- 15A.11.050 Detailed Site Plan Form and Contents.
- 15A.11.060 Preapplication Conference.
- 15A.11.070 Filing an Application.
- 15A.11.080 Processing Applications.
- 15A.11.090 Notice Requirements.
- 15A.11.100 Fee Schedule and Administration.
- 15A.11.110 Master Applications.

15A.11.010 Purpose.

The purpose of this chapter is to specify the general procedures to be followed when processing applications. Additional procedures for particular types of development review are contained in specific sections of this Title. (Ord. 2947 § 1 (part), 1986).

15A.11.020 Application Requirements.

All applications shall comply with the following requirements:

- (a) Applications shall be in writing on forms provided by the Planning Division; Department, or for Class (1) uses, by the Building Official ~~Administrative Official~~;
- (b) Applications shall include the information required by Table 11-1, "Application requirements". For Class Type (1) review, except Home Occupations, and for Class Type (2) or (3) review for developed sites for which there is limited proposed change, the application shall include a general site plan in conformance with Section 15A.11.040; provided, the reviewing ~~Administrative~~ Official, at his discretion, may require additional information to clarify the application or determine compliance with the provisions of this Title. For Class Type (3) review, the application shall include a detailed site plan in conformance with Section 15A.11.050;
- (c) All applications, including Class Type (1) review, shall be signed by the property owner or his agent authorized in writing to do so;

- (d) Applications shall be accompanied by the appropriate fee as established ~~in~~ by this YCC Title 20;
- (e) An application is not complete unless it includes all required information, attachments and fees. No application shall be considered officially filed until accepted as complete by the Department Planning Division; and
- (f) Applications for Class Type (2) and (3) review shall include ~~an 11" x 17" or smaller a minimum eleven inches by seventeen inches~~ reproducible copy of the site plan. If the original site plan is larger than ~~11" x 17" eleven inches by seventeen inches~~, a minimum of ten (10) additional copies and ~~an 11" x 17" (or smaller) eleven inches by seventeen inches~~ copy of the site plan shall be required. In the event of expanded review, additional copies may be required at the applicant's expense. Site plans shall be developed in accordance with Sections 15A.11.040 or 15A.11.050, as applicable. (Ord. 10-1985 § 1 (part), 1986; Ord. 3-1993 § 45, 1993).

15A.11.030 Table of Application Requirements.

Table 11-1 "Application Requirements" lists the general information required for each type of application and is included as a part of this section. Individual chapters of this Title may contain additional information required for a particular type of application.

15A.11.040 General Site Plan Form and Contents.

- (a) General Site Plan Form. All general site plans shall be drawn to scale and be legibly drawn, prepared, or printed on paper. Unless otherwise requested or authorized by the reviewing Administrative Official, the paper size for Class Type (1) review shall be eight and one-half inches by eleven inches and, for Class Type (2) review, eleven inches by seventeen inches. The scale of the drawing shall be a standard engineering or architectural scale and shall reasonably utilize the paper size.
- (b) General Site Plan Contents. The general site plan shall include the legal description of the land, north arrow and scale of drawing, name of applicant and project name, actual dimensions and shape of the lot to be built upon, the sizes and location of existing structures on the lot to the nearest foot, the location and dimensions of proposed structures and uses, the size and location of utilities, parking areas Circulation Plan, proposed landscaping and sitescreening and the location of ingress and egress. The site plan shall also include any other information required by the planning department ~~or~~ Administrative ~~or~~ reviewing Official to clarify the proposal, assess its impacts, or determine compliance with this Title. (Ord. 10-1985 § 1 (part), 1986).

15A.11.050 Detailed Site Plan Form and Contents.

- (a) **Detailed Site Plan Form** - All detailed site plans shall be drawn to scale and be legibly drawn, prepared, or printed on paper. Unless otherwise requested or authorized by the planning department Administrative Official, the paper size shall be eleven inches by seventeen inches or larger. The scale of the drawing shall be a standard engineering scale and shall reasonably utilize the paper size. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire site.
- (b) **Detailed Site Plan Contents** - The detailed site plan shall show the following where applicable:
 - (1) The boundaries of the site;
 - (2) Names and dimensions of all existing streets bounding or touching the site;
 - (3) The location, shape, size, height and types of all existing and proposed structures and the boundary lines of all proposed and existing lots, tracts, and easements;
 - (4) Proposed location and dimension of "common open space";
 - (5) Existing and proposed utilities, streets, access easements, and dedication of property;
 - (6) Location, dimension and design of off-street parking facilities, showing points of ingress to and egress from the site;
 - (7) All major physiographic features, such as railroads, drainage canals and shorelines, on or abutting the site;
 - (8) Existing topographic contours at intervals of not more than five feet, together with proposed grading and drainage plans;
 - (9) Proposed land uses and densities;
 - (10) Pedestrian and vehicular circulation pattern;
 - (11) Existing and proposed landscaping and sitescreening;
 - (12) Existing sewer lines, water mains and other underground facilities within and adjacent to the development;
 - (13) Proposed sewer or other waste disposal facilities, water mains and other underground utilities;

- (14) The location of structures on the adjoining lots;
- (15) A comprehensive sign plan meeting the requirements of Section 15A.08.170(1);
- (16) Analysis of soil and geological conditions; and
- (17) Any other information specified by the ~~reviewing~~ Administrative Official, such as:
 - a) Proposed ownership pattern,
 - b) Operation and maintenance proposals (i.e. homeowner's association, condominium, co-op or other),
 - c) Solid waste disposal facilities,
 - d) Lighting,
 - e) Water supply,
 - f) Public transportation,
 - g) Community facilities,
 - h) General timetable of development,
 - i) Flood proofing or other measures to protect against flooding, or,
 - j) Information on design methods to conserve energy.

(c) A detailed site plan for development in the ~~floodplain overlay~~ district shall also include the following information:

- (1) Elevation in relation to the one-hundred-year flood level of the lowest floor (including basement) of all structures,
- (2) Elevation in relation to mean sea level of any structure that has been flood proofed,
- (3) Certification by a registered professional engineer or architect that established flood proofing standards have been met; and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. (~~Ord. 10-1985 §1 (part), 1986~~).
- (5) Other information as may be required by YCC Titles 13, 16A, 16C or 16D.

Chapter 15A.11 - 4

15A.11.060 Preapplication Conference.

Prior to submitting an application, the applicant may arrange a conference with the Planning ~~department~~ Division to review the proposed action, to become familiar with the policies, plans and development requirements ~~in~~ of the ~~Yakima~~ Urban Growth Area and to coordinate all necessary permits and procedures. ~~However, pre-application conferences are mandatory for all Institutional Overlay and Master Planned Development applications. Any information or opinions expressed by the Planning Division staff shall not be binding on the Reviewing Official or constitute approval of the project.~~ (Ord. 2947 §1 (part), 1986).

15A.11.070 Filing an Application.

All applications for permits, rezones, interpretations, or other approvals or action required or authorized under this Title shall be filed with the Planning ~~Division~~ Department, except that applications for Class (1) uses, or modifications to approved Class (1) uses, shall be made directly to the building official Administrative Official. Any required site plans shall accompany the application. (Ord. 2947 §1 (part), 1986).

15A.11.080 Processing Applications.

- (a) ~~Processing applications shall follow the requirements set forth in YCC Title 16B. Upon receipt of an application or upon referral of an application by the building official Administrative Official, the Planning Division shall proceed as follows: provided in YCC Title 16B.~~
- (a) ~~The application shall be reviewed for completeness. If additional information is required, the application shall be referred back to the applicant. If accepted as complete, the Planning Division shall begin processing the application in accordance with this chapter.~~
- (b) ~~If more than one permit, approval, or action under this Title is required, the Planning Division shall refer the application back to the applicant for consideration of a master application under Section 15A.11.110, withdrawal of the application, or a determination by the applicant of which permit shall be processed first. If no response is received within seven days the timeframe specified in Title 16B, the Planning Division shall determine the order of processing and forward the application to the appropriate reviewing official Administrative Official.~~
- (c) ~~A complete application shall be reviewed by the Planning Division and if State Environmental Policy Act (SEPA) review is required, referred to the designated SEPA responsible official for SEPA review under the provisions of WAC 197-11. No action, approval or permit shall be issued on the proposal until SEPA review is complete.~~

- (d) Upon completion of SEPA review, the Planning Division shall forward the application, related SEPA documents, if any, and a written report on the proposal, if any, to the appropriate reviewing official Administrative Official.
- (e) The Planning Division shall have a maximum of seven days to review the completed application and refer it to the appropriate reviewing official Administrative Official, excluding any time spent in SEPA review.
- (f) The Planning Division shall be responsible for assigning a date and assuring due notice of public hearing for each application requiring review by the Hearing Examiner. The date and notice shall conform with to the statute or ordinance governing the application.
- (g) Upon final action and decision, the Reviewing Official Administrative Official or legislative body shall transmit its findings and decision to the Planning Division.
- (h) (b) If the decision of the Reviewing Official or legislative body is for approval, and if all other permits, approvals, or actions required under this Title have been secured, the Administrative Official Planning Department shall issue a Certificate of Zoning Review. The Certificate of Zoning Review shall be sent to the Building Official as authority for issuance of an actual development permit. The Certificate of Zoning Review is official indication of compliance with this Title only and shall not relieve any person from requirements of other laws or ordinances; nor shall it authorize the Building Official to issue a development permit without compliance with other duties or review required by him by law. (Ord. 10-1985 Mod. 6 § 41, 1987; Ord. 10-1985 § 1 (part), 1986).

15A.11.090 Notice Requirements.

Notification procedures shall follow the requirements set forth in YCC Title 16B.

- (a) Table 11-2 Notice Requirements Applications for permits, approvals, or action listed in Table 11-2, "Notice Requirements", shall be decided after compliance with the notice requirements set forth therein. Table 11-2 may require more than one type of notice for some applications. Other notice requirements are contained in the provisions of this title dealing with particular types of permits, approvals, or other actions and shall also be followed. In case of conflict between other provisions in this title and Table 11-2 the most lengthy and greater notice requirement shall apply. If no notice is required in either Table 11-2 or the written provisions of this title, none shall be provided.
- (b) Responsibility for Notice The planning department Department shall provide all notice requiring first class mailing or legal publication. When required the applicant shall post the property in accordance with Section 15A.11.090(C).
- (c) Posting Notice When required, the applicant shall post the subject property with signs provided by the planning department Department. Signs shall be posted on the subject property so as to be clearly seen from each right of way providing primary vehicular

~~access to the subject property. The time of posting shall comply with the provisions of Table 11-2.~~

(d) ~~Mailing Notice. For purposes of providing legal notice to adjoining property owners, the person or persons shown as the owner on the official records of the Yakima County Assessor's Office shall be considered the property owners.~~

15A.11.100 Fee Schedule and Administration.

The legislative bodyies shall adopt and maintain a current schedule of fees and charges for actions pertaining to this Title in YCC Title 20.

No application, permit, or appeal shall be accepted, processed, approved or issued unless and until the applicable fees and charges have been paid in full. (Ord. 10 1985 Mod. 12 §23, 1988; Ord. 10 1985 Mod. 6 §42, 1987; Ord. 10 1985 §1 (part), 1986; Ord. 3 1993 §46, 1993)

15A.11.110 Master Applications.

(a) Process - Any person proposing a land use project which would require more than one of the permits or approvals listed in Table 11-1 may submit a master application to the planning department on form(s) provided by the Planning Division.

The master application shall be processed subject to the highest level type of review applicable to any of the required permits or approvals. Class Type (3) review being higher than Class Type (2), and Class Type (2) review being higher than Class Type (1). For purposes of this section, the Reviewing Official's decisions shall have the following effect:

(1) If any of the required approvals constitute a recommendation to the legislative body, the decision of the Reviewing Official, as to all such permits or approvals shall constitute a recommendation to the legislative body;

(2) ~~Otherwise the decision of the Reviewing Official shall be final subject to appeal pursuant to Chapter 15A.16 and YCC Title 16B.~~

(b) ~~Fees~~ - When two or more zoning applications for the same project are processed as a master application, only the highest fee, among the applications submitted, shall be charged. (Ord. 10 1985 Mod. 6 §43, 1987; Ord. 10 1985 §1 (part), 1986).

Table 11-1 APPLICATION REQUIREMENTS

	PERMIT APPLICATION FOR							
	Class Type (1)	Class Type (2)	Class Type (3)	Appeal	Development Modification	Variance	Nonconforming	Rezone
R = Required with Application M = May be Required <u>by Administrative Official</u>								
Name, Address, Phone Number	R	R		R	R	R	R	R
Signature of property owner	R	R	R	R	R	R	R	R
Signature of Applicant	R	R	R	R	R		R	R
Yakima County Taxation Parcel No. & Legal Description	R	R	R	R	R	R	R	R
Description of Proposed Action	R	R	R	R	R	R	R	R
Size of Subject Property	R	R	R		M	M	R	R
SEPA Checklist (when required)	M	M	M		M		M	R
Application Fee	R	R	R	R	R	R	R	R
General Site Plan (15A.11.040)	R				R	R		
Detailed Site Plan		R	R		M		R	R
Explanation of any adjustment sought from the standards of this ordinance	M	M	M	M	R	R	R	R
Draft of any proposed covenants, restrictions and easements		M	R					
Citation of the action being appealed (YCC 15A.16.030)				R				

¹The Application must include the items shown. Individual chapters of this ordinance may contain additional information required for a particular type of application.

TABLE 11-2 – NOTICE REQUIREMENTS

NOTICE REQUIREMENTS			APPLICATIONS FOR . . .							
			Class (1) ⁽¹⁾	Class (2) ⁽²⁾	Class (3) ⁽³⁾	Appeal	Administrative Modification to Development	Variances	Interpretation(s)	Rezones
Posting	1 st Class Mailing	Mailed After Preliminary Decision for Approval by Reviewing Administrative Official	NOTICE NOT REQUIRED	X						
		Mailing/Publication/Posting at Least Twelve Days Prior to Public Hearing			X	X	X	X	X	X
		To Parties of Record		X	X	X		X	X	X
		To Property Owners Within 300 feet of the Application Parcel		X	X			X	X	X
		One Legal Notice in Official Newspaper			X			X		X
		In Compliance With Chapter 15A.11.090(3) and this Table			X					X

⁽¹⁾ Includes: Class (1) uses; development permits; temporary use permits; some home occupations.

⁽²⁾ Includes: Some Class (1) uses; Class (2) uses; permits for temporary hardship units; some home occupations; some modifications to Class (1) and (2) uses.

⁽³⁾ Includes: Some Class (2) uses; Class (3) uses; changes from a ~~one~~ nonconforming use to another; some modifications to Class (2) and Class (3) developments, including administrative adjustment of development standards for Class (3) uses.

Note: *Underlined colored text is added; strike-through text is deleted.*
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.12 PERMITS

Sections:

- 15A.12.010 Purpose.
- 15A.12.020 Required Permits.
- 15A.12.030 Compliance with Development Permit and Certificate of Zoning Review Required.
- 15A.12.040 Official Index of Approvals to be Maintained as Public Record.
- 15A.12.050 Final Site Plans.
- 15A.12.060 Expiration and Cancellation of Development Permits and Certificates of Zoning Review.
- 15A.12.070 Certificates of Occupancy Required at Discretion of Reviewing Official.
- 15A.12.080 Performance Assurance.

15A.12.010 Purpose.

The purpose of this chapter is to specify the general requirements for permits under this Title and to specify certain administrative provisions concerning permits issued under this Title. (~~Ord. 10-1985 § 1 (part), 1986~~).

15A.12.020 Required Permits.

- (a) **Development Permit** - Except as provided in subsection (c) of this Section, no use, development or modification to use or development, as those terms are defined by this Title, may be established, placed, performed, constructed, made or implemented, in whole or in part without the issuance of a development permit by the ~~building~~ Administrative Official. When a building permit is required, the building permit shall serve as the development permit, subject to receipt of a Certificate of Zoning Review by the Administrative Official in Subsection (b).
- (b) **Certificate of Zoning Review** - No development permit may be issued without the prior issuance ~~by the planning~~ department of a Certificate of Zoning Review by the ~~Administrative~~ Official for the proposed development or modification to development indicating that the proposal has been through the review procedures of this ordinance and conforms to its requirements. ~~Provided, that proposals for new Class (1) uses and modifications to approved Class (1) uses which are reviewable under Class Type (1) review only (Chapter 15A.13) do not require a separate Certificate of Zoning Review and~~

~~may be approved directly by the building official Administrative Official.~~ The Certificate of Zoning Review issued by the Administrative Official planning department shall include by reference or otherwise, any terms and conditions of approval for the project together with any approved final site plan.

(c) Exemptions - The following development and modifications to development are exempt from the review and permit provisions of this Title. Provided, they do not involve a required site improvement:

- (1) Normal structural repair and maintenance;
- (2) Changes to conforming structures which do not involve structural alterations as that term is defined by this Title;
- (3) Rehabilitation of dwelling units when such rehabilitation does not expand the number of dwelling units nor physically expand the structure;
- (4) Accessory structures otherwise meeting the specific development standards and requirements of this Title and which do not require a building permit under the provisions of the Uniform International Building Code as adopted by the city/County appropriate jurisdiction;
- (5) ~~Communication towers less than thirty five feet in height and which meet the standards of Section 15A.04.130;~~
- (6) Exempt signs;
- (7) Yard sales meeting the requirements in Section 15A.04.060(a);
- (8) Alteration to land, including grading and leveling, paving stockpiling, and excavation, the fair market value of which does not exceed five hundred dollars;
- (9) All grading, construction of private or public roads, landscaping, construction of sewer, ~~waste water facilities, electric and water utilities~~ pursuant to an approved and valid short or long subdivision regulating such improvements.

(d) Development Permit--Issuance in Conjunction with Another Permit - If the building Administrative Official is designated and/or authorized to review and issue a permit under the provisions of any other County/city code or ordinance applicable to the development, he/she may require issuance of the development permit under this Title to be issued only in conjunction with said other permit. ~~(Ord. 10-1985 Mod. 12 §24, 1988; Ord. 10-1985 Mod. 6 §44, 1987; Ord. 10-1985 §1 (part), 1986).~~

15A.12.030 Compliance with Development Permit and Certificate of Zoning Review Required.

- (a) **Development Permit Compliance Required** - Development permits issued on the basis of plans and applications and conditions of approval imposed by the ~~building~~ Reviewing Official and/or on the basis of a Certificate of Zoning Review authorize only the use, arrangement and construction set forth in the approved plans, application and Certificate of Zoning Review together with any associated conditions of approval and the final site plan. Any use, arrangement, or construction ~~at variance~~ which is inconsistent with that authorized is a in violation of this Title and is punishable as provided in Chapter 15A.25.
- (b) **Site Plan Compliance Required** - Whenever any ~~detailed or general~~ site plan is required by operation of this Title and is part of any approval of development or modification of development, the final site plan shall be binding on all existing or subsequent owners and occupiers of the property. The owner and/or occupier of any property, development, or structure which is the subject of a final detailed or general site plan shall be required to maintain the property and development in full compliance with the terms and conditions of the approved final site plan and any associated terms and conditions of approval for the development. Failure to do so shall constitute a violation of this Title and is punishable as provided in Chapter 15A.25.
- (c) **Site Inspection by the Building Official Authorized** - The Building Official is authorized to perform interim and final inspections of all development and modifications to development to assure that it has been established and/or constructed in conformance with the final site plan and associated terms and conditions of approval. The Building Official may coordinate such inspections with the inspections required by other applicable codes or ordinances. When the development, as built, conforms to the final site plan, the Building Official shall so certify on the face of the site plan on file with the County/eity appropriate jurisdiction. (Ord. 10-1985 §1 (part), 1986).

15A.12.040 Official Index for Approvals to be Maintained as Public Record.

- (a) **For Class Type (1) (2) & (3) Approvals** - The ~~Planning~~ Department shall maintain an official index of all approved and currently applicable Certificates of Zoning Review and development permits requiring review and approval by the Administrative Official and/or Hearing Examiner. The official index shall include the application, a copy of the Certificate of Zoning Review and development permit, together with their associated site plans and the terms and conditions of approval. Such index shall constitute an official record and shall be open for public inspection and copying in accordance with the other provisions of law. Such index shall be kept by parcel number so the current applicable provisions of any specific approval issued under this ordinance for such property are available for public inspection and review. Such index may consist of original or certified duplicates of original documents.

(b) The Planning department Division and Building Official shall immediately upon issuance of a Certificate of Zoning Review and development permit place the original or certified duplicate in the official index noting the date and time of filing of the document in the index. The official index required by this section shall constitute authority as to the current applicable limitations and requirements pertaining to specific approvals issued under this Title and shall constitute constructive notice to third parties of the existence and terms of said approval. The Planning department, ~~through its department head~~; Division shall be the official custodian of said index and is authorized to issue certified copies. Any unauthorized change of any kind by any person to the documents or records in the official index required by this section shall constitute a violation of this ordinance and be punishable as provided under Chapter 15A.25.

(b) ~~For Class Type (1) Approvals The Building Official Administrative Official shall maintain an official public record of development permits issued under class Type (1) review in the same manner and with the same effects as set out in section 15A.12.040(a). (Ord. 10 1985 §1 (part), 1986).~~

15A.12.050 Final Site Plans.

(a) Final Site Plan Required - Prior to issuance of a Certificate of Zoning Review, the applicant shall provide to the ~~planning department~~ Administrative Official a final site plan. The final site plan shall include the items shown on the original site plan and the additions and modifications required by the Reviewing Official.

(b) Final Site Plans - Form and Content - All final site plans shall be drawn to scale and be legibly drawn, prepared, or printed by a process guaranteeing a permanent record in black on paper, ~~tracing cloth or equivalent material as required by the planning department~~ Administrative Official. Unless the ~~planning department~~ Administrative Official requests or authorizes a different size or scale, the size and scale of the final site plan shall conform to the requirements of Sections 15A.11.040 or 15A.11.050 as applicable. Where necessary, the final site plan may be on several sheets accompanied by an index sheet showing the entire site plan.

(c) ~~Filing of Notice of Detailed Site Plan. Repealed (Ord. 3 1993 §47, 1993)~~

15A.12.060 Expiration and Cancellation of Development Permits and Certificates of Zoning Review.

(a) Certificate of Zoning Review—Expiration - A Certificate of Zoning Review shall automatically expire and terminate when:

- (1) A new or modified Certificate of Zoning Review has been issued for the same parcel or parcels; or
- (2) A development permit based on the Certificate of Zoning Review has not been issued within one (1) year from the date of issuance of the certificate or a time period of not less than one (1) year specified by the Reviewing Official.
- (3) The development permit issued on said certificate expires, terminates, or is canceled under the provisions of this Title.

The ~~Planning department~~ Division shall take steps to cancel any expired Certificate of Zoning Review and note such expiration or cancellation in the official index of approvals. The ~~Planning department~~ Division shall mail written notice of cancellation to the last known address of the applicant and to the owner of record as shown in the Yakima County Assessor's parcel index. Failure to provide such notice shall not affect the termination or expiration of the certificate.

- (b) Development Permit and Building Permit Expiration - A development permit shall automatically expire and be terminated when:
 - (1) A new or modified development permit is issued for the parcel or parcels affected; or
 - (2) The work or action authorized in the development permit has not begun within one hundred eighty days from the date of issuance thereof, unless a longer time is specified in the approval itself; or
 - (3) The work or action authorized in the development permit has not been completed within two years from the date of issuance thereof, unless a longer time is specified in the approval itself.

Provided, that prior to termination and expiration of a development permit under subdivisions 2 and 3 of this subsection, the ~~County building~~ Administrative Official shall give written notice to the applicant at his last known address and to the owner of record as shown on the Yakima County Assessor's parcel index file that the development permit is about to expire. Such notice shall be made by mail at least forty-five days prior to the scheduled date of cancellation and shall describe the action necessary to avoid termination or expiration. Should the development permit expire, the ~~Department building~~ Administrative Official shall take administrative action to reflect cancellation of the permit in the official records of the Building Official and the ~~Planning department and Division~~. The Department shall send a written permit expiration notice by mail of the fact of expiration to the permit applicant and the owner of record as shown in the Yakima

County Assessor's parcel index together with a notice that further work or action shall not proceed.

(c) Extension of any Approved Development Permit and/or Certificate of Zoning Review - A valid Certificate of Zoning Review and/or a valid development permit may be extended one time only for up to one additional year by action of the Administrative Official. Requests for extensions shall be in writing to the ~~Planning department~~ Division and shall be accompanied by the previously approved final general or detailed site plan showing the location and size of any development or work already completed on the project.

The Administrative Official shall review the application without public notice or hearing and issue ~~his~~ the decision within ten working days from the receipt of the completed application. The Administrative Official may:

- (1) Approve the extension,
- (2) Approve the extension with conditions to assure the work will be timely completed, or
- (3) Disapprove the extension.

An extension shall be issued for good cause only and the burden of showing cause shall be upon the applicant. The Administrative Official shall mail ~~his~~ the decision to the applicant and shall specify ~~his~~ the decision as final unless appealed under the provisions of Chapter 15A.16. (Ord. 10-1985 Mod. 6 §§46, 47, 1987; Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §48, 1993)

15A.12.070 Certificates of Occupancy Required at Discretion of Reviewing Administrative Official.

(a) Purpose - The purpose of this section is to provide a means to assure that the terms and conditions of approval imposed after review of development under this Title are actually and properly complied with and implemented in a timely fashion, all in furtherance of the goals and policies of this Title, the ~~Yakima Urban Area~~ Comprehensive Plans and the public welfare and interest.

(b) Certificate of Occupancy May be Required - As a condition of approval for the issuance of any development permit or Certificate of Zoning Review or any other permit or approval under this Title, ~~the Reviewing Official including the Building Official, Administrative Official and Planning department Division when engaged in administrative modification review under Chapter 15A.17, may require or specify that the~~ approved use or occupancy of the structure or land may not occur without the issuance of a Certificate of Occupancy issued by the Building Official certifying that all required site

improvements have been fully and properly constructed and that all the terms and conditions of approval have been met. Where such condition is imposed by the Reviewing Official any use or occupancy of the property or structures, in whole or in part, without the issuance of a Certificate of Occupancy is a violation of this ordinance and is punishable under the provisions of Chapter 15A.25.

- (c) Procedures - The Building Official and/or Administrative Official may perform interim and final inspection of the development at their own initiative, but shall do so within five days of any request made by the permit holder. The Building Official and/or Administrative Official are authorized to conduct interim and final inspections of the development and may coordinate such inspections with the inspections required by other applicable codes and regulations.
- (d) Temporary Occupancy Prior to Completion - The Building Official in consultation with the Administrative Official may authorize temporary occupancy of development prior to the issuance of a required Certificate of Occupancy when, upon request, he finds that all the following conditions are met:
 - (1) The applicant is unable to complete all required improvements because of unavoidable circumstances that in no way resulted from the action or inaction of the applicant or permit holder;
 - (2) It is reasonably certain that the applicant will be able to complete the improvements within a reasonable amount of time;
 - (3) Delaying completion of the improvements until after occupancy will not be materially detrimental to property in the vicinity of the proposed development, the health, safety, and welfare of the general public, or the goals and policies of this ordinance and the Yakima Urban Area Comprehensive Plan;
 - (4) Security for the completion of required improvements and terms and conditions of approval has been made in accordance with Section 15A.12.080 for any public improvements associated with the development;
 - (5) The development complies with minimum life and safety codes and the Building Official has declared the development safe for use. (~~Ord. 10-1985 §1 (part), 1986~~).

15A.12.080 Performance Assurance.

- (a) Purpose - The purpose of this section is to provide a means to assure that the terms and conditions of approval pertaining to construction or changes to public improvements

imposed after review of development under this Title are actually and properly complied with and implemented in a timely fashion.

(b) **Performance Assurance Required as a Condition of Approval** - As a condition of approval of the issuance of any development permit or Certificate of Zoning Review, or any other permit or approval issued under this Title, the reviewing Administrative Official may require security for the performance and completion of any proposed or required public improvement or any other term or condition of approval pertaining to a public improvement. The estimate of the performance and completion of any proposed or required public improvement or any other term or condition of approval pertaining to a public improvement will be reviewed and/or calculated by the City/County Engineer or a designee. When such security is required, it shall be made in accordance with this section and must be made and approved prior to the issuance of the development permit.

(c) **Forms and Security** - The applicant may provide security in the form of one or more of the following:

- (1) A cash security deposit ~~with the county/city~~;
- (2) A bond; or
- (3) A deed of trust mortgage on the subject or other property.

Provided, however, that the quality, sufficiency, amount and exact form of the security are subject to the approval and satisfaction of the City/County Engineer and Administrative Official. Whenever any security is provided by an applicant it shall state directly or by reference all the following provisions:

- (4) The improvements or performance secured;
- (5) A date or dates of required compliance;
- (3) The amount of the security;
- (4) That the security is in favor of the Yakima County/City of Yakima;
- (5) That the applicant shall maintain the security in force until completion of the public improvement or condition for which security was provided.

(d) **Security Deposits** - The following provisions apply to security in the form of a security deposit. When a security deposit is made under the provisions of this section a written agreement shall be made and signed by the Administrative Official on behalf of the City/County. Security deposits shall be made directly to the Administrative Official and

such funds shall be kept in an identifiable trust account. The applicant may designate the location and type of account and any interest earned thereon shall accrue and remain in such account. The cost of the account shall be provided for by the applicant or may be deducted from the security deposit.

If the improvements or performances secured by the deposit are not timely completed, the Administrative Official shall notify the applicant in writing stating:

- (1) The nature of the noncompliance and the action necessary to correct the same;
- (2) The amount of time in which the applicant has to take corrective action; and
- (3) That if corrective action is not completed within the time specified that the City/County will apply the funds in the security deposit in order to effect compliance.

If the corrective action is not taken by the applicant or permit holder within the time specified in the notice given by the Administrative Official, the City/County shall, through its representatives, take whatever action that the City/County deems necessary, and/or convenient to In addition, the city County shall perform or complete the items covered by the security deposit and shall apply funds held therein to the cost of such completion or performance. Any excess or surplus funds shall be refunded to the applicant.

(e) Bonds - The following provisions shall apply to bonds provided as security under this section. The bond or other security shall be in an amount and with such surety and conditions satisfactory to the Administrative Official.

(f) Deeds of Trust - Security provided in the forms of deeds of trust shall comply with the following provisions. Deeds of trust shall be recorded, the cost of which will be borne by the applicant. If the improvements or performance secured by the deed of trust are not completed, the Administrative Official shall notify the applicant in writing stating:

- (1) The nature of the noncompliance and the action necessary to correct the same;
- (2) The amount of time in which the applicant has to take corrective action; and
- (3) That if corrective action is not completed within the time specified that the City/County will take corrective action itself and/or foreclose the deed of trust.

On failure of the applicant or permit holder to complete corrective action within the time specified the City/County may, at its option, through its designated representatives either:

- (4) Take action necessary or convenient to perform or complete the events secured by deed of trust and thereafter institute foreclosure of the deed of trust in any manner allowed by law; or
- (5) Institute foreclosure action on the face amount of the deed of trust in any manner allowed by law.

(g) Partial Releases - An applicant may request a partial release of any security provided under this section based on partial completion or compliance with the events secured. If the Administrative Official determines that partial release is warranted he may cause a partial release of security in an amount deemed by him to be appropriate.

(h) Applicant and Permit Holder Responsible for Deficiencies - The applicant and/or permit holder is responsible for all costs incurred by the County/City in causing completion of the events secured by any security provided for under this section. If after fully applying the security a deficiency remains, the applicant and/or permit holder shall be jointly and severally liable for such deficiency and for reasonable attorney's fees necessary to collect the same.

(i) Administration - The Administrative Official is authorized to sign documents and otherwise administer securities under the provision of this section. (~~Ord. 10-1985 Mod. 6 §48, 1987; Ord. 10-1985 §1 (part), 1986~~).

Note: *Underlined colored text is added; strike-through text is deleted.*
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.13 **CLASS TYPE (1) REVIEW**

Sections:

- 15A.13.010 Purpose.
- 15A.13.020 When Required.
- 15A.13.030 Development Permit Application—Class Type (1) Review.
- 15A.13.040 Review Procedures.
- 15A.13.050 Approval.
- 15A.13.060 Denial.
- 15A.13.070 Appeals.

15A.13.010 Purpose.

This chapter establishes procedures for issuance of a Certificate of Zoning Review and development permit for uses requiring Class Type (1) review. (Ord. 10-1985 §1 (part), 1986).

15A.13.020 When Required.

Class (1) uses not requiring Class Type (2) or (3) review are permitted; provided, that district standards are met. The building Administrative Official shall use the procedures in Chapter 15A.13 to review Class (1) uses and associated site improvements for compliance with the provisions and standards of the zoning district in which they are located. Class (1) uses require Class Type (2) review when:

- (a) All or part of the development, except for agricultural buildings, ~~and~~ single-family dwellings and duplexes ~~is~~ are in the floodplain or greenway overlay districts; or
- (b) All or part of ~~the planned residential~~ a development, ~~mobile home park or~~ multifamily dwelling is in the Airport Overlay (AO) District; or
- (c) All or part of a development that is in an Institutional (IO) or Master Planned Development Overlay (PD) and is identified in a development agreement as requiring Class (2) approval; or
- (e) (d) The proposed use includes hazardous material; or

- (d) (e) The applicant requests adjustment of one or more of the specific development standards pursuant to Section 15A.10.020; or; ~~(Ord. 10-1985 Mod. 6 §49, 1987; Ord. 10-1985 §1 (part), 1986)~~.
- (f) All or part of the development requires a development plan and/or master plan; or
- (g) The Administrative Official cannot determine from the application submitted that the use will meet the approval standards set forth in Sections 15A.10.040 and 15A.13.050.

15A.13.030 Development Permit Application—Class Type (1) Review.

Applications for permits for Class (1) uses permitted outright in the district shall be made in writing to the ~~building~~ Administrative Official on forms supplied by ~~him~~ the ~~Department~~ Planning Division. A general site plan conforming to the provisions of Section 15A.11.040 shall accompany the application. The ~~building~~ Administrative Official may request any other information necessary to clarify the application or determine compliance with, and provide for the enforcement of this Title. ~~(Ord. 10-1985 §1 (part), 1986)~~.

15A.13.040 Review Procedures.

The ~~building~~ Administrative Official shall review all Class (1) uses for compliance with this Title. The ~~building~~ Official shall forward All Class (1) uses requiring Class Type (2) review according to ~~under~~ Section 15A.13.020 to ~~the~~ Planning department ~~shall be processed~~ under Chapter 15A.14. The ~~building~~ Administrative Official shall approve with conditions or deny an application as provided in Sections 15A.13.050 and 15A.13.060, notify the applicant of the approval or denial of the application, request additional information, or forward the application to the Planning department for review. ~~(Ord. 10-1985 §1 (part), 1986)~~.

15A.13.050 Approval.

The ~~building~~ Administrative Official shall issue a Certificate of Zoning Review development permit when he determines it has been determined that:

- (a) The proposed use is a Class (1) permitted use under Chapter 15A.04;
- (b) That The proposed development complies with the standards and provisions of this Title, subject to conditions of approval as authorized by Section 15A.10.040 (a) and (b);
- (c) That The proposed development will comply with other uniform International Building Codes in effect and administered by the Building Official;

- (d) ~~That The proposed development complies with traffic engineering standards and policies established by Yakima County to protect the function and satisfactory level of service of arterial and collector streets; and~~
- (e) ~~That Any new improvements, or expansions of a structure comply with the standards of this Title. (Ord. 10-1985 Mod. 6 §50, 1987; Ord. 10-1985 §1 (part), 1986).~~

15A.13.060 Denial.

- (a) As provided in Section 15A.10.040(c), a Class (1) application may be denied if it does not meet, or cannot be adequately conditioned to meet the requirements of this Title.
- (b) When an application is denied, the ~~building~~ Administrative Official shall state the specific reasons and shall cite the specific chapters, and sections of this Title upon which denial is based. ~~The building~~ Administrative Official may also refer the applicant to the ~~planning department~~ Department to determine if relief from such denial is available through other application. (Ord. 10-1985 §1 (part), 1986).

15A.13.070 Appeals.

As provided in Section 15A.10.040(e), a Any decision by the Building-Administrative Official to conditionally approve or deny issuance of a Certificate of Zoning Review building permit for a Class (1) use may be appealed to the Hearing Examiner under the provisions of Chapter 15A.16 and YCC Title 16B. (Ord. 10-1985 §1 (part), 1986).

Note: *Underlined colored text is added; strike-through text is deleted.*
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Chapter 15A.14 **CLASS TYPE (2) REVIEW**

Sections:

- 15A.14.010 Purpose.
- 15A.14.020 When Required.
- 15A.14.030 Application for Class Type (2) Review.
- 15A.14.040 Review Procedures.
- 15A.14.050 Notification of Final Decision.
- 15A.14.060 Issuance of a Certificate of Zoning Review.
- 15A.14.070 Appeals.

15A.14.010 Purpose.

This section establishes procedures for issuance of a Certificate of Zoning Review for uses requiring Class Type (2) review. (Ord. 10-1985 §1 (part), 1986)

15A.14.020 When Required.

Class Type (2) review is required for any proposed use shown on Table 4-1 as a Class (2) use; for Class (1) uses requiring Class Type (2) review in Section 15A.13.020; and for other specific reviews established by this Title. (Ord. 10-1985 §1 (part), 1986).

In certain circumstances, the Administrative Official may require that a Class (2) use undergo a Type (3) review, when one or more of the following occurs:

- (a) In the opinion of the Administrative Official, formal public review and comment on a proposal will assist in determining necessary and proper mitigation of impacts;
- (b) SEPA Environmental review of the proposal indicates potentially significant environmental impacts that could prompt a higher type of review;
- (c) The application has more than three associated land use decisions to be considered; or
- (d) The proposed land use request has a development or master plan required by the size of the proposal or the Administrative Official has determined one is necessary.

15A.14.030 Application for Class Type (2) Review.

Applications for Certificates of Zoning Review for Class (2) uses shall be made in writing to the planning department on forms supplied by the Department. A general site plan conforming to the provisions of Section 15A.11.040 shall accompany the application for Class Type (2) review. The Administrative Official Planning department shall review forward the application and site plan to the Administrative Official for review. The Administrative Official may request any additional information under the provision of Section 15A.11.020(2) and YCC Title 16B. (Ord. 10-1985 §1 (part), 1986).

15A.14.040 Review Procedures.

Upon receipt of a completed application for a Class (2) use, the Administrative Official shall proceed as follows: provided in YCC Title 16B.

- (a) The process for review of a Class (2) use shall be as set forth in YCC Title 16B.

Preliminary Decision Within seven days of receipt of the completed application, the Administrative Official shall review the proposal and tentatively determine whether the proposed development should be approved, approved with conditions or denied. The Administrative Official may request any additional information necessary to clarify the application or determine compliance with the provisions of this title.

If additional information is required by the Administrative Official, the preliminary decision on the application shall be made within seven days of receipt of the additional information.

- (b) Notification of Adjacent Property Owners When the Administrative Official's preliminary decision is to approve the application, or approve with conditions, he the Administrative Official shall, within five days, forward a notice of the proposal together with his preliminary decision and a copy of the preliminary site plan to all landowners within three five hundred feet of the exterior boundaries of the development site. Such notice shall:

- (1) Indicate that the attached site plan is preliminary and subject to change by the administrator as a condition of approval; and
- (2) Solicit written comment on the proposal and specify a time period not less than twelve fourteen days from the date of mailing, during which written comment may be received and considered by him the Administrative Official; and
- (3) Indicate any standard proposed to be adjusted in accordance with Chapter 15A.10; and

- (4) ~~State that copies of the Administrative Official's final decision shall be mailed by the Administrative Official to all parties of record to any proceeding action; and~~
- (5) ~~The final decision of the Administrative Official is appealable to the Hearing Examiner for public hearing and review and such appeal shall be filed within fourteen days from the date of the Administrative Official's final decision.~~

~~The Administrative Official may also, but is not required to, solicit comments from any other person or public agency he the Administrative Official feels may be affected by the proposal.~~

- (e b) Administrator's-Administrative Official's Decision - After considering any comments received from other agencies, jurisdictions, or adjoining property owners, the Administrative Official shall take one or more of the following actions:

- (1) Approve the site plan and issue a Certificate of Zoning Review;
- (2) Establish conditions for approval, or require other changes in the proposed site plan;
- (3) Authorize adjustment in the basic design standards in accordance with the provisions of Chapter 15A.10;
- (4) Request additional or more detailed information including but not limited to a written program development plan or master plan or other similar documents for development;
- (5) Refer the site plan to the Hearing Examiner for review, public hearing and decision; or
- (6) Disapprove the site plan.

~~A request by the reviewing official Administrative Official for additional or more detailed information shall be made as provided in YCC Title 16B, ~~within seven days from the end of the comment period.~~~~

- (e c) Conditional Approval - The Administrative Official may attach conditions to his approval in order to assure the development is consistent with the intent of this Title, the zoning district, the development standards and the other provisions of this Title.
- (e d) Findings and Conclusions - The Administrative Official shall prepare written findings and conclusions stating the specific reasons and citing the specific chapters and sections of this Title upon which his decision to approve, approve with conditions, or deny the issuance of a Certificate of Zoning Review is based. The findings shall demonstrate that

the Administrative Official's decision complies with the objectives policies of the ~~Yakima Urban Area~~ Comprehensive Plans, the intent of the zoning district, and the provisions and standards established herein. (Ord. 10-1985 Mod. 6 §51, 1987; Ord. 10-1985 §1 (part), 1986).

15A.14.050 Notification of Final Decision.

Notification of the Administrative Official's final decision shall be issued as required under YCC Title 16B. The Notice of Decision shall also comply with RCW 36.70B.130.

~~The Administrative Official's final decision shall be issued within seven days from the end of the comment period, or, if additional information was requested, within seven days from the date the Administrative Official received the information was received by the reviewing official. The Administrative Official shall mail his any other findings and the decision to the applicant and to other parties receiving initial notice not later than three working days following the issuance of the final decision. The Administrative Official shall also specify that his the decision is final unless appealed to the Hearing Examiner. (Ord. 10-1985 Mod. 6 §52, 1987; Ord. 10-1985 §1 (part), 1986).~~

15A.14.060 Issuance of a Certificate of Zoning Review.

No use requiring Class Type (2) review by the Administrative Official shall be entitled to a development permit until and unless the Administrative Official approves a final site plan and authorizes issuance of a Certificate of Zoning Review. The Certificate of Zoning Review is not a building or development permit and does not by itself authorize the construction or occupancy of any use or structure.

15A.14.070 Appeals.

Decisions by the Administrative Official under Class Type (2) review may be appealed to the Hearing Examiner in accordance with Chapter 15A.16 and YCC Title 16B. (Ord. 10-1985 §1 (part), 1986).

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Chapter 15A.15 **CLASS TYPE (3) REVIEW**

Sections:

- 15A.15.010 Purpose.
- 15A.15.020 When Required.
- 15A.15.030 Application for Class Type (3) Review.
- 15A.15.040 Review Procedures.
- 15A.15.050 Notice of Examiner's Decision.
- 15A.15.060 Issuance of a Certificate of Zoning Review.
- 15A.15.070 Appeals.

15A.15.010 Purpose.

This Chapter establishes procedures for issuance of a Certificate of Zoning Review for uses requiring Class Type (3) review. (~~Ord. 10-1985 §1 (part), 1986~~).

15A.15.020. When Required.

Class Type (3) review is required for any proposed use shown on Table 4-1 as a Class (3) use, for Class (2) uses referred by the Administrative Official for Class Type (3) review and for other specific reviews established by this Title. (~~Ord. 10-1985 §1 (part), 1986~~).

15A.15.030 Application for Class (3) Review:

Applications for Certificates of Zoning Review for Class (3) uses shall be made in writing to the Planning department on forms supplied by the Planning Division. A detailed site plan conforming to the provisions of Section 15A.11.050 shall accompany the application for Class (3) review. The Planning department Division shall forward the application and site plan to the Hearing Examiner for review. The Department Administrative Official or Hearing Examiner may request any additional information necessary to clarify the application, or determine compliance with this Title, as provided in YCC Title 16B. (~~Ord. 10-1985 §1 (part), 1986~~).

15A.15.040 Review Procedures.

The following procedures will be followed for the review of Class (3) uses:

- (a) Staff Report of Planning Department - The Planning department Division shall distribute copies of the site plan to other affected departments, agencies and jurisdictions for review

and comment and shall coordinate and assemble the comments received. These comments shall be included in a staff report prepared by the department Division summarizing the proposal and stating the department's Administrative Official's findings and recommendations. At least seven calendar days prior to the scheduled hearing copies of the planning department's staff report shall be filed with the Examiner, mailed to the applicant and made available for public inspection.

(b) Public Hearing - The Planning department Division shall be responsible for assigning a date for and assuring due notice of, a public hearing for each application. Notice of the time and place of the public hearing shall be given as provided for in Table 11-2 YCC Title 16B. The Hearing Examiner shall hold at least one open record public hearing prior to rendering any decision, as provided in YCC Title 16B.

The applicant shall appear in person or by agent or attorney. Failure to do so may constitute sufficient cause for continuance of the hearing or denial of the application. Other parties may appear in person or by agent or attorney, or may submit written documents.

(c) Examiner's Decision - Within ten days of the conclusion of a hearing, unless a longer period is agreed to on the record or in writing by the applicant, the Examiner shall render a written decision. The Hearing Examiner may approve, deny, or conditionally approve the proposal.

(d) Conditional Approval - The Hearing Examiner may attach conditions to his the approval in order to assure the development is consistent with the intent of this Title, the zoning district, the development standards and the other provisions of this Title.

(e) Findings and Conclusions - The Hearing Examiner shall prepare written findings and conclusions stating the specific reasons and citing the special chapters and sections of this Title upon which his decision to approve, with conditions, or deny the issuance of a Certificate of Zoning Review is based. The findings shall demonstrate that the Hearing Examiner's decision complies with the goals, policies and objectives of the Yakima Urban Area Comprehensive Plans, the intent of the zoning district and the provisions and standards established herein. (Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 § 49, 1993)

15A.15.050 Notice of Examiner's Decision.

Notification of the Hearing Examiner's Decision shall be issued, as required under YCC Title 16B. The Notice of Decision shall also comply with RCW 36.70B.130. If the effect of the decision is a recommendation to the legislative body, the original thereof shall be transmitted to the legislative body.

Copies of the Examiner's decision shall be sent by certified mail to the applicant and copies of a "Summary of Decision" by regular mail to other parties of record in the case not later than three

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~~(3) working days following the rendering of a written decision by the Examiner. Copies of the complete decision or summary decision will be made available upon request. (Ord. 3-1993 §50, 1993, Ord. 10-1985 §1 (part), 1986).~~

15A.15.060 Issuance of a Certificate of Zoning Review.

No use requiring review by the Hearing Examiner shall be entitled to a development permit, until and unless the Hearing Examiner or the Administrative Official approves a final site plan and authorizes issuance of a Certificate of Zoning Review. The Certificate of Zoning Review is not a building or development permit and does not by itself authorize the construction or occupancy of any use or structure. ~~(Ord. 10-1985 §1 (part), 1986).~~

15A.15.070 Appeals.

Decisions by the Hearing Examiner under ~~Class Type~~ (3) review may be appealed to the legislative body in accordance with Chapter 15A.16, YCC Chapter 2.23 and Title 16B. ~~(Ord. 10-1985 §1 (part), 1986).~~

Note: *Underlined colored text is added; strike-through text is deleted.*
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Chapter 15A.16 APPEALS

Sections:

- 15A.16.010 Purpose.
- 15A.16.020 Appeals—Where Filed.
- 15A.16.030 Appeal of Decisions by the Building Official and Administrative Official.
- 15A.16.040 Appeal of Decisions by the Hearing Examiner.
- 15A.16.050 Legislative Body Action on Appeals.
- 15A.16.060 Appeal of Decisions by the Legislative Body.
- 15A.16.070 Effect of Appeals.
- 15A.16.080 Actions Not Appealable.

15A.16.010 Purpose.

The purpose of this chapter is to establish the procedures for appealing decisions made under the provisions of this Title, consistent with YCC Title 16B and Chapter 2.23. (Ord. 10-1985 §1 (part), 1986)

15A.16.020 Appeals.

Where filed. All appeals authorized under the provisions of this Title, except judicial appeals, shall be filed with the Planning Department Division. The department shall forward the appeal to the appropriate reviewing official. Administrative Official shall schedule an appeal hearing, provide the required notification and maintain complete records of all appeal hearings unless otherwise provided for in this chapter. (Ord. 10-1985 §1 (part), 1986)

15A.16.030 Appeal of Decisions by the Building Official and Administrative Official.

- (a) Appeal to the Hearing Examiner - Except as otherwise provided, any aggrieved person or agency directly affected by any decision of the Building Official or Administrative Official made pursuant to this Title may appeal that decision to the Hearing Examiner.
- (b) Appeal - All appeals shall be filed within fourteen days following the mailing of the final decision by the Building Official or Administrative Official. Appeals shall be filed with the Planning Department Division before the close of business hours. If a final decision does not require mailing, the appeal shall be filed within fourteen days following the issuance of the final decision.

(c) Appeals Shall Be In Writing. All appeals shall be in writing on forms provided by the Planning department Division and shall be accompanied by the required fees; provided, that appeal fees should not be charged to the Legislative Body or a department of the County. All appeals shall specifically cite the action being appealed, the error(s) or issue(s) to be considered, and explain why the action is not consistent with the provisions of the Yakima Urban Area Comprehensive Plans, this Title, or other provisions of law. The appellant may submit an appeal statement in the form of a written argument or memorandum of authorities detailing the specific issues to be considered by the Examiner on appeal not later than fourteen days prior to the public hearing.

(d) Notice - The Planning department Division shall set a reasonable time and place for hearing of the appeal and shall notify the adverse parties of record and the official whose decision is being appealed at least ten days prior to the hearing. Provided, that for the review of a decision of the Administrative Official made under Class Type (2) review, the notice prescribed for Class Type (2) review under this Title shall be given.

(e) Transfer of Record - The officer from whom the appeal is being taken shall forthwith transmit to the Hearing Examiner all the records pertaining to the decision being appealed from, together with such additional written report as he deems pertinent.

(f) Action by the Hearing Examiner - Testimony given during the appeal shall be limited to those points cited in the appeal application statement. The Examiner shall be limited to consideration of those issues contained within the appeal statement and the arguments of parties directly related to the statement, except for appeals of decisions of the Administrative Official made under Class Type (2) review in which case the appeal shall be de novo. The Hearing Examiner shall render a written decision on the appeal within ten working days from the conclusion of the hearing unless a longer period is mutually agreed to by the applicant and the Examiner. The Hearing Examiner may affirm, reverse, wholly or in part, or modify the order, requirement, decision, or determination and to that end shall have all the powers of the officer from whom the appeal is taken. The Planning Department Division shall send copies of the Hearing Examiner's decision to the appellant, the parties of record, the Assessor and the official whose decision was appealed not later than three working days following the issuance of the final decision. Notification of the Hearing Examiner's Decision shall be issued as required under YCC Title 16B. The Notice of Decision shall also comply with RCW 36.70B.130.

(g) Decisions by the Hearing Examiner Shall be Final UnlessAppealed - Except as otherwise provided, all appeal decisions by the Hearing Examiner shall be final and conclusive on all parties unless appealed to the Legislative Body under Section 15A.16.040. (Ord. 10-1985 Mod. 6 §§53, 54, 1987; Ord. 10-1985 §1 (part), 1986)

15A.16.040 Appeal of Decisions by the Hearing Examiner.

(a) **Appeals** - The final decision of the Hearing Examiner on those applications listed in Section 15A.20.050eb(1) and on appeals made under Section 15A.16.030 shall be final and conclusive unless it is appealed to the Legislative Body by a person aggrieved, or by any agency of the city/County, affected by the decision in the following manner:

- (1) The appealing party must file a complete written notice of appeal with the Planning Department Division upon forms prescribed by the department Division and accompanied by the appeal fee. The appeal must be filed prior to the close of Division business hours within fourteen days from the date of mailing of the Examiner's final decision.
- (2) The notice of appeal shall specify the claimed error(s) and issue(s) which the Legislative Body is asked to consider on appeal and shall specifically state all grounds for such appeal. Issues or grounds of appeal which are not so identified need shall not be considered by the Legislative Body.

(b) **Appeal Procedures** -

- (1) The Planning Department Division shall notify the parties of record that an appeal has been filed and that copies of the notice of appeal and any written argument or memorandum of authorities accompanying the notice of appeal may be obtained from the Department Division. The notice to parties shall also state that parties of record wishing to respond to the appeal may submit written argument or memorandum to the Legislative Body within fourteen days from the date that the notice is mailed and shall further specify that such written argument or memorandum shall not include the presentation of new evidence and shall be based only upon the facts presented to the Examiner. A copy of the notice shall be sent to the appellant.
- (2) The appellant or any party of record may submit a written argument or memorandum of authority within fourteen days of the date of mailing of the notice to parties. Such written argument or memorandum of authorities shall be filed with the Department Division. ~~No written argument or memorandum of authorities may be thereafter submitted, except as follows. The appellant or parties of record may request, in writing, and the department may, at its discretion and for cause, grant, without prior notice to other parties of record, a fifteen day extension of time within which written argument or memoranda must be submitted, provided, that the request for extension is made no later than the last date the memoranda would otherwise be due. The legislative body may grant further extensions on a finding by the legislative body of the existence of extenuating circumstances which warrant such extensions. Notice of an extension shall be given to all parties of record. Memoranda, written argument or comments shall not include the~~

presentation of any new evidence and shall be based only on the facts presented to the Examiner.

(3) When a timely appeal has been filed and the deadline for receipt of written memoranda has passed, the Planning Department Division shall within five days deliver to the Legislative Body a copy of the Examiner's decision, the evidence presented to the Examiner, an audio recording of the hearing before the Examiner and any written argument or memorandum of authority which have been received. (Ord. 10 1985 Mod. 6 §55, 1987; Ord. 10 1986 §1 (part), 1986)

15A.16.050 Legislative Body Action on Appeals.

(a) General - When the record and the Examiner's decision has been transmitted to the Legislative Body, the Clerk of the Legislative Body shall schedule a date for a closed record public meeting hearing by the Legislative Body at which time the Legislative Body shall consider the appeal. ~~The date of the public meeting should not be later than twenty days following the date the legislative body receives the information from the planning department.~~

(b) Public Notice Meeting on Appeals - The Clerk of the Legislative Body shall send mail written notice to all parties of record and the Examiner to apprise them of the meeting date before the Legislative Body.

(c) Site Views - The Legislative Body may view the site.

(d) Scope of Review - Legislative Body review of the facts shall be limited to evidence presented to the Examiner and the arguments of parties confined to that record. ~~The legislative body may request additional information or memoranda in order to reach a decision, provided that all parties of record are given an opportunity to respond to the material provided.~~

(e) Action on Appeal - At the public meeting hearing the Legislative Body may adopt, amend and adopt, reject, reverse, amend and reverse the findings, conclusions, and decision of the Examiner or remand the matter for further consideration or for purpose of taking and considering new factual evidence by the Examiner. If the Legislative Body renders a decision different from the decision of the Examiner, the Legislative Body shall adopt amended findings and conclusions accordingly.

(f) Notification of the Legislative Body's Decision shall be issued as required under YCC Title 16B. The Notice of Decision shall also comply with RCW 36.70B.130. (Ord. 10 1985 §1 (part), 1986)

15A.16.060 Appeal of Decisions Made by the Legislative Body.

The action of the Legislative Body on an appeal of the a final land use decision of the Examiner shall be final and conclusive unless ~~within thirty days from the date of final action an aggrieved party files an appeal pursuant to RCW 36.70C within the timeframes and procedures specified therein obtains an appropriate writ of judicial review from the Yakima County Superior Court for the purpose of review of the action taken. The appellant shall provide or pay for in advance the cost of preparing any verbatim transcript of proceedings required for judicial appeal. With the consent of the superior court, the parties may agree to provide a verbatim audio record of proceedings for purposes of review by the Superior court.~~ (Ord. 10-1985 §1 (part), 1986)

15A.16.070 Effect of Appeals.

Filing of an appeal stays all actions of the ~~building official County~~ on pending applications for development permits associated with the action or decision being appealed. The filing of an appeal shall not stay the effectiveness or effective date of any enforcement action or decision for violation of this Title including cancellations and revocations of permits or approvals. (Ord. 10-1985 Mod. 6 §56, 1987; Ord. 10-1985 §1 (part), 1986)

15A.16.080 Actions not Appealable.

- (a) Generally - Only final actions or land use decisions of a Reviewing Official or ~~other official~~ Legislative Body may be appealed under this chapter and YCC Title 16B.
- (b) Procedural Rulings - Interim procedural or other rulings during or as part of a review or decision making process by a Reviewing Official or other officer under this Title are not appealable, except as part of the final land use decision or action.
- (c) Enforcement Actions - No enforcement action for violation of this Title is appealable, except as expressly provided in Chapter 15A.25 of this Title. No decision or action for issuance of a warning citation or criminal citation by the ~~reviewing official~~ Building Official or other proper legal authority is appealable under this chapter nor shall any appeal under this chapter be taken of any enforcement action commenced by any part in a court of law. (Ord. 10-1985 §1 (part), 1986)

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Chapter 15A.17

MODIFICATIONS TO EXISTING OR APPROVED USES OR DEVELOPMENT

Sections:

- 15A.17.010 Purpose.
- 15A.17.020 Modification to Permitted Development and Uses Regulated.
- 15A.17.030 Exemptions.
- 15A.17.040 ~~Modification of approved and existing Class (1) uses development and approved and existing manufactured/mobile homes.~~
Review of Modifications
- 15A.17.050 Modification of Approved and Existing Class (2) and (3) Uses and Development.
- 15A.17.060 050 Appeals.
- 15A.17.070 ~~Fee credits for denied modifications.~~

15A.17.010 Purpose.

This Chapter establishes provisions for the review of proposed modifications to existing or approved Class (1), (2) or (3) uses, and certain other modifications that may be administratively approved under the provisions of this chapter. (Ord. 10-1985 Mod. 6 §57, 1987; Ord. 10-1985 §1 (part), 1986)

15A.17.020 Modification to Permitted Development and Uses Regulated.

All modifications to existing or approved Class (1)-(2) or (3) uses or development are subject to and shall be reviewed under the provisions of this chapter. Provided that an applicant may apply directly for Class (2) or (3) review. Any required time extensions for completion of required improvements or conditions shall be made and considered in accordance with the procedures established in Section 15A.12.060(C) for extending development permits. Changes in nonconforming uses and expansions of nonconforming structures are subject to the provisions of Chapter 15A.19. Except that a structure that is nonconforming only by reason of excess building height or substandard setbacks may be altered or expanded under the as a Class (1) use rather than under these modification provisions of Section 15A.17.050 when: The alteration or expansion: Minor changes to existing or approved Class (2) or (3) uses or development may qualify for abbreviated review under the provisions in this Chapter, if they meet the criteria listed below, or may apply directly for review as a Class (2) or (3) use or development. Overlay Districts shall not increase the level of review for the provisions of this chapter. Modifications

not meeting the criteria below must apply directly for review as a Class (2) or (3) use or development. (Ord. 10-1985 Mod. 6 §58, 1987; Ord. 10-1985 §1 (part), 1986)

- (a) Does not increase the degree of nonconformity; and
- (b) Complies with development standards of the district in which it is located; and,
- (c) The nonconforming structure is occupied by a Class (1) or Class (2) use or a single-family dwelling or duplex; and,
- (d) In the case of expanding a nonconforming single family dwelling or duplex, the proposed expansion is fifty percent or less of the existing building area. Uses or development not legally established prior to or under this title may not be changed or modified under this chapter.
 - (a) The Modification will not increase residential density;
 - (b) The Modification will not increase the amount of parking by more than ten percent or twenty spaces (whichever is least), except that the amount of parking for controlled atmosphere and cold storage warehouses may be increased by up to twenty spaces. This limit shall be calculated cumulatively for all previous modifications since the last normal review.
 - (c) Any expansion of use area or structure will not exceed 20%. This limit shall be calculated cumulatively for all previous Modifications since the last normal review.

City's Code

- (e) Any expansion of use area or structure will not exceed 50% of the gross floor area. This limit shall be calculated cumulatively for all previous Modifications since the last normal review;
- (d) The Modification will not increase the height of any structure.
- (e) Any demolition of structures will not exceed 20% of the current area. This limit shall be calculated cumulatively for all previous Modifications since the last normal review.

City's Code

- (e) Any demolition of structures will not exceed 20% of the current area. This limit shall be calculated cumulatively for all previous Modifications since the last normal review.
- (f) The Modifications will not add a Drive-Thru Facility.
- (g) The Modification does not include Hazardous Materials.

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Changes in nonconforming uses and expansions of nonconforming structures are subject to the provisions of Chapter 15A.19.

15A.17.030 Exemptions.

For exemptions from the review process of this Title, see Section 15A.01.040(e).

The following modifications are exempt from the review provisions of this chapter and title; provided that they do not involve a required site improvement:

- (a) Normal structural repair and maintenance;
- (b) Changes to conforming structures which do not involve any structural alteration as defined by this title including the rehabilitation of dwelling unit(s) when such rehabilitation does not expand the number of dwelling units nor physically expand the structure;
- (c) Alteration to land, including grading, leveling, paving, or excavation, the fair market value of which is less than five hundred dollars;
- (d) The placement of a sign in conformance with the sign standards in Chapter 15A.08;
- (e) Other items exempt under Section 15A.12.020(C). (Ord. 10 1985 §57, 1987; Ord. 10 1985 §1 (part), 1986)

15A.17.040 Modification of Approved and Existing Class (1) Uses Development and Approved and Existing Manufactured/Mobile Homes.

Review of proposed modifications to approved Class (1) uses and to existing Class (1) uses and which do not require Class (2) or (3) review shall be conducted by the building official under the provisions of Chapter 15A.13. The provisions of Chapter 15A.13 shall also be used to review the replacement of:

- (a) A nonconforming mobile home on an individual lot with another mobile home that is newer and the same size or larger;
- (b) A nonconforming mobile home on an individual lot with a manufactured home;
- (c) A manufactured home with another manufactured home that is newer and the same size or larger.

~~The modification provisions of Section 15A.17.050 shall be used to review the replacement of:~~

- (a) ~~A nonconforming mobile home on an individual lot with another mobile home that is older or smaller;~~
- (b) ~~A manufactured home with another manufactured home that is older or smaller. (Ord. 10-1985 Mod. 12 §25, 1988; Ord. 10-1985 Mod. 6 §60, 1987; Ord. 10-1985 §1 (part), 1986)~~

15A.17.040 Review of Modification.

- (a) Submittals – Applications for Modification shall follow the submittal requirements for Type (1) review. In addition, for an approved Class (2) or (3) use or development, the applicant shall submit both the site plan previously approved by the Reviewing Official, and a new site plan showing the location, size and type of modification proposed by the applicant.
- (b) Review – Applications for Modifications may be administratively and summarily reviewed using the Type (1) review process, in addition to the following criteria:
 - (1) Any proposed change in the site design or arrangement:
 - (a) Will not change or modify any special condition previously imposed under Class (1) (2) or (3) review;
 - (b) Will not adversely reduce the amount of existing landscaping or the amount or location of required sitescreening; and,
 - (c) In the determination of the Planning Department Administrative Official it will not create or materially increase any adverse impacts or undesirable effects of the project.
 - (2) All proposed new structures, site improvements, or structural alterations to existing structures or site improvements comply with the development standards of Chapter 15A.05 through 15A.08, except as approved under the adjustment or variance provisions of this Title.
- (c) Decision and Notification of Decision – The Planning Department Administrative Official shall issue a written decision on the Modification application using the Type (1) review decision process. In addition, any proposed modification that does not meet all the requirements of this subsection shall be denied. The Department shall mail its decision to the applicant. If a use or development is denied under this Chapter, may submit an application may be submitted for review under the normal review provisions

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for the use and be subject to the review procedures of Chapter 15A.14 for modification of Class (1) and (2) uses and Chapter 15A.15 for modifications of Class (3) uses. (Ord. 93-81 § 51, 1993)

15A.17.050 Modification of Approved and Existing Class (2) and (3) Uses and Development.

- (a) Application Requests for modification to existing uses or development requiring Class (2) or (3) review, and developments approved after Class (2) and (3) review or administrative adjustments to Class (1) or (2) uses, shall be made in writing to the planning department on forms supplied by the department and in accordance with the general procedures of Chapter 15A.11. A site plan conforming to the provisions of Section 15A.11.040 shall accompany the application. In the case of an approved Class (2) or (3) use or development, the site plan shall be the site plan previously approved by the reviewing official. The site plan shall also show the location, size, and type of modification proposed by the applicant.
- (b) Determination Modifications to existing uses or development requiring Class (2) or (3) review or uses and developments approved after Class (2) and (3) review, may be administratively and summarily approved by the planning department if the department determines:
 - (1) Any proposed change in the site design or arrangement:
 - a) Will not increase residential density; and,
 - b) Will not increase the amount of parking by more than ten percent (10%) or twenty (20) spaces (whichever is least), except that the amount of parking for controlled atmosphere and cold storage warehouses may be increased by up to twenty (20) spaces; and,
 - c) Will not change or modify any special condition previously imposed under Class (1), (2) or (3) review; and,
 - d) Will not increase the height of any structure; and,
 - e) Will not adversely reduce the amount of existing landscaping or the amount or location of required sitescreening; and,
 - f) Will not expand an existing nonconforming use, except as provided for in Section 15A.17.020, or render a conforming structure nonconforming; and,

g) In the determination of the planning department will not create or materially increase any adverse impacts or undesirable effects of the project.

(2) Any new use or change in use proposed:

- a) Is a Class (1) or (2) use in that particular district; and,
- b) Is similar in character and hours to the operation and the use originally approved or existing; and,
- c) The off street parking and sitescrreening requirements for the new use are equal to or less than the existing use;

(3) All proposed new structures, site improvements, or structural alterations to existing structures or site improvements comply with the development standards of Chapters 15A.05 through 15A.08.

Any proposed modification that does not meet all the requirements of this subsection shall be denied and shall be subject to the review procedures of Chapter 15A.14 for modifications of Class (1) and (2) uses and Chapter 15A.15 for modifications of Class (3) uses.

(e) Decision and Notification of Decision The planning department shall make and issue a written decision with simple findings and reasons for such decision within ten days following the receipt of the completed application for modification of development. The department shall mail its decision to the applicant.

Denials shall be final unless the applicant, within fourteen (14) days of the mailing of the decision:

- (a) Files a proper application for Class (2) or (3) review as appropriate, or
- (b) Appeals the decision.

Decisions to administratively approve modifications shall constitute a Certificate of Zoning Review and shall be forwarded immediately to the building official for the issuance of a development permit. In the issuance of a decision to administratively approve a modification, the planning department has the authority to impose conditions necessary to assure compliance with the development and design standards of Chapters 15A.05 through 15A.08 as would be allowed to the building official. However, the planning department has no authority to impose special conditions of approval or to

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adjust site design or development standards. (Ord. 10 1985 Mod. 6 §§61, 62, 1987; Ord. 10 1985 §1 (part), 1986; Ord. 3 1993 §51, 1993; Ord. 4 1995 §9, 1995)

15A.17.060 050 Appeals.

Decisions by the planning department Administrative Official regarding approval or denial of administrative modifications may be appealed to the Hearing Examiner under the provisions of Chapter 15A.16 and YCC Title 16B. (Ord. 10 1985 §1 (part), 1986)

15A.17.070 Fee Credits for Denied Modifications.

~~In the event of denial of an application for administrative modification and if application for Class (2) or (3) review is made by the applicant within fourteen days of said denial, he shall receive a credit towards the required fee for such review in the amount of the fee submitted with the application for administrative modification. This provision shall not apply in the event that any appeal of the denial is taken under Section 15A.17.060.~~ (Ord. 10 1985 §1 (part), 1986)

Note: Underlined colored text is added; ~~strike-through text~~ is deleted.
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.18 EXISTING USES AND DEVELOPMENT

Sections:

- 15A.18.010 Purpose and Intent.
- 15A.18.020 Continuation of Existing Class (1), (2) and (3) uses.
- 15A.18.030 Continuation of Planned Developments—Limitations.
- 15A.18.040 Continuation of Construction Started.
- 15A.18.050 Modifications to an Existing Class (1), (2) or (3) Use.

15A.18.010 Purpose and Intent.

Within the zoning districts established by this Title or zoning district amendments that may later be adopted, there may exist uses that were legally established prior to the effective date of this Title that are classified under Chapter 15A.040 of this Title as ~~a~~ Class (1), (2) or (3) uses in a particular zoning district. This chapter provides for the continuation of these existing uses even though they have not been through ~~Class Type~~ (1), (2) or (3) review ~~process~~ and may not conform to the development standards of this Title. (Ord. 10-1985 §1 (part), 1986)

15A.18.020 Continuation of Existing Class (1), (2) and (3) Uses.

- (a) Generally - Existing uses shall be permitted to continue provided they remain otherwise lawful.
- (b) Continuation When an Existing Class (1), (2) or (3) Use is Damaged - Any existing use, including an existing Class (2) or (3) use, that is damaged or destroyed may be replaced as it was immediately prior to the damage after review by the ~~building~~ official appropriate Reviewing Official. Provided, that if the existing use is in a nonconforming structure, reconstruction of the structure shall occur in accordance with the provisions of Sections 15A.19.060(c) and 15A.19.060(d). (Ord. 10-1985 §1 (part), 1986)

15A.18.030 Continuation of Planned Developments—Limitations.

At the time of the effective date of this Title, there ~~will exist~~ were certain uses which have previously been approved and/or constructed in whole or in part as planned developments under the provisions of preexisting ordinances. This section shall cover the continuation and future use, occupancy, maintenance, modification and regulation of these special developments and supersedes the terms and provisions of any previous ordinance authorizing or approving said developments.

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- (a) General Policy and Intent - Previously processed and approved planned developments shall be allowed to continue to exist under the terms and conditions of the previously approved enacting ordinance, site plan and planned development program. Any modifications or changes to such planned development shall, however, render the entire development subject to the provisions of this Title.
- (b) Designation of Planned Developments for the Purpose of Future Modifications - For purposes of future modifications, previously approved planned developments which would constitute and can be classified as a Class (1), (2) or (3) use under the provisions of this Title shall, in conjunction with the terms and conditions of their approval, be considered and are hereby declared to be approved Class (1), (2) and (3) uses. Previously approved planned developments, which by use would not be classified as a Class (1), (2) or (3) use shall be considered and are hereby declared to be nonconforming uses.
- (c) Compliance with Terms and Conditions of Approval Required - The terms, conditions and provisions of the site plan, planned development program and enacting ordinance of any previously approved planned development are declared to be and shall remain in full force and effect as the binding site plan and conditions of approval for said development. Noncompliance therewith is a violation of the provisions of this Title and subject to the penalties and enforcement provisions herein of Chapter 15A.25.
- (d) ~~Completion of Planned Developments Required Within Two Years~~ - All previously approved planned developments which have not been fully constructed and completed in accordance with the terms and conditions of approval under the provisions of its enacting ordinance, site plan, and program, shall be fully completed and constructed in accordance with those terms, conditions, and provisions within two years of the effective date of this Title. Failure to so complete any previously approved plan development shall constitute a forfeiture of all rights, privileges, and approvals pertaining to said planned development. Such time may be extended for a maximum of one year by the Administrative Official for good cause not within the control of the applicant, developer, or owner of said planned development. Upon any forfeiture under the provisions of this subsection, all further development, including the use, or occupancy of any land or structure, or the completion of any structure, is subject to full compliance with the terms and provisions of this Title.
- (e)(d) Voluntary Dissolution of Planned Development - By mutual agreement of the Administrative Official and property owner, a property owner may voluntarily forfeit all rights, privileges and approvals pertaining to a previously approved planned development. Such requests for forfeiture shall be submitted in writing to the Administrative Official. Upon written approval by the Administrative Official said planned development shall be dissolved and declared null and void. (Ord. 10-1985 § 1 (part), 1986)

15A.18.040 Continuation of Construction Started.

To avoid undue hardship, nothing in this Title shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this Title. Demolition or removal of an existing building begun preparatory to rebuilding shall be deemed to be actual construction. Nothing in this Title shall be deemed to require a change in the plans, construction or designated use of any structure for which there exists on the effective date of this Title a valid and legally issued permit; provided, that actual construction commences during the effective period of such permit or one year from effective date of this Title. Authority to proceed under this section is conditioned on all work being done lawfully and carried on diligently until completion and failure to do so shall constitute a forfeiture of such rights. (Ord. 10-1985 §1 (part), 1986)

15A.18.050 Modifications to an Existing Class (1) (2) or (3) Use.

Modifications to an existing Class (1), (2) or (3) uses shall be made in accordance with Chapter 15A.17. (Ord. 10-1987 §1 (part), 1986)

Notes: Underlined colored text is added; ~~strike-through text~~ is deleted.

Blue text changes are as recommended by the Regional Planning Commission.

Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.19 NONCONFORMING USES AND STRUCTURES

Sections:

- 15A.19.010 Purpose and Intent.
- 15A.19.020 Illegal Uses, Structures and Lots Not Permitted.
- 15A.19.030 Establishment.
- 15A.19.040 Development on Existing Lots of Record.
- 15A.19.050 Continuation of Nonconforming Uses.
- 15A.19.060 Nonconforming Structures.
- 15A.19.070 Change from a Nonconforming Use to a Class (1), (2) or (3) Use.
- 15A.19.080 ~~Reconstruction of a nonconforming structure damaged beyond seventy-five percent of value~~ Change from a Nonconforming Use to Another Nonconforming use—Expansion of a Nonconforming Use or Structure.
- 15A.19.090 Modifications of an Approved Site Plan for a Nonconforming Use or Structure.
- 15A.19.100 Discontinuance of a Nonconforming Use or Structure.
- 15A.19.110 Sale of a Nonconforming Use or Structure.
- 15A.19.120 Critical Area Nonconforming Uses and Facilities.

15A.19.010 Purpose and Intent.

Within the districts established by this Title, or amendments that may later be adopted, there may exist lots, structures, and uses which were lawful before this Title was adopted or amended, but because of the application of this Title, no longer conform to the provisions and standards of the district in which they are located. This Chapter provides for the regulation of these legal nonconforming lots, structures and uses, and specifies those circumstances, conditions and procedures under which such nonconformities shall be permitted to continue and expand. In the case of nonconforming uses or structures as defined YCC Titles 16A, 16C or 16D, additional review requirements of these Titles, where applicable.

Except as otherwise provided, it is the intent of this Title to permit legal nonconforming uses or structures to continue to exist without specific limitations as to time. Modifications or changes to or involving such nonconformities are subject to the provision and policies of this Title. (~~Ord. 10-1985 Mod. 6 §63 (part), 1987; Ord. 10-1985 §1 (part), 1986.~~)

15A.19.020 Illegal Uses, Structures and Lots Not Permitted.

Structures, lots, required site improvements, uses and/or developments which were not legally established or existing as of the effective date of this Title retain their illegal status and must be

abated or fully conform and comply with the procedural and substantive provisions of this Title. (Ord. 10-1985 Mod. 6 §63 (part), 1987; Ord. 10-1985 §1 (part), 1986).

15A.19.030 Establishment.

The burden of establishing that any nonconformity is a legal nonconformity as defined herein shall, in all cases, be upon the owner of such nonconformity and not upon the County/city. Upon request, the Administrative Official shall assist the property owner in locating public records which pertain to the legal status of the nonconformity. (Ord. 10-1985 Mod. 6 §63 (part), 1987; Ord. 10-1985 §1 (part), 1986).

15A.19.040 Development on Existing Lots of Record.

In any district, any permitted use or structure may be ~~erected-located~~ on any existing lot or parcel. Provided that no zero lot line, common wall, duplex or multifamily development shall be allowed on existing lots of record in the SR and R-1 zones unless the lot conforms to the minimum lot size requirements in Table 5-2 or the development involves the replacement or reconstruction of a damaged legally existing zero lot line, common wall, duplex or multifamily development. This section shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district. Provided, that the setback dimensions of the structure shall conform to the regulations of the zoning district in which the lot is situated. Section 15A.05.020(Bb) contains additional provisions for development on nonconforming lots. (Ord. 10-1985 Mod. 6 §63 (part), 1987; Ord. 10-1985 §1 (part), 1986).

15A.19.050 Continuation of Nonconforming Uses.

Any legal nonconforming use may continue as long as it remains otherwise lawful. Any change or expansion of the nonconforming use shall be made in accordance with the provisions of Sections 15A.19.070 or 15A.19.080. (Ord. 16-1998)

15A.19.060 Nonconforming Structures.

(a) **Generally** - Any legal nonconforming structure may continue so long as it remains otherwise lawful. A nonconforming structure other than a required site improvement may be included in and/or changed as part of any development, or modification to development, subject to review and approval under the procedures and provisions of this Title. Provided, that nothing in this section shall authorize the expansion or change of a nonconforming structure, except as otherwise provided for in this Chapter and Yakima County Code. The required site improvements, parking and signs, are subject to the more specific policies on nonconforming parking and signs in Chapters 15A.06 and 15A.08 which shall control and govern.

(b) Maintenance of a Nonconforming Structure - Nothing in this chapter shall be construed to restrict normal structural repair and maintenance of a nonconforming structure, including the replacement of walls, fixtures and plumbing.

(c) Reconstruction of a Nonconforming Structure When Damage Does Not Exceed Seventy Five Percent of its Value - When a nonconforming structure is damaged or destroyed and replacement/reconstruction costs, using the most recent ICBO construction tables, do not exceed seventy five percent of the structure's assessed value, the Building Official shall with the concurrence of the Administrative Official process any submitted application for a development permit allowing the structure to be rebuilt as it was immediately prior to the damage or in a manner that is less nonconforming. Provided, no reconstruction of a nonconforming structure shall be performed without the issuance of a Certificate of Zoning Review by the Administrative Official and a development permit by the Building Official, or that would conflict with Subsection (4) below. Applications and permits for such reconstruction shall be made in accordance with Chapters 15A.11 and 15A.12, of this Title, except that no Certificate of Zoning Review is required.

The property owner shall provide the information necessary to reasonably assure the Building Reviewing Official that the reconstruction being authorized complies with this Section. The information provided shall include, but not be limited to:

- (1) A general site plan showing the actual dimensions of the nonconforming structure, its height, and its exact placement on the lot prior to being damaged; and,
- (2) Where a nonconforming use is involved, a written narrative describing the use or uses that existed immediately prior to damage; and,
- (3) An affidavit or certificate that the narrative and site plan accurately represents the nonconforming structure and its use or uses as they were immediately prior to damage or destruction. The Building Official in consultation with the Administrative Official may approve reconstruction in conformance with the site plan or in a manner that is more conforming with the provisions and standards of the zoning district in which it is located. If the Building Official and Administrative Official determine that the requested reconstruction amounts to an expansion of the nonconforming structure he shall forward the application to the Hearing Examiner for review under the provisions of Section 15A.19.080.
- (4) Nonconforming structures damaged or destroyed by flooding or other natural hazards shall be subject to the requirements of YCC Titles 16A, 16C or 16D.

(d) Construction or reconstruction of an accessory structure to a nonconforming single family residence may be authorized as provided in Section 15A.19.080 below.
(Ord. 10 1985 Mod. 6 §63 (part), 1987; Ord. 10 1985 §1 (part), 1986; Ord. 16 1998)

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15A.19.070 Change From a Nonconforming Use to a Class (1), (2) or (3) Use.

The following procedures shall be followed for changing a nonconforming use to a Class (1), (2) or (3) use:

- (a) Change to a Class (1) Use - Application for changing a nonconforming use to a Class (1) use shall be made under the provisions of Chapter 15A.13 Class Type (1) review.
- (b) Change to a Class (2) Use - Application for changing a nonconforming use to a Class (2) use shall be made and reviewed under the provisions of Chapter 15A.14 Class Type (2) Review. The Administrative Official may approve the proposed Class (2) use when he determines the proposed use is compatible with the objectives of the Yakima Urban Area Comprehensive Plans, the intent of the zoning district and the provisions and standards established herein.
- (c) Change to a Class (3) Use - Application for changing a nonconforming use to Class (3) use shall be made and reviewed under the provisions of Chapter 15A.15 Class Type (3) Review. The Hearing Examiner shall hold ~~at least one~~ an open record public hearing on the proposed change prior to rendering a decision. The Hearing Examiner may approve the proposed Class (3) use when he determines it is compatible with the objectives of the Yakima Urban Area Comprehensive Plans and the purpose and intent of this Title. (Ord. 10-1985 Mod. 6 §63 (part), 1987; Ord. 10-1985 §1 (part), 1986)

15A.19.080 Reconstruction of a Nonconforming Use and Structure Damaged Beyond Seventy-five Percent of Value—Change From a Nonconforming Use to Another Nonconforming Use—Expansion of a Nonconforming Use or Structure.

The following procedures shall be followed to ~~replace a nonconforming structure damaged beyond seventy-five percent of its value using the most recent ICBO construction tables, change a nonconforming use to a different nonconforming use, expand a nonconforming use throughout a structure, or expand a nonconforming use or structure throughout a lot or onto an adjoining lot. Provided, a structure that is nonconforming only by reason of excessive building height or substandard setbacks or is a nonconforming single-family dwelling or accessory to it, may be altered or expanded under the modification provisions of Section 15A.17.050 when: the alteration or expansion:~~

- (a) Does not increase the degree of nonconformity of the structure; and,
- (b) Complies with development standards of the district in which it is located; and,
- (c) The nonconforming structure is occupied by a Class (1) or Class (2) use or is a single-family dwelling or duplex or accessory to it; and,
- (d) In the case of expanding a nonconforming single-family dwelling or duplex, the proposed expansion is fifty percent or less of the existing building area.

The provisions of Section 15A.17.050 shall also be used for the reconstruction of a nonconforming single-family dwelling: ~~damaged beyond seventy five percent of its value using the most recent ICBO ICC Valuation tables.~~

- (1) Application – The application procedures for replacement/reconstruction of a nonconforming structure ~~damaged beyond seventy five percent of its assessed value and construction of an accessory structure to a nonconforming single-family dwelling~~ shall be the same as those established in Section 15A.14.030 for Class (2) uses. The application procedures for change or expansion of a nonconforming use or expansion of a nonconforming structure, shall be the same as those established in Section 15A.15.030 for Class (3) uses. A detailed site plan conforming to the provisions of Section 15A.11.050 shall accompany any applications required by this section.
- (2) Public Hearing and Review.
 - (a) Any nonconforming structure ~~damaged or destroyed beyond seventy five percent of its assessed value using the most recent ICBO ICC Valuation tables~~ may be reconstructed subject to the Type Class (2) review process under the provisions of Section 15A.14.040 and subject to the conditions in Section 15A.19.080(3).
 - (b) For any request to change from one nonconforming use to another or to expand a nonconforming use or structure, the Planning department Division shall review and process the application for Type Class (3) review under the provisions of Section 15A.15.040 and subject to the conditions in Section 15A.19.080(3). The Hearing Examiner shall hold at least one open record public hearing. Within ten days after the public hearing, unless a longer period is agreed to on the record or in writing by the applicant, the Hearing Examiner shall render a written decision.
- (3) Conditions for Approval - The Administrative Official or Hearing Examiner may grant the relief requested if he finds all of the following:
 - (a) That the expansion, change, reconstruction or replacement requested would not be contrary to the public health, safety or welfare; and
 - (b) That the proposed expansion, change, reconstruction or replacement is compatible with the character of the neighborhood; and, in the case of an expansion or change, does not significantly jeopardize future development of the area in compliance with the provisions and the intent of the zoning district; and

- (c) That the significance of the applicant's hardship is more compelling than, and reasonably overbalances, the public interest resulting from denial of the relief requested; and
- (d) That the use or structure was lawful at the time of its inception; and
- (e) That the value of nearby properties will not be significantly depressed by approving the requested expansion, change, reconstruction or replacement; and
- (f) That the nonconforming structure shall comply with all applicable development standards and codes to the extent feasible; and
- (g) 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; generation of large numbers of vehicle trips; and
- (h) That the proposed expansion, change, reconstruction or replacement requested will not create negative health or safety impacts and does not need to be excluded to protect the public from harm.

The expansion, change, reconstruction or replacement requested shall be denied if the Administrative Official or Hearing Examiner finds that one or more of the provisions in Subsection (3)(a) through h f of this Section are not met.

- (4) Findings and Conclusions - The Administrative Official or Hearing Examiner shall prepare written findings and conclusions stating the specific reasons for his decision to approve, approve with conditions or deny the application. The findings shall include the Administrative Official or Hearing Examiner's determination regarding compliance of the proposed expansion, change, reconstruction or replacement with the criteria established in Subsection (3) above. The Administrative Official or Hearing Examiner shall issue a Certificate of Zoning Review in accordance with Section 15A.15.060 upon approval of an application and accompanying site plan.
- (5) Conditional Approval - When approving reconstruction or replacement of a nonconforming structure, a change from a nonconforming use to another nonconforming use, or the expansion of a nonconforming use or structure, the Administrative Official or Hearing Examiner may attach conditions to the proposed change, expansion, replacement or reconstruction or any other part of the development in order to assure that the development is improved, arranged and screened to be compatible with the objectives of the ~~Yakima Urban Area Comprehensive Plans~~, this Title, and neighboring land uses. (Ord. 10-1985 Mod. 6-§63 (part), 1987; Ord. 10-1985 §1 (part), 1986; Ord. 16-1998)

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15A.19.090 Modifications of an Approved Site Plan for a Nonconforming Use or Structure.

Site plans approved for the change, expansion, reconstruction or replacement of a nonconforming use or structure may be modified under the provisions of Chapter 15A.17. (Ord. 10-1985 Mod. 6 §63 (part), 1987; Ord. 10-1985 §1 (part), 1986)

15A.19.100 Discontinuance of a Nonconforming Use or Structure.

- (a) A nonconforming use or structure shall become discontinued when it is:
 - (1) Succeeded by a Class (1), (2) or (3) use; or
 - (2) Succeeded by another use or structure that is a less non-more conforming use; or
 - (3) Discontinued or abandoned and not reestablished within eighteen months, unless an extension not exceed one year is granted by the Administrative Official upon proper application, provided that the owner or authorized agent can document that the reestablishment or reconstruction has not commenced due to pending insurance or court settlement directly related to the damage or destruction, and building permits shall be obtained prior to the expiration of the extension; or
 - (4) Located in a structure that has been damaged or destroyed and application for rebuilding or replacement is not made within eighteen months of such damage or resolution of court litigation or insurance settlement; or the application for the replacement of the nonconforming structure is denied through the Class Type (2) review process in accordance with the provisions of Chapter 15A.14.
- (b) When a nonconforming use loses its legally nonconforming status any subsequent use shall conform to the provisions of the use zoning district in which it is located. (Ord. 10-1985 Mod. 6 §63 (part), 1987; Ord. 10-1985 §1 (part), 1986; Ord. 16-1998)
- (b) A nonconforming structure shall lose its legally nonconforming status when it is:
 - (1) Succeeded by a conforming structure; or
 - (2) Damaged or destroyed and application for rebuilding or replacement of the structure is not made within eighteen months of such damage or resolution of court litigation or insurance settlement; or
 - (3) Damaged or destroyed to the extent that reconstruction costs exceed seventy five percent of assessed value using the most recent ICBO construction ICC Valuation tables (Ord. 16-1998)

(c) The Administrative Official shall process an interpretation as to whether a particular nonconforming use or structure has been discontinued within a reasonable amount of time after receipt of a written request for interpretation on the matter, or may process such an interpretation on his own accord, following the procedures of Chapter 15A.22, Interpretations and the notification procedures of YCC Title 16B. The Administrative Official may request documented evidence that the owner or authorized agent did not intend to abandon or discontinue the nonconforming use or structure prior to issuance of the interpretation. The property owner shall be sent a copy of the interpretation. In making a determination as to whether a nonconforming use or structure has been discontinued, the Reviewing Official shall find at least one of the criteria of Subsection (a) above applies.

(d) Discontinuance or abandonment of the use or structure's legal nonconforming status beyond the timeframes established in this Section shall be subject to appeal in accordance with the procedures of Section 15A.22.070. The appeal statement shall include documented evidence that the owner or authorized agent did not intend to abandon or discontinue the nonconforming use or structure. The basis for granting the appeal shall be as provided in YCC Title 16B.

15A.19.110 Sale of a Nonconforming Use or Structure.

Property classed as nonconforming may be transferred without that fact alone affecting the right to continue the nonconforming use or use of a nonconforming structure. (Ord. 10-1985 §1 (part), 1986).

15A19.120 Critical Area Non-Conforming Uses and Facilities

Nonconforming uses and facilities related to critical areas are regulated under the provision of YCC Title 16C (16C.03.26).

Note: *Underlined colored text is added; strike-through text is deleted.*
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Chapter 15A.20 ADMINISTRATION

Sections:

- 15A.20.010 Purpose.
- 15A.20.020 Building and enforcement Official—Duties and Powers.
- 15A.20.030 Planning Department Division —Duties and Powers.
- 15A.20.040 Administrative Official—Duties and Powers.
- 15A.20.050 Hearing Examiner—Duties and Powers.
- 15A.20.060 Reserved.
- 15A.20.070 Legislative Body.
- 15A.20.080 No Personal Liability for Acts or Omissions.
- 15A.20.090 Coordination with County/city.
- 15A.20.100 Entrance onto Private Property.
- 15A.20.110 Statement of Zoning District by city or County Officials/Reliance Limited.
- 15A.20.120 Computation of Time.

15A.20.010 Purpose.

The purpose of this Chapter is to define the responsibilities, and requirements for the administration, enforcement and interpretation of this Title. (Ord. 10-1985 §1 (part), 1986).

15A.20.020 Building and Enforcement Official—Duties and Powers.

- (a) Office Established - The Building and enforcement Official shall be that person designated by the Legislative Body to enforce the provisions of this Title and the building code and administer the assigned provisions of this Title, or his designee.
- (b) Authority and Duties - The Building and enforcement Official shall have the following powers and responsibilities:
 - (1) ~~Receive, examine, and process applications for Class (1) uses;~~
 - (2) (1) Issue development permits for Class (1) uses in compliance with the provisions of this Title. Development permits for uses requiring review and approval by the Administrative Official or Hearing Examiner shall be issued only after receipt of a Certificate of Zoning Review from the Reviewing Official;

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

All decisions of the Building and enforcement Official made under the authority of this Title shall be final unless appealed to the Hearing Examiner under Chapter 15A.16 and YCC Title 16B. (Ord. 10-1985 §1 (part), 1986)

15A.20.030 Planning Department Division —Duties and Powers.

- (a) The Planning Department Division 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 Type (1), (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;~~
 - (43) Provide staff support to the Planning Commission and Legislative Body on all long range planning matters and proposed ordinance amendments;
 - (54) Immediately change the official zoning map to accurately reflect any amendments made by official action of the Legislative Body;
 - (65) Provide staff support to the Hearing Examiner and Legislative Body;
 - (76) Perform any other act or duty authorized or assigned to it under the provisions of this Title;
 - (87) Maintain the official index of all permits and approvals issued under this Title.

15A.20.040 Administrative Official—Duties and Powers.

- (a) Office Established - The Administrative Official shall be the Director of the Planning department Division or his designated representative.

(b) Authority and Duties - The Administrative Official shall have the following powers and responsibilities:

- (1) Receive, review and adjudicate all site plans requiring Type (1) or Type Class (2) review;
- (2) Receive, review and decide applications for temporary hardship unit permits, basic design standard adjustments and any other application for permit or approval assigned to him under provisions of this Title;
- (3) Receive, 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) Receive, review and decide all applications for permits, approvals or other action, including Class Type (1) and (2) review interpretations and variances pursuant to this Title;
- (5) Review and make recommendations on comprehensive plan amendments, rezones, Type (3) land use reviews and all legislative matters;
- (6) Determine what application information is required in order to receive a completed project permit application pursuant to this Title and YCC Title 16B; and
- (7) Perform any other function or duty authorized or assigned to him under the provisions of this Title.

Decisions of the Administrative Official may be appealed to the Hearing Examiner under Chapter 15A.16 pursuant to Chapter 2.23 and Title 16B.~~Ord. 10-1985 §1 (part), 1986~~

15A.20.050 Hearing Examiner—Duties and Powers.

(a) Office— The Office of Hearing Examiner, herein referred to as Hearing Examiner, is hereby 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 herein shall include Deputy Examiners and Examiners and Pro-tem. The Hearing Examiner shall be jointly hired and appointed by the City of Yakima and the Legislative Body Yakima County.

(b) 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 herein.

(c) Effect of Decisions -

- (1) 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, Chapter 2.23 and Title 16B:
 - a) Class Type (3) review decisions;
 - b) Variance requests;

- c) Home occupations;
- d) Revocation proceedings under Chapter 15A.24 of this Title;
- e) Nonconforming uses;
- f) Appeals of decisions by the Building Official or Administrative Official made pursuant to this Title; and
- g) Any other authorized decision not expressly listed in subsection ~~EB~~(2) of this section.

(2) 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~~)

15A.20.070 Legislative Body.

a) Authority and Duties - The Legislative Body shall have the following authority and duties:

- (1) Decide appeals from the Hearing Examiner as specified in Chapter 15A.16;
- (2) Amend this Title through the procedures outlined in Chapter 15A.23 ~~of this Title and Chapter 16B.10;~~
- (3) ~~Amend the Yakima Urban Area Comprehensive Plans within its land use jurisdiction; and~~
- (4) Perform any other act or duty authorized by law. (~~Ord. 10-1985 §1 (part), 1986~~)

15A.20.080 No Personal Liability for Acts or Omissions.

Each person responsible for the enforcement or administration of this Title and each official responsible for making any decision or recommendation under this Title is relieved from any personal liability whatsoever from any injury to persons or property, as a result of his or her acts or omissions in good faith discharge of his or her responsibilities. If the person or member is sued for acts or omissions occurring in good faith discharge of his or her responsibilities, the ~~County/~~city shall defend and provide legal representation of the person or member until final disposition of the proceedings. The ~~County/~~city shall reimburse the person or official for any costs incurred in defending against alleged liability for the acts or omissions of the person or members in the good faith discharge of his or her duties. (~~Ord. 10-1985 §1 (part), 1986~~)

15A.20.090 County/City Coordination with.

(a) Purpose - While this Title is enacted and administered separately by the ~~City of~~ Yakima/Yakima County, it constitutes a significant joint planning effort and the furtherance of jointly developed and adopted land use policies and ordinances by the ~~City of~~ Yakima and ~~Yakima County~~ within the ~~Yakima and Union Gap~~ Urban Growth Areas. The purpose of this section is to encourage and to authorize officials performing duties and responsibilities under this Chapter 15A.20 - 4

Title to solicit and consider comments from the other entity and to authorize the recognition of the joint nature of this ordinance as a factor in decision making.

(b) Coordinated Administration - Any official performing duties or responsibilities under the provisions of this Title may solicit, receive, and consider comments by the ~~county~~/city, in any interpretive, administrative, enforcement, permit or approval, or other decision under the terms of this Title. Uniform and coordinated administration, enforcement, and decision making under the terms of this Title between the cities of Yakima and Yakima County of Yakima is declared to be a significant policy/goal of this Title and may be considered as a factor in any interpretive, administrative, enforcement, quasi-judicial, or legislative decision under the provisions of this Title. (Ord. 10-1985 §1 (part), 1986)

15A.20.100 Entrance Onto Private Property.

The Planning ~~department~~ Division personnel and any Reviewing Official, or their authorized representatives, shall have the right of entry onto any premises under consideration for approval or renewal of any permit, certificate, or other approval authorized or required under the provisions of this Title for the purpose of inspecting and reviewing the premises in question. ~~This right of entry extends to any employee, officer, or other person in the company of such authorized persons.~~ (Ord. 10-1985 §1 (part), 1986)

15A.20.110 Statement of Zoning District by City or County Officials/ Reliance Limited.

Any person wishing to know and inquire of the ~~County~~/~~city~~ as to the official zoning district classification allowed by this Title for a specific parcel of property within the unincorporated portion of the Urban Growth Areas may submit a written request for such information to the appropriate Planning Department Division on forms prescribed by that Department. Such written request shall specify or otherwise identify with particularity the parcel involved. The Planning Department Division shall respond to such requests and designate, if possible, the official zoning classification of such property. No person contemplating the sale or purchase of any property, nor any person planning for or constructing improvements thereto, shall be entitled to rely on any oral or written representation of zoning district classification by any ~~County~~/~~city~~ employee or official, except when an official statement of zoning classification is issued in writing under the provisions of this section. (Ord. 10-1985 §1 (part), 1986)

15A.20.120 Computation of Time.

In computing any period of time prescribed or allowed by this Title the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven days intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. (Ord. 10-1985 §1 (part), 1986)

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Chapter 15A.21 VARIANCES

Sections:

- 15A.21.010 Purpose.
- 15A.21.020 Application.
- 15A.21.030 Criteria for Variance Approval.
- 15A.21.040 Additional Criteria for Variance Approval in ~~the a~~ Floodplain and or Airport Overlay District.
- 15A.21.050 Public Hearing by the Hearing Examiner.
- 15A.21.060 Action by the Hearing Examiner.
- 15A.21.070 Notice of Examiner's Decision.
- 15A.21.080 Appeals.

15A.21.010 Purpose.

- (a) The purpose of this Chapter is to empower the Hearing Examiner to vary or adapt the strict application of any of the requirements of this Title. Provided, such variance would not be contrary to the public interest and the strict application of the particular regulation would result in peculiar, exceptional and undue hardship on the owner of the property.
- (b) It is the intent of this Title that the variance be used only to overcome some exceptional physical condition of land that prevents any reasonable use of the property. (~~Ord. 10-1985 §1 (part), 1986~~)

15A.21.020 Application.

A written application requesting a variance shall be submitted to the ~~Planning department~~ Division under the applicable provisions of Chapter 15A.11. (~~Ord. 10-1985 §1 (part), 1986~~)

15A.21.030 Criteria for Variance Approval.

A variance shall be granted only when the applicant demonstrates that the variance will not be contrary to the public interest, is not self-created, and that practical difficulty and unnecessary hardship will result if it is not granted. The applicant must clearly establish and substantiate that the request for variance conforms to all the requirements and standards listed below:

- (a) That granting the variance will be consistent with the general purpose and intent of this Title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

- (b) That granting the variance will not permit the establishment of any use not permitted in a particular zoning district; or any use expressly or by implication prohibited in the zoning district by the terms of this Title;
- (c) That unique circumstances exist. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or structures for which the variance is sought. The special circumstances or conditions must be peculiar to such land or structures and not generally applicable to land or structures in the neighborhood. The special circumstance or conditions must also be such that the strict application of the provisions of this Title would deprive the applicant of reasonable use of such land or structure;
- (d) That unnecessary hardship exists. It is not sufficient proof of hardship to show that lesser cost would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases without knowledge of the restrictions. It must result from the application of this Title to the land or structure. It must be suffered directly by the property in question and evidence of variance granted under similar circumstance shall not be considered. Neither nonconforming uses or neighboring lands or structures, nor buildings in other zoning districts, shall be considered as controlling factors for the issuance of a variance;
- (e) That granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Hearing Examiner is the minimum variance that will accomplish this purpose; and ~~(Ord. 10-1985 Mod. 6 § 64, 1987; Ord. 10-1985 § 1 (part), 1986)~~
- (f) That the variance shall not be granted to density or minimum lot size requirement.

15A.21.040 Additional Criteria for Variance Approval in a Floodplain and or Airport Overlay District.

When considering a variance in the a floodplain designated under YCC Titles 16C or D and or Airport Overlay Districts, the Hearing Examiner shall consider, in addition to the conditions in Section 15A.21.030, all technical evaluations, standards applying to the overlay district, and:

- (a) The danger to life and property due to flooding or airport land use and safety conflicts;
- (b) The importance of the services provided by the proposed use to the community;
- (c) The necessity to the facility of a waterfront or airport location;
- (d) The availability of alternative locations for the proposed use, which are not subject to flooding or airport hazards;
- (e) The compatibility of the proposed use with existing and anticipated development; and

- (f) The relationship of the proposed use to the Airport Master Plan and floodplain management program; and (Ord. 10 1985 §1 (part), 1986)
- (g) The administrative adjustment or administrative modification provisions of this Chapter were either not applicable or were insufficient to provide the relief sought from the standards of this Title.

15A.21.050 Public Hearing by the Hearing Examiner.

A public hearing shall be held and notice provided under the provisions of YCC Title 16B Chapter 15A.11. The applicant shall appear in person or by agent or attorney. Failure to appear shall constitute sufficient cause for ~~continuance of the hearing or~~ denial of the application. Other parties may appear in person or by agent or attorney, or may submit any written comments. (Ord. 10 1985 §1 (part), 1986)

15A.21.060 Action by the Hearing Examiner.

Within ten days of the conclusion of the hearing, unless a longer period is agreed to the record or in writing by the applicant, the Hearing Examiner shall file a written decision that shall include the following considerations:

- (a) The testimony at the public hearing;
- (b) The extent to which the proposed variance is in compliance with the requirements of Section 15A.21.030 and Section 15A.21.040, if applicable;
- (c) That the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, or structure; and
- (d) The consistency of the variance with the general purpose and intent of this Title, the specific zoning district and the Comprehensive Plans.

The Hearing Examiner may attach conditions to the approval of a variance to minimize the impacts of such approval on the neighborhood. The application for a variance shall be denied if the Hearing Examiner finds that one or more of the provisions of Section 15A.21.030 are not met. Violations of conditions or safeguards made a part of the terms under which the variance is granted shall be considered a violation of this Title and is subject to the penalties set forth in Chapter 15A.25, (Ord. 10 1985 §1 (part), 1986)

15A.21.070 Notice of Examiner's Decision.

Notification of the Hearing Examiner's decision shall be issued as required under YCC Title 16B. The Notice of Decision shall also comply with RCW 36.70B.130. Copies of the Examiner's decision shall be mailed to the applicant and to other parties of record not later than three days following the filing of the decision. "Parties of record" shall include the applicant and all other

~~persons who specifically request notice of the decision by signing a register provided for such purpose at the public hearing. (Ord. 10-1985 §1 (part), 1986)~~

15A.21.080 Appeals.

Decisions by the Hearing Examiner ~~may be on a variance shall be final and conclusive unless appealed to the Legislative Body in accordance with Chapter 15A.16, Chapter 2.23 and YCC Title 16B.~~ (Ord. 10-1985 §1 (part), 1986)

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Chapter 15A.22 INTERPRETATIONS

Sections:

- 15A.22.010 Purpose.
- 15A.22.020 Written Request for Interpretation
- 15A.22.025 Interpretation and Enforcement Decisions.
- 15A.22.030 Review by the Hearing Examiner.
- 15A.22.040 Notice of Examiner's Decision
- 15A.22.050 Use Interpretations.
- 15A.22.060 Interpretations of Zoning District Boundaries.
- 15A.22.070 Appeals.

15A.22.010 Purpose.

The purpose of this chapter is to define the responsibilities, rules and procedures for clarifying the text of this Title, the zoning map which it incorporates and the rules and regulations adopted pursuant to it. (Ord. 10-1985 §1 (part), 1986)

15A.22.020 Written Request for Interpretation.

A written request for interpretation of any provision of this Title, use or non-use, the zoning map, or any rule or regulation adopted pursuant to this Title shall be submitted to the Administrative Official planning department. Each request shall set forth the specific provision or provisions to be interpreted and the facts of the specific situation giving rise to the request for an interpretation. (Ord. 10-1985 §1 (part), 1986; Ord. 3-1993 §52, 1993)

15A.22.025 Interpretation and Enforcement Decisions.

- (a) It is the intent of this Title that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Hearing Examiner only by referral from the Administrative Official, on appeal from the decision of the Administrative Official or through the unclassified use process of Section 15A.04.040 Unclassified Uses.
- (b) The Administrative Official shall maintain a catalog of interpretations and rulings issued in writing by him or the Hearing Examiner on file and available for inspection in the Planning Division.

(c) The duties of the Legislative Body in connection with this Title shall be as set forth in Chapters 36.70 and 36.70A RCW.

15A.22.030 Review by the Hearing Examiner.

The Planning Department Administrative Official may refer applications ~~shall within five days of the receipt of any request for interpretation forward all applications~~ for interpretation to the Hearing Examiner for decision. The Hearing Examiner may refer any application or request for interpretation to the Planning Commission and any interested, affected, or concerned agencies or persons for review and comment. In addition, the Hearing Examiner may, at his sole discretion, schedule and hold a public hearing on any proposed interpretation issue. Notice of any hearing held to consider an interpretation shall be as provided in YCC Title 16B, mailed to the person requesting the interpretation and published once at least ten days prior to the hearing. (Ord. 10-1985 Mod. 6 §65, 1987; Ord. 10-1985 §1 (part), 1986)

15A.22.040 Notice of Examiner's Decision.

Notification of the Hearing Examiner's Interpretation Decision shall be issued as required under YCC Title 16B. The Notice of Decision shall also comply with RCW 36.70B.130.

~~The Hearing Examiner shall mail a written copy of his interpretation to the applicant, the Yakima County Planning Department Division and the City of Yakima Department of Community and Economic Development, and their respective Administrative Officials. Such notice shall be provided within thirty days from the date of his receipt of an application for interpretation or such longer period of time as may be agreed to by the applicant.~~

The Hearing Examiner shall clearly state the analysis and reasons upon which any interpretation is based and if the interpretation is a use interpretation, how the interpretation is consistent with the specific conditions established in Section 15A.22.050.

The Planning Department Division shall keep a copy of each interpretation on file and shall make a copy available for public inspection during regular business hours. (Ord. 10-1985 §1 (part), 1986)

15A.22.050 Use Interpretations.

The following conditions shall govern the Hearing Examiner in issuing use interpretations (also see Section 15A.04.040, Unclassified uses):

- (a) No use interpretation shall vary the location or review requirements of any use listed in Table 4-1 or home occupation listed in Table 4-2.
- (b) No use interpretation shall permit any use in any zoning district unless evidence is presented which demonstrates that it will comply with the intent and development standards established for the particular district. (Ord. 10-1985 Mod. 6 §66, 1987; Ord. 10-1985 §1 (part), 1986)

15A.22.060 Interpretations of Zoning District Boundaries.

~~The Hearing Examiner shall make interpretations. When there is uncertainty regarding the zoning district boundaries shown on the official zoning map, the Administrative Official shall apply. The Hearing Examiner shall use the following rules to interpret the precise location of any zoning boundary, shown on the official zoning map:~~

- (a) Boundaries shown as following or approximately following the city limits, plotted lot lines, or section lines, half-section lines, or quarter section lines shall be construed as following such lines.
- (b) Boundaries shown as following or approximately following streets shall be construed to follow the centerlines of such streets.
- (c) Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
- (d) Boundaries shown as following or approximately following floodways, flood prone areas, shorelines of lakes, rivers and streams shall be construed to follow the floodway, floodplain and shoreline and, in the event of natural change in the shoreline, shall be construed as moving with the actual floodway, floodplain and shoreline.
- (e) Boundaries shown as following or approximately following the centerline of streams, rivers, lakes or canals shall be construed as following such centerlines. In the event of a natural change in the location of such streams, rivers, or other water courses, the zoning boundary shall be construed as moving with the channel centerline.
- (f) Where a public right-of-way is vacated, the vacated area shall have the zoning district classification of the property to which it accrues; (~~Ord. 10-1985 §1 (part), 1986~~)
- (g) Boundaries indicated as parallel to or extension of features indicated in a-f above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map.
- (h) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (a) through (g) above, the Administrative Official shall interpret the zoning district boundaries. The interpretation of the Administrative Official may be appealed in accordance with Section 15A.16.030(8) and YCC Title 16B.

15A.22.070 Appeals.

~~The Hearing Examiner's Reviewing Official's decision on an interpretation shall be final and conclusive unless may be appealed by an aggrieved party under the provisions of Chapter~~

15A.16, YCC Title 16B and RCW 36.70C within the timeframes and procedures specified therein. (Ord. 10-1985 §1 (part), 1986)

Chapter 15A.22 - 4

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Chapter 15A.23 AMENDMENTS AND REZONES

Sections:

- 15A.23.010 Purpose.
- 15A.23.020 Text Amendments.
- 15A.23.030 Rezones—Zoning Map Amendments.
- 15A.23.040 Appeals.
- 15A.23.050 Classification of Annexed Lands.

15A.23.010 Purpose.

From time to time a change in circumstance or condition may warrant a change in the zoning text or map created by this Title. The purpose of this Chapter is to establish the procedures to amend the zoning text and/or map when the proposed change would be consistent with the goals and policies of the ~~Yakima Urban Area~~ Comprehensive Plans (including adopted neighborhood plans) and the intent of this Title. (Ord. 10-1985 § 1 (part), 1986)

15A.23.020 Text Amendments.

- (a) **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.
- (b) **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 and 36.70A as it they now exists or is are hereafter amended. (Ord. 10-1985 § 1 (part), 1986)

15A.23.030 Rezones—Zoning Map Amendments.

- (a) **Initiation** - An amendment to the zoning map may be initiated by:
 - (1) Resolution of The Legislative Body; with jurisdiction; or
 - (2) The Planning Commission; or
 - (2 3) A rezone application filed by the property owner(s).
- (b) **Application** - All rezone applications shall be filed with the Planning Department Division, and ~~The planning department shall be processed process the application under~~ Chapter 15A.23 - 1

the provisions of Section 15A.11.080 and YCC Title 16B. The application shall include the information required by the Administrative Official in ~~Section 15A.11.030~~ and the signature of the owner(s) of the property.

- (c) Public Hearing by the Hearing Examiner - Upon receipt of a complete application for a rezone, the ~~Planning department~~ Division 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 Plans, or which are of broad general applicability shall be heard by the Planning Commission under the provisions of RCW Chapter 36.70 and 36.70A. The public hearing shall be held and notice provided under the provisions of ~~Chapter~~ 15A.11.090 YCC Title 16B. 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.
- (d) 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.
- (e) 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:
 - (1) The testimony at the public hearing;
 - (2) The suitability of the property in question for uses permitted under the proposed zoning;
 - (3) The recommendation from interested agencies and departments;
 - (4) 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 Plans, ~~adopted neighborhood plans~~ and the intent of this Title;
 - (5) The adequacy and availability of public facilities, such as roads, sewer, water and other required public services;
 - (6) The compatibility of the proposed zone change and associated uses with neighboring land uses; and,
 - (7) The public need for the proposed change; and
 - (8) Consistency with the criteria set forth in Chapter 16B.10.

Notification of the Hearing Examiner's decision shall be issued as required under YCC Title 16B. The Notice of Decision shall also comply with RCW 36.70B.130. ~~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.

(f) Action by the Legislative Body - Upon receipt of the Hearing Examiner's recommendation on a proposed rezone, the Legislative Body shall ~~hold a public meeting and affirm or reject the Hearing Examiner's decision.~~
~~The legislative body conduct its own a public hearing to affirm, modify, approve subject to a development concomitant agreement, or 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 YCC Title 16B, Section 15A.11.090. In either ease, The findings of the Legislative Body shall include the considerations established in subsection (E e) of this section and Chapter 16B.10.

(g) Time Limit and Notification - Proposed amendments shall be decided by the Legislative Body as soon as practicable. Notification of the Legislative Body's decision shall be issued as required under YCC Title 16B. The Notice of Decision shall also comply with RCW 36.70B.130. and the applicant shall be notified in writing whether the rezone has been granted or denied. (Ord. 10 1985 Mod. 6 §67, 1987; Ord. 10 1985 §1 (part), 1986)

15A.23.040 Appeals.

The decision of the Legislative Body shall be final and conclusive unless ~~an aggrieved party files an appeal pursuant to RCW 36.70C within the timeframes and procedures specified therein.~~ ~~within thirty days from the date of final action an aggrieved party obtains an appropriate writ of judicial review from the Yakima County superior court Superior Court for the purpose of review of the action taken.~~ The appellant shall provide, or pay the cost of preparing, a verbatim transcript of the proceedings required for judicial review. With the consent of the superior court Superior Court, the parties may agree to provide a verbatim audio record of the proceedings for review by the superior court Superior Court. (Ord. 10 1985 §1 (part), 1986)

15A.23.050 Classification of Annexed Lands.

~~The zoning of land hereafter annexed to the City of Yakima shall not change upon annexation. Provided the City Council may initiate and consider a rezone of the property proposed for annexation under the provisions of Chapter 15A.23 and may adopt the zone change upon annexation.~~ (Ord. 10 1985 §1 (part), 1986)

Notes: Underlined colored text is added; ~~strike-through text~~ is deleted.

Purple text changes are by the Board of Commissioners as part of its deliberations.

The revised Section 15A.24.020 is based in part on the existing YCC Section 15.12.090

Chapter 15A.24

EXPIRATION AND REVOCATION OF PROJECT PERMITS OR APPROVALS

Sections:

- 15A.24.010 Expiration of Project Permits or Approvals.
- 15A.24.010 Authority
- 15A.24.020 Revocation of Project Permits or Approvals.
- 15A.24.020 Grounds for permit revocation.
- 15A.24.030 Public hearing by the hearing examiner.
- 15A.24.040 Decision by the hearing examiner.
- 15A.24.030 Notice of Examiner's Decision.
- 15A.24.040 Permit Revocation Not an Exclusive Action.
- 15A.24.050 Appeals.
- 15A.24.060 Violation.

15A.24.010 Authority.

~~The Hearing Examiner may, under the provisions of this chapter and upon petition by the Building Official, or the legislative body, revoke or modify any permit, Certificate of Zoning Review, variance, home occupation permit, temporary hardship permit or other permit or approval previously made or granted under the provisions of this title.~~ (Ord. 10-1985 §1 (part), 1986)

15A.24.010 Expiration of Project Permits or Approvals.

- (a) It is the affirmative duty of a project permit holder and the land owner (as applicant) to comply with the any safeguards and conditions made a part of the terms under which the approval of a project permit was granted as authorized by this Title. The applicant shall complete all required safeguards and conditions and request County inspection to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions. When the safeguards and conditions of the project permit have been met within the timeframe specified by the decision and any subsequent extension authorized by this Title, the Reviewing Official shall issue a Certificate of Zoning Review to document compliance as provided in Chapter 15A.12.
- (b) As provided in Section 15A.12.060, if a Certificate of Zoning Review demonstrating compliance with the terms of the project permit approval has not been obtained within the timeframe specified by the decision and any subsequent extension authorized by this Title, the project shall be considered expired by time limitation and the land use approval

shall be null and void. Expiration of a project permit or Certificate of Zoning Review under this Title shall not be subject to appeal or revocation proceedings of 15A.24.020.

15A.24.020 Revocation of Project Permits or Approvals.

A project permit issued or processed pursuant to this Title will be deemed revoked if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted are not being maintained. Other remedies available to Yakima County to enforce conditions of a permit approval decisions, remedy land use and code violations or abate those violations under YCC Titles 13 and 15A.

- (a) If the Reviewing Official finds that a Certificate of Zoning Review was issued and the conditions and safeguards made part of the terms under which the project permit was granted are not being maintained, the Reviewing Official shall direct compliance and prescribe a reasonable time for corrections. If corrections are not made within the time limit, revocation of the project permit shall become effective five days after the time previously specified. "Reasonable time" shall be determined by the Reviewing Official based on the practicality of accomplishing the condition.
- (b) The applicant or property owner may appeal the revocation subject to an open record public hearing and payment of a fee. The open record public hearing shall be held before the Hearing Examiner in accordance with the procedures of Chapter 2.23 and YCC Title 16B for an appeal, in order to show cause why such permit approval should not be revoked. The basis of rescinding a revocation shall only be whether the decision of the Reviewing Official is clearly erroneous and is not supported by the evidence available to the Reviewing Official at the time the decision is made.
- (c) An application for a project permit previously revoked under this section cannot be made within one year after revocation.
- (d) A project permit that has expired as provided in Section 15A.24.010 shall not be considered for revocation hearing.

15A.24.020 Grounds for Permit Revocation.

Such revocation or modification shall be made only on one or more of the following grounds:

- (a) That the approval was obtained by fraud or material misrepresentation;
- (b) That the permit or approval is being, or has been recently, exercised or used contrary to the terms or conditions of such permit or approval or in violation of any other statute, ordinance, or law, and administrative efforts by the planning department and/or building official have been ineffective. (Ord. 10 1985 §1 (part), 1986)

15A.24.030 Public Hearing by the Hearing Examiner.

The Hearing Examiner shall hold a public hearing prior to the revocation or modification of any permit. Prior notice of such hearing and its purpose shall be given to the holder of the permit and the legal title holder of the property at least ten (10) days prior to the hearing. If the subject property is not occupied, notice of the hearing shall be posted on the property in a conspicuous place and mailed to the last known address of the permit's applicant. (Ord. 10-1985 §1 (part), 1986)

15A.24.040 Decision by the Hearing Examiner.

Within ten days of the conclusion of the hearing, unless a longer period is agreed to on the record or in writing by the applicant, the examiner shall issue a written decision to approve or deny the request for permit revocation. His written decision shall include the following considerations:

- (a) The testimony at the public hearing;
- (b) The recommendation from interested agencies and departments; and
- (c) The grounds for permit revocation established in Section 15A.24.020.

The hearing examiner may, on his own motion or upon request of the permit holder, defer the effective date of any revocation and grant the permit holder an opportunity to affirmatively demonstrate to the examiner compliance with this title or correction of any violation. The examiner may grant or impose interim terms and conditions of the continued use, construction, alteration, or occupancy of the premises covered by the permit or approval. (Ord. 10-1985 §1 (part), 1986)

15A.24.030 Notice of Examiner's Decision.

Notification of the Hearing Examiner's decision shall be issued as required under YCC Title 16B. The Notice of Decision shall also comply with RCW 36.70B.130. Copies of the Examiner's decision shall be mailed to the permit holder, legal title holder, and the official or body petitioning for permit revocation not later than three days following the filing of the decision. (Ord. 10-1985 §1 (part), 1986)

15A.24.040 Permit Revocation not an Exclusive Action.

The provisions of this Chapter are completely supplemental to other provisions of this Title. Provisions herein are neither an exclusive remedy nor a prerequisite for any other administrative or judicial action authorized under this Title. (Ord. 10-1985 §1 (part), 1986)

15A.24.050 Appeals.

Any decision of the Hearing Examiner hereunder shall be final and conclusive unless appealed in accordance with Chapter 15A.16 and YCC Title 16B. (Ord. 10-1985 §1 (part), 1986)

15A.24.060 Violation.

Continued use or occupancy of land or structures after the effective date of any expiration or revocation and with knowledge that a permit or approval has been expired or revoked under this Chapter constitutes a special violation of this Title and is punishable under Section Chapter 15A.25.020(B) and YCC Title 13. (Ord. 10-1985 §1 (part), 1986)

*Notes: Purple text changes are by the Board of Commissioners as part of its deliberations.
This replacement Chapter 15A.25 is based on the existing YCC Chapter 15.88*

Chapter 15A.25

VIOLATIONS AND ENFORCEMENT AND ADMINISTRATION

Sections:

15A.25.010 Complaints.

15A.25.020 Penalties.

15A.25.030 Codes Preserved.

15A.25.010 Complaints.

Whenever a violation of this Title occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Official. He shall record such complaint, investigate and in consultation with the Administrative Official take action thereon as provided by this Title and YCC Title 13.

15A.25.020 Penalties.

- (1) Any person, firm or corporation violating any of the provisions of this Title, including the provisions of the various Codes adopted by reference therein, or failing to comply therewith, or violating or failing to comply with any order, or decision issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor or shall be subject to a civil infraction as provided for by Chapter 7.80 RCW, YCC Title 13.25 or any other remedy provided by law and such violation shall constitute a public nuisance. Any person so convicted of a misdemeanor shall be punished for each offense by a fine of not more than ONE THOUSAND DOLLARS (\$1,000.00) or by imprisonment for not more than NINETY (90) days, or by both such fine and imprisonment.
- (2) The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section and YCC Title 13.
- (3) In addition to the penalties described in this Chapter and YCC Title 13, actions that can be taken by the County include, but are not limited to: withholding any and all permits for development or land division, unless said permit or application is directly related to a proper remedy of the violation; assessing double fees for all permits and applications necessary to remedy the violation; notifying by certified mail all property owners of record of the violation and remedies required to abate the violation; abating or causing the violation to be removed with a lien filed against the property to recover costs; or other such action as may be needed to enforce this code.

(4) Where it is clear to the Administrative Official that a proposed land division or other permit application filed to remedy the violation(s), is clearly inconsistent with the Comprehensive Plans, the intent of the use district or other provisions of county code or state law, the application shall be returned without processing and any fee refunded. This determination of the Administrative Official shall not be appealable under the provisions of this Code.

(5) It shall be the affirmative duty of the County Prosecutor's office to seek relief under this section and YCC Title 13 for violations of Title 15A. Nothing herein contained shall prevent the County Prosecutor's office from taking such lawful action, legal and/or equitable, as is necessary to prevent or remedy any violation.

15A.25.030 Codes Preserved.

Except as otherwise inconsistent with this Chapter, the provisions of the Codes adopted by reference in this Title pertaining to violations shall remain in full force and effect.

Note: Underlined colored text is added; ~~strike-through text~~ is deleted.
Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15A.28 MASTER PLANNED DEVELOPMENT OVERLAY

Sections:

- 15A.28.010 Purpose.
- 15A.28.020 Types of Master Planned Development Overlays – Permitted Uses.
- 15A.28.025 Minimum Project Size.
- 15A.28.030 Application – Master Planned Development Overlay.
- 15A.28.035 Phased Development.
- 15A.28.038 Planned Action – Environmental Review.
- 15A.28.040 Review Process.
- 15A.28.050 Master Planned Development Overlay – Development Agreement.
- 15A.28.060 Implementing Permits and Approvals.
- 15A.28.070 Vesting.
- 15A.28.080 Modification of an Approved Master Planned Development Overlay.

15A.28.010 Purpose.

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

- (1) Allow flexibility in development standards and permitted uses while ensuring compatibility with neighboring uses.
- (2) Facilitate the efficient use of land and provide for a comprehensive review of integrated development projects;
- (3) Increase economic feasibility by fostering efficient arrangement of land use, buildings, transportation systems, open space and utilities;
- (4) ~~Preserve or enhance natural amenities, features, Shorelines and Critical Areas in the development of a particular site;~~
- (5) ~~Identify significant environmental impacts and ensure appropriate mitigation;~~

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- (6) Provide certainty regarding the character, timing and conditions for planned residential, commercial, industrial and mixed use development within an identified geographic area and vest such projects through a public review process;
- (7) Encourage environmentally sustainable development;
- (8) Provide needed services and facilities in an orderly, fiscally responsible manner;
- (9) Promote economic development; job creation and diversification and affordable housing in the City/County;
- (10) Create vibrant mixed-use neighborhoods, with a balance of housing, employment, commercial and recreational opportunities; and
- (11) Promote consistency with the goals, policies and objectives of the Yakima Urban Area Comprehensive Plans.

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

Applicants for Master Planned Development will be encouraged to utilize unique and innovative facilities that encourage the efficient and economical use of the land; promote a sound system for traffic and pedestrian circulation; promote open space and use of natural and/or developed amenities; and provide an architecturally attractive, durable and energy efficient development.

15A.28.020 Types of Master Planned Development Overlays – Permitted Uses.

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

Master Planned Development - Residential - A residential Master Planned Development is designed to provide a type or mixture of residential dwellings (single-family, two-family, or multiple-family) with attendant streets, utilities, public facilities and appurtenant common open space and recreational facilities or other areas or facilities. A residential Master Planned Development is authorized in any residential zone (Suburban

Residential, Single Family Residential, Two Family Residential and Multi-Family Residential) and Professional Business (B-1) and Local Business (B-2) zones. The residential Master Planned Development may include incidental or supporting uses and facilities that are consistent with the primary use of the site for residential dwelling units.

Master Planned Development - Commercial - A commercial Master Planned Development is designed for the integrated site planning of commercial, retail, office or mixed commercial use (commercial, office and retail) developments. The commercial Master Planned Development shall be for the primary purpose of providing commercial services and facilities and may include any incidental and/or supportive land uses. A commercial Master Planned Development is authorized in any commercial or business district (i.e., B-1, B-2, SCC, LCC, GC, ~~CBD and RD~~) and Light Industrial (M-1) as identified in Table 4-1.

Master Planned Development - Industrial - An industrial Master Planned Development is designed to allow for the innovative site planning of industrial land uses and facilities, industrial parks and business parks. The industrial Master Planned Development shall be allowed in Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts as designated in Table 4-1.

Master Planned Development – Mixed Use - The intent of the Mixed Use Master Planned Development is to encourage the innovative mixture of residential, office, commercial, retail, and certain light manufacturing uses. Uses may be combined in single structures or buildings or may be designed in conjunction with other uses.

A mixed use Master Planned Development is intended to accommodate larger scale residential, commercial, retail, office and/or recreational uses. It is recognized that mixed use development will include innovative planning techniques; a mixture and variety of land uses; integrated planning of site improvements and structures; and site planning that increases the economic feasibility and efficient use of land. A mixed use Master Planned Development is authorized in any zoning district except Airport Support (AS) and Heavy Industrial (M2).

(b) Master Planned Developments - Permitted Uses - The following uses are permitted in Master Planned Developments upon approval of a Master Development Plan:

(1) Residential Master Planned Developments.

- (a) One-family, two-family and multifamily residences;
- (b) Recreational and amusement facilities, which are intended to serve the Master Planned Development and general public including, but not

limited to, golf courses, clubhouses, driving ranges, tennis courts, swimming pools, parks, community centers and playgrounds;

- (c) Schools, libraries, museums, art galleries;
- (d) Public services and facilities including police and fire stations;
- (e) Manufactured home park and subdivision, provided that the provisions of Section YCC 15A.04.120 shall be met as a condition of approval of the Master Planned Development;
- (f) Any other uses authorized in the underlying zone are pursuant to Type (1), (2) or (3) review and are set forth in Table 4-1.

(2) Commercial and Industrial Master Planned Developments.

- (a) Uses are permitted in accordance with those uses allowed within the underlying zoning district as identified in Table 4-1.
- (b) Such other uses as are consistent with the Yakima Urban Area Comprehensive Plans and Future Land Use Map or are of a similar type and intensity as those uses allowed within the underlying zoning district as identified in Table 4-1.

(3) Mixed Use Master Planned Development.

- (a) Any residential, retail, commercial, office, public, light industrial and/or recreational use may be permitted in a mixed use Master Planned Development provided such uses are designed in harmony with the overall site plan and do not adversely impact adjoining properties and development. It is recognized that uses may include a combination of residential, commercial, retail, service and recreational uses developed in an innovative manner. It is the intent of this district to provide flexibility in design, concept and usage in order to respond to and meet the needs of the community and marketplace.
- (c) Additional Uses Allowed - Unless otherwise restricted by Section YCC 15A.28.020 (b), the Hearing Examiner is authorized to recommend additional uses within a Master Planned Development, provided such uses are an integrated component of the development and not detrimental to surrounding land uses. Authorization of additional uses shall take into consideration the following factors:

- (1) Any nonresidential uses proposed in a Master Planned Development - Residential shall be primarily designed and intended for the use of the residents within the proposed development and planned as an integral part of such Master Planned Development.
- (2) Non-residential uses within a Master Planned Development - Residential are limited to those uses allowed as Class (1) or Class (2) uses in Professional Business (B-1), Local Business (B-2), and Small Convenience Center (SCC), as listed in Table 4-1 of this Title ~~Urban Area Zoning Ordinance (UAZO)~~. Such non-residential uses will be limited to no more than ten percent of the land contained in the Master Planned Development, excepting recreational facilities or as otherwise provided in Chapter ~~YCC~~ 15A.28. No commercial or other intensive non-residential use is permitted to be closer to the boundary of any adjacent residential district than is permitted for the same use by the underlying zoning.
- (3) Residential uses within a Master Planned Development - Commercial or Industrial shall be limited to those that are secondary to the primary commercial and industrial use and designed in a manner that is consistent with integrated site planning.

15A.28.025 Minimum Project Size.

The minimum project size for a Master Planned Development shall be five acres. (Ord. 98-63 § 1 (part), 1998). All properties included in the Master Development Plan shall be contiguous, with logical outer boundaries.

15A.28.030 Application – Master Planned Development Overlay.

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

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

- (1) Annexation of the remainder of the property lying outside of city limits; ~~into the City of Yakima; or~~
- (2) Submit a petition for annexation to the Yakima City Council for the above mentioned property, and attain and submit an Early Transfer of Jurisdiction letter to the city of Yakima releasing the proposed land use application to be processed by the city of Yakima.

(b) Development Plan – Submission Requirements.

An application for Master Planned Development shall include the following information:

- (1) Planning History - A summary of all previous known land use decisions affecting the applicant's property and a list of all outstanding conditions of approval with respect to such prior land use decisions.
- (2) Existing Property Information - An application for a Master Plan Development shall contain the following information on and adjacent to the site, presented in narrative, tabular and/or graphic formats:
 - (a) Vicinity map that identifies surrounding uses within five hundred feet of the site boundary.
 - (b) Legal description for the proposed Master Planned Development together with a title report disclosing all lien holders and owners of record.
 - (c) Zoning map that identifies base and overlay zoning designations for the site and surrounding property uses within five hundred feet of the site boundary.
 - (d) Site description including the following information provided in narrative, tabular and/or graphic formats:
 - i. Topography and natural resources including 100-year floodplain; wetlands, rivers, streams or other critical areas; and natural hazards such as steep slopes greater than fifteen percent, and unstable, impermeable or weak soils.
 - ii. Inventory of cultural, historic and/or archaeological resources on the site, if any.

- iii. Existing buildings, if any, including use, location, size and date of construction.
- iv. Existing on-site transportation systems including streets, sidewalks and bike paths, if any.
- v. Location and size of existing public and private utilities on the site including water, sanitary sewer, storm water retention/treatment facilities and electrical, telephone and data transmission lines.
- vi. Location of public and private easements.
- vii. A description of the type, design and characteristics of the surrounding properties for purposes of assessing the proposed Master Planned Development effects.

(3) Technical Studies - Technical Studies may be required by the Administrative Official when potential adverse impacts are identified outside of the SEPA regulatory review process and may include the following:

- (a) A Traffic Impact Analysis sufficient to assess access to the site and within the site, on-street parking impacts and limitations and necessary traffic-related improvements;
- (b) Drainage Study;
- (c) Geotechnical Analysis;
- (d) Noise Analysis;
- (e) Visual Composite;
- (f) Other analysis of potentially significant issues as identified during the SEPA environmental checklist review.

(4) Site Plan - The application shall include a concept Site Plan which includes the following elements:

- (a) Project boundaries;
- (b) Primary uses and ancillary uses;
- (c) Existing and proposed structures;

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- (d) Gross floor area of development;
- (e) Maximum building heights;
- (f) Minimum building setbacks;
- (g) Maximum lot coverage;
- (h) Any other development standards proposed to be modified from the underlying zoning district requirements;
- (i) The proposed circulation system of arterial and collector streets, including if known, the approximate general location of local streets, private streets, off-street parking, service and loading areas, and major points of access to public rights-of-way, with notations of proposed public or private ownership as appropriate.
- (j) The proposed location of new and/or expanded public and private utility infrastructure.
- (k) Site-screening, landscaping and street trees.
- (l) A Master Planned Development incorporating commercial or industrial facilities must provide a buffer or site design along the perimeter of the Master Planned Development, which shall reasonably transition the Master Planned Development to any adjacent properties zoned or used for residential purposes. If automobile parking, driveways, or machinery operation is to be provided within one hundred feet of a Master Planned Development boundary, site screening shall be provided in accordance with Section YCC 15A.05.020.
- (m) Aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, solar access and shadow impacts.
- (n) Site features as appropriate to mitigate traffic, environmental, geotechnical and other impacts as identified in technical studies required by this Chapter.
- (o) Shoreline and Critical Areas where applicable.

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(5) Development Agreement - The application should also include a Draft Development Agreement including the following elements:

- (a) Narrative Description of Project and Objectives
- (b) Summary of Development Standards
- (c) Site Plan Elements
- (d) Development Phasing, including times of performance to preserve vesting (Section YCC 15A.28.070)
- (e) Public Meeting Summaries
- (f) Performance Standards and Conditions addressing items "a" through "e" above
- (g) Criteria for Determining Major vs. Minor Modifications and amendments
- (h) Signatures by each owner of property within the Master Development Plan area acknowledging that all owners will agree to be bound by conditions of approval, including use, design and layout, and development standards contained with an approved Plan and Development Agreement.

15A.28.035 Phased Development.

The Master Planned Development Overlay application may include two or more phases of development provided that:

- (a) The development plan identifies phases of the project in sufficient detail to evaluate timing and coordination of phased development;
- (b) The proposed timing or sequencing of development, recognizing that phasing may require flexibility that is responsive to market demands;
- (c) Each phase will be subject to development standards identified, adopted and vested in the review process; and
- (d) Each phase of a proposed master plan shall contain adequate infrastructure, landscaping and all other conditions in order to allow the phase to stand alone if no other subsequent phases are developed.

15A.28.038 Planned Action - Environmental Review.

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~~An application for Master Planned Development Overlay shall include a completed Environmental Checklist. If requested by applicant and deemed appropriate by the City/County, a Master Planned Development Overlay proposal may be designated by the City/County as a planned action pursuant to RCW 43.21C.031(2) and WAC 197-11-164 et seq.~~

15A.28.040 Review Process.

- (a) The Master Planned Development Overlay application - shall be reviewed using the rezone procedures described in Section YCC 15A.23.030. The criteria of Section YCC 15A.23.030 (e)(1-7) shall not be used. Upon filing of a complete Master Plan application and completion of the required environmental review process, the Planning department Division shall forward the application, together with its recommendation, to the Hearing Examiner to conduct a public hearing and review in conformity with Section YCC 15A.23.030 and YCC Title 16B.
- (b) Pre-application Conference - A Master Planned Development site plan shall be subject to a pre-application conference prior to formal submittal. The preliminary site plan shall be submitted to the Administrative Official, which shall include the material outlined for a master concept plan as set forth in Section YCC 15A.28.030(b). The Administrative Official shall coordinate with the appropriate departments and provide recommendations to the applicant regarding site planning; use and concept design; street and utility layout; design and location; development standards and other matters pertinent to the application and review criteria.
- (c) Public Hearing and Recommendation - A Master Plan Development application shall be reviewed in an open record public hearing before the Hearing Examiner. Hearings shall be as prescribed in Chapter 2.23 and YCC Title 16B. The Hearing Examiner shall apply the Master Plan Development review criteria set forth herein and issue a written recommendation to the Legislative Body to approve, approve with conditions or deny the proposed Master Planned Development. The Hearing Examiner may add recommended conditions as necessary to protect the general public interest, health, safety, comfort and welfare from potential impacts, nuisances, hazards, or offensive conditions. The recommendation shall specifically include findings, conclusions and conditions based on evidence and testimony in the open record public hearing.
- (d) Master Plan Development – Review Criteria - The Hearing Examiner shall evaluate a Master Planned Development application and other evidence submitted into the record, and shall issue such recommendation based upon the following considerations and criteria;

- (1) The master plan development application demonstrates the economic and efficient use of land and provides for an integrated and consistent development plan for the site.
- (2) The applicant has identified development standards and uses that are consistent with the master plan and designed in a manner that is compatible with adjacent land uses after consideration of applicable mitigation and site design. The Hearing Examiner may consider development standards that are different from currently adopted development standards in order to provide flexibility in site planning; to implement project design and concepts; to respond to market conditions; or to otherwise achieve the public benefits contemplated by the concept plan.
- (3) Consideration shall be given to "low impact development" concepts.
- (4) There will be adequate infrastructure capacity available by the time each phase of development is completed
- (5) The Master Planned Development contains design, landscaping, parking/traffic management, and use mixture and location that limit or mitigate conflicts between the Master Planned Development and adjacent uses. Consideration shall be given to site planning that supports land use flexibility through means of appropriate setbacks, landscaping, site screening, buffers and other design features or techniques.
- (6) All potential significant off-site impacts including noise, shading, glare and traffic have been identified and mitigation incorporated to the extent reasonable and practical.
- (7) The project is designed and includes appropriate consideration of open spaces and transportation corridors, designs of street and public open space amenities, and results in the functional and visual appearance of one integrated project.
- (8) The proposed development is not adverse to the public health, safety or welfare.
- (9) The public benefits of approving the Master Planned Development outweigh the effect of modification of standards to the underlying zoning district.
- (10) The proposed development is designed to be consistent with the provisions of the Shoreline Master Program and Critical Areas Ordinance of the appropriate jurisdiction.

(d) Legislative Body - Following receipt of the Hearing Examiner's recommendation, the Legislative Body shall schedule a closed record hearing for consideration of the Hearing

Examiner's recommendation on the Master Planned Development Overlay application as provided in this Title, Chapter 2.23 and YCC Title 16B. Upon conclusion of said hearing, the Legislative Body may:

- (1) Accept the Hearing Examiner's recommendation; or
- (2) Remand the Master Planned Development application to the Hearing Examiner to provide supplementary findings and conclusions on specific issues; or
- (3) Modify Hearing Examiner's recommendation based upon testimony and evidence provided at the open record public hearing. In the event of a modification of the Hearing Examiner's recommendation, the Legislative Body shall enter its own modified findings of fact and conclusions of law as are necessary and consistent with their final determination.
- (4) Deny the application, with or without prejudice.

(e) Appeals - The Legislative Body's decision shall be the final decision on the project permit application, subject to appeal pursuant to the Land Use Petition Act (LUPA) – RCW Ch. 36.70C.

15A.28.050 Master Planned Development Overlay – Development Agreement.

An approved Master Planned Development Overlay (including conditions and development standards) shall be incorporated into a development agreement as authorized by RCW 36.70B.170. The development agreement shall provide for vesting of such development conditions and standards as are deemed reasonable and necessary to accomplish the goals of the Master Planned Development. This agreement shall be binding on all property owners within the Master Planned Development and their successors and shall require that development of the subject property be consistent with and implement the provisions of the approved Master Planned Development. The approved development agreement shall be signed by the City Manager or Chairman of the Legislative Body Board of the Yakima County Commissioners and all property owners and lien holders within the boundaries of the Master Planned Development Overlay and recorded prior to approval and/or issue of any implementing plats or permits.

15A.28.060 Implementing Permits and Approvals.

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

approved in accordance with the conditions and standards adopted in the Master Planned Development Overlay.

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

- (1) Verification that the project meets the description in, and will implement any applicable conditions or mitigation measures identified in the Master Planned Development approval and ordinance or resolution; and
- (2) Verification that the probable significant adverse environmental impacts of the project have been addressed in environmental review in the context of the master plan review processes.

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

15A.28.070 Vesting.

- (a) The Master Plan Development review shall be vested to development regulations, standards, conditions and laws applicable at the time the development agreement described in Section YCC 15A.28.050 is recorded, inclusive of specific conditions and standards set forth in said development agreement. The vesting period shall be for the time stated in the development agreement associated with each specific Master Planned Development and shall be agreed upon by the parties to the development agreement after giving consideration to the extent and complexity of the proposed development as well as specific development planning considerations raised by the developer. During the stated vesting period the applicant shall be entitled to implement the Master Planned Development in accordance with the terms and conditions of approval described in the development agreement.
- (b) Vesting of rights may also include reservation of traffic capacity on public streets and roadways or capacity in public facilities such as sewer and water, if such reservations are specifically agreed upon in the development agreement required by Section YCC 15A.28.050. Such reservations shall be applicable for the time as set forth in the development agreement.

15A.28.080 Modification of an Approved Master Planned Development Overlay.

Implementation of the Master Development Plan shall be reviewed through the Type (1) review process. Modifications to the adopted Master Development Plan and/or Development Agreement may be requested from time to time. Minor modifications will undergo Type (2) review. Major modifications will undergo Type (3) review. The following criteria are established to assist this determination.

(a) Type (1) Review Projects or Actions - Type (1) review process shall be applied to future projects or actions in compliance with an approved Master Development Plan and Development Agreement; and

(b) Type (2) Review Projects or Actions - Type (2) review process shall be applied for minor modifications to an approved Master Development Plan or Development Agreement.

A change or amendment to the approved master plan shall be deemed a "minor modification" if, in the Reviewing Official's discretion, the following criteria are satisfied:

(1) The amendment does not increase the areas identified for any particular land use or increase the residential density approved in the master plan.

(2) The amendment does not increase the total floor area of nonresidential uses by more than five percent.

(3) The amendment does not materially change the type and character of approved uses.

(4) The amendment does not materially change parking or traffic circulation within the development.

(5) The amendment does not materially change setbacks, buffers, landscaping, shoreline, critical area or other mitigation measures.

(6) The amendment does not materially impact the overall design of the approved master plan.

(7) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the Master Planned Development which are

deemed not to be material or significant in relation to the entire Master Planned Development and are determined not to have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

- (c) Type (3) Review Projects or Actions - A major modification to the Master Development Plan shall be subject to a Type (3) review and shall be referred to the Hearing Examiner in accordance with Section YCC 15A.14.040. A "major modification" shall be any modification to an approved Master Development Plan or Development Agreement that is deemed to be more significant than a "minor modification" as described herein above.
- (d) Type (2) and (3) review shall be conducted consistent with the provisions of Chapters 15A.14 and 15A.15, respectively. For any changes falling outside the scope of such review, the procedures set forth in this chapter for original Master Development Plan and Development Plan approval shall be followed.

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Blue text changes are as recommended by the Regional Planning Commission.
Purple text changes are by the Board of Commissioners as part of its deliberations.*

Chapter 15A.30 AIRPORT SAFETY OVERLAY (ASO)

Sections:

- 15A.30.010 Purpose
- 15A.30.020 Airport Special Definitions.
- 15A.30.030 Application of Airport Safety Overlay Provisions.
- 15A.30.040 Class (1) Uses.
- 15A.30.050 Class (2) and Class (3) Uses.
- 15A.30.060 Application Requirements.
- 15A.30.070 Height Limitations and Additional Requirements.
- 15A.30.080 Special Provisions for New Airports, Heliports and Landing Fields.

15A.30.010 Purpose

The Airport Safety Overlay is intended to protect the airspace around the Yakima Air Terminal at McAllister Field and any other State and Federal system airports from airspace obstructions or hazards and incompatible land uses in proximity to the Yakima Air Terminal at McAllister Field or other public airports with defined airspace per Federal Aviation Regulations (FAR), Part 77.

15A.30.020 Airport Special Definitions

The following terms are established for the purpose of protecting the airspace of the Yakima Air Terminal at McAllister Field or any other State and Federal system airport:

- (a) Airspace Hazard - means any structure, tree, or use of land which compromises public safety or obstructs the airspace required for the safe operations of aircraft in or around an airport, as determined by the Reviewing Official under this Title.
- (b) Airspace Obstruction – means any structure, tree, land mass, smoke or steam or use of land which penetrates the primary, approach, transitional, horizontal or conical surface of an airport as defined by Federal Aviation Regulations (FAR) Part 77.
- (c) Avigation Deed Declaration - means a declarative covenant which recognizes the preexistence of the airport and the right of over flight recorded for all uses within the approach and transitional surfaces of the conical surface area.

- (d) Avigation easement – means an easement granted for the free and unobstructed use and passage of aircraft over, across and through the airspace above, or in the vicinity of property
- (de) Civil Airport Imaginary Surfaces – means the imaginary airspace (primary, approach, transitional, horizontal and conical surfaces) designated by the Federal Aviation Administration and as defined by FAR, Part 77.
- (ef) Established Airport Elevation - means the highest point of an airport's usable landing area, measured in feet above mean sea level.
- (fg) Hazard to Air Navigation - means an official determination by the FAA that an airspace obstruction constitutes a hazard to air navigation. The FAA determination that an airspace obstruction does not constitute a "hazard to air navigation" under federal regulations does not prevent the Reviewing Official from determining that it is an airspace hazard or potentially incompatible land use under this Title.
- (gh) Potentially Incompatible Land Use - means land uses deemed potentially incompatible within the airport safety overlay include:
 - (1) Those land uses located in the primary Airport safety Overlay, being an area bounded by the limits of the approach surface and the transitional surface within the conical surface area, that are of such intensity as to potentially endanger public health, safety or welfare. Such uses include manufactured or mobile home parks, schools, places of public assembly and multi-family residential uses;
 - (2) Those land uses within the primary or secondary Airport safety Overlay constituting airspace hazards, as determined by the Reviewing Official.
- (hi) Runway Protection Zone(s) - means a trapezoidal area representing the ground level at the innermost portion of the runway approach as defined in the respective airport master plan.

15A.30.030 Application of Airport Safety Overlay Provisions

- (a) All zoning districts regulated under this Title lying within the Airport safety Overlay are subject to the requirements of this overlay, except as may be otherwise stated herein.
- (b) The Airport Safety Overlay (ASO) contains those areas defined by Federal Aviation Regulations (FAR), Part 77 as imaginary surfaces and the Runway

Protection Zone(s) as illustrated on the Airport Layout Plan (ALP) and zoning map, and comprised of two parts:

- (1) The primary airport safety area addresses land use compatibility with airport operations and structure height. It is located in an area bounded by the limits of the runway protection zone and the FAA defined approach and transitional surfaces within the conical surface area; and,
- (2) The secondary airport safety overlay principally addresses structure height, particularly where a structure may constitute an incompatible land use under this Title. It is bounded by the exterior of the conical surface area and the approach and transitional approach surfaces extending beyond the conical surface.

15A.30.040 Class (1) Uses

- (a) The uses listed as Class (1) uses within the underlying zoning district shall be subject to the height restrictions listed in Sections 15A.30.070 or YCC Chapter 15A.05, Table 5-1, whichever is the more restrictive. No separate application for a Class (1) use in the airport overlay is required, provided the Reviewing Official can conclusively determine that the proposed structure or use:
 - (1) Does not constitute a potentially incompatible land use; and
 - (2) Will not exceed thirty-five feet in height; or, if greater than thirty-five feet in height, will not penetrate the approach, transitional, horizontal, or conical surface zones of the airport for any existing or planned approaches as defined by FAR, Part 77; and
 - (3) Is not within a designated runway protection area or an identified future sixty-five DNL aircraft noise impacted area within the airport master plan or the FAA approved airport layout plan. Such structures and uses shall in any case be subject to the limitation of Section 15A.30.070 and to the recording of an aviation easement.
- (b) Class (1) uses shall be subject to *Class Type* (2) application and review procedures pursuant to Section 15A.30.060 where the use is a potentially incompatible land use, or where the Reviewing Official cannot make a conclusive determination as required in subsection (1).

15A.30.050 Class (2) and Class (3) Uses

(a) The uses listed as Class (2) and Class (3) uses within the underlying zoning district are subject to:

- (1) The height restrictions listed in Section 15A.30.070 and YCC Chapter 15A.05, Table 5-1, whichever are the more restrictive;
- (2) The provisions of Chapter 15A.04 and any other review criteria for the use required by the underlying zoning district; and
- (3) A determination that the use can be appropriately conditioned to mitigate noise impacts and other airport safety concerns.

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

15A.30.060 Application Requirements

(a) Applications for uses within the Airport Safety Overlay established by this chapter shall include the following information:

- (1) Property boundary lines as they relate to the boundaries of the primary and secondary airport safety overlay;
- (2) Location, elevation and height of all existing and proposed buildings, structures, utility lines, and trees taller than thirty-five feet in height;
- (3) A description of the proposed use; and
- (4) A statement of compatibility from the airport manager when the use is to be located within the Airport Safety Overlay relative to the impact of the use on airport operations and safety.

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

- (1) A certificate from a registered professional engineer or a licensed land surveyor, which clearly states that no airspace obstruction will result from the proposed use, or
- (2) Either or both of the following:

- i) The maximum elevations of proposed structures based on the established airport elevation and USGS datum. Elevations shall be determined by a registered professional engineer or a licensed land surveyor, accurate to plus or minus one foot shown as mean sea level elevation or other available survey data. The accuracy of all elevations shall be certified by the engineer or surveyor.
- ii) A map of topographic contours with not more than five foot intervals, showing all land within one hundred feet of the proposed structure(s) for which the permit is being sought. This map shall also bear the verification of a licensed land surveyor or registered professional engineer.

15A.30.070 Height Limitations and Additional Requirements

- (a) A building, structure, communication tower, use or tree that penetrates any of the FAA designated imaginary surfaces constitutes an obstruction within the ASO overlay. Therefore, the allowable height of any building, structure, communication tower, use or tree within the airport safety overlay shall conform to the following:
 - (1) The ground level elevation above sea level, plus the height of any building, structure, communication tower, use or tree at its proposed location shall not penetrate any FAR, Part 77 designated imaginary surfaces of an airport.
 - (2) However, structures thirty-five feet or more in height may penetrate the imaginary surfaces when the Reviewing Official, in consultation with Washington State Department of Transportation (WSDOT) Aviation Division or the airport manager, can determine that the structure is not likely to constitute an airspace hazard.
 - (3) The Reviewing Official may require lights or markers as a warning to aircraft on the building, structure, communication tower, use or tree(s), or to top the tree to reduce the height when recommended by the FAA, WSDOT Aviation Division or the airport manager. Lights and markers shall meet FAA specifications.
 - (4) Notwithstanding, any other provisions of this Title, the Reviewing Official shall not approve any buildings, structure, communication tower, use or tree when the FAA has designated it a hazard to air navigation.

- (b) Whenever the height limitations of this section differ from those of any other section of this ordinance Title, or that adopted by another local ordinance or regulation, the more restrictive limitation shall apply.
- (c) No use or activity shall take place within the airport safety overlay in such a manner as to: make it difficult for pilots to distinguish between airport lights and others; create electrical interference with navigational signals or radio communication between the airport and aircraft; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create birds-strike hazards; or otherwise create a hazard which may in any way endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- (d) The regulations prescribed by this chapter shall not be construed to require a property owner to remove, lower, or make changes or alterations to any structure which legally existed prior to the effective date of this ordinance ~~codified in this~~ Chapter, except as may be compelled by state or federal regulation. However, such structures shall be considered nonconforming if such structure is in conflict with these regulations.
- (e) An aviation easement and deed declaration, which recognizes the preexistence of the airport and the right of over flight, shall be recorded for all uses within the approach and transitional surfaces of the conical surface area.

15A.30.080 Special Provisions for New Airports, Heliports and Landing Fields

All new airports, heliports, or landing fields shall be designed so that the incidence of aircraft passing in the vicinity of preexisting dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not generate more than fifty-five DNL, as measured at the property line and shall not be located in close proximity to incompatible land uses as defined in this Title. The proponents shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust, or bright lights, as required by Federal, State, and County, ~~and city~~ regulations.

Note: Underlined colored text is added; ~~strike-through text~~ is deleted.
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Purple text changes are by the Board of Commissioners as part of its deliberations.

Chapter 15.31 INSTITUTIONAL OVERLAY

Sections:

- 15A.31.010 Purpose.
- 15A.31.015 Eligibility and Applicability
- 15A.31.020 Permitted Uses.
- 15A.31.025 Supplemental Application Submittal Requirements
- 15A.31.026 Public Meeting Required Prior to Application Submittal
- 15A.31.030 Review Process.
- 15A.31.040 Standards for the Formation of the Institutional Overlay Zone.
- 15A.31.050 Development Standards.
- 15A.31.060 Effect of Approval.
- 15A.31.070 Subsequent Actions and Project Applications Under an Approved Master Plan,
Amendments to Master Plan.

15A.31.010 Purpose.

The purpose of the Institutional Overlay zone is to allow for large-scale institutional facilities with special locational needs and impacts, which must be designed and perform in a manner that is compatible with surrounding land uses. Through a master plan review process (YCC Section 15A.31.030) the public is involved in the development of performance standards. A Development Agreement and site master plan assure predictability for the owner, the appropriate jurisdiction and the citizen. The process balances the need for large-scale institutional facilities to grow while minimizing adverse environmental impacts associated with such development on the adjacent community.

15A.31.015 Eligibility and Applicability

Construction or expansion of the following institutional uses will be permitted only in Institutional Overlay zones designated on the Official Zoning Map of the appropriate jurisdiction.

1. Hospitals
2. Community Colleges
3. Universities

The Institutional Overlay designation is not required as a pre-condition for interior improvements or external onsite improvements for facilities existing as of the date of adoption of this Chapter where said improvements do not expand the existing building or land area.

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The Institutional Overlay designation is not required for institutions located in commercial, industrial or other non-residential zones, except when located adjacent to a residential district.

Either the sponsoring institution or the County/City may initiate the establishment of an Institutional Overlay zone.

The minimum area which may be included within an Institutional Overlay zone shall be five acres, measured to the center of abutting street rights-of-way. The addition of contiguous property to an existing Institutional Overlay zone shall have no minimum required area but shall require an amendment to the Official Zoning Map.

15A.31.020 Permitted Uses.

The Institutional Overlay zone is intended to allow for the establishment, expansion and revision of institutional uses including hospitals and higher educational facilities. Uses that are functionally integrated with, ancillary, and/or substantively related to the primary institutional use or that primarily and directly serve the users of an institution may be defined as permissible institutional uses through the Master Development Plan review process and Development Agreement.

15A.31.025 Supplemental Application Submittal Requirements.

The Institutional Overlay zone shall be established only in conjunction with a Master Development Plan, which sets forth the parameters for development of the property including a Site Plan and Development Agreement. Applicants for an Institutional Overlay shall, in addition to the requirements of Chapter (rezone application requirements), submit a Master Development Plan to include the following:

(1) Technical Studies, including:

- (a) A Traffic Impact Analysis sufficient to assess access to the site and within the site, on-street parking impacts and limitations and necessary traffic-related improvements;**
- (b) Drainage Study;**
- (c) Geotechnical Analysis;**
- (d) Noise Analysis; and**
- (e) Other analysis of potentially significant issues as identified by the SEPA environmental checklist.**

(2) Master Site Plan which includes the following elements:

- (a) Boundaries of the institution;
- (b) Primary uses and ancillary uses;
- (c) Gross floor area of development;
- (d) Maximum building heights;
- (e) Minimum building setbacks;
- (f) Maximum lot coverage;
- (g) Minimum and maximum number of off-street parking spaces;
- (h) Site-screening;
- (i) Aesthetic considerations related to building bulk, architectural compatibility, light and glare, urban design, landscaping, street trees, solar access and shadow impacts; and
- (j) Site features as appropriate to mitigate traffic, environmental, geotechnical and other impacts as identified in technical studies required by this Chapter.

(3) Draft Master Development Agreement including the following elements:

- (a) Narrative Description of Project and Objectives;
- (b) Restatement of the Development Standards of Section 15A.31.050(Bb);
- (c) Site Plan Elements;
- (d) Development Phasing;
- (e) Public Meeting Summary (YCC Section 15A.31.26);
- (f) Performance Standards and Conditions Addressing Items "a" thru "e" above; and
- (g) Criteria for Determining Major vs. Minor Modifications.

15A.31.026 Public Meeting Required Prior to Application Submittal.

Prior to the formal filing of an application for an Institutional Overlay zone, the sponsoring institution or the County/City, whichever initiated the establishment of the Institutional Overlay zone, shall hold at least two public meetings to discuss the proposal and identify concerns of the affected area residents and property owners. The applicant shall provide written notification to property owners of record within five hundred feet of the subject property at least fourteen days prior to the holding of the public meetings. The master development plan proposal shall document and reflect the various concerns raised through this pre-application, public input process.

15A.31.030 Review Process.

The Institutional Overlay zone and Master Development Plan shall be reviewed using the review process described in YCC Section 15A.23.030, and as further specified herein. Upon filing of a valid rezone application and completion of the required environmental review process, the Planning department Division shall forward the rezone application, together with its recommendation, to the Hearing Examiner to conduct a public hearing and review in conformity with YCC Section 15A.23.030. Prior to said hearing a recommendation will be obtained from the Regional Planning Commission. The decision of the Hearing Examiner shall be in the form of a written recommendation to the Legislative Body pursuant to YCC Section 15A.23.030(e), Chapter 2.23 and YCC Title 16B.

15A.31.050 Development Standards.

Development standards for uses within an Institutional Overlay zone may differ from those of the underlying zone when approved as part of the Master Development Plan. Standards which may supersede those of the underlying zone include the following:

- (1) Maximum gross floor area of development;
- (2) Maximum building height;
- (3) Minimum building setbacks
- (4) Maximum lot coverage;
- (5) Minimum and maximum off-street parking;
- (6) Landscaping;
- (7) Signage;
- (8) Exterior lighting, shadows and glare reduction; and

(9) Other standards determined by the City/County to be necessary to ensure land use compatibility with other uses in the surrounding area.

The Legislative Body shall consider the following in determining the standards for a particular Institutional Overlay zone in a specific location:

The institution's compatibility with surrounding uses, especially related to:

- (1) Public safety;
- (2) Site access, on-site vehicular and pedestrian circulation, and on-street and off-street parking;
- (3) Landscaping and buffering of buildings, parking, loading and storage areas;
- (4) Light and shadow impacts;
- (5) Potential environmental impacts, such as noise, vibration, smoke, dust, odors, light/glare, or other undesirable impacts;
- (6) Number, size and location of signage;
- (7) The character of the neighboring properties compared to the adjacent institutional uses and activities;
- (8) The unique characteristics of the proposed use(s);
- (9) The unique characteristics of the subject property;
- (10) The arrangement of buildings and open spaces as they relate to each other within the institutional campus;
- (11) Visual impacts of the institution on the surrounding area;
- (12) Public improvements proposed in connection with the institution's Master Plan; and
- (13) The public benefit provided by the institution.

15A.31.060 Effect of Approval.

The approval by the Legislative Body of a Master Development Plan for an Institutional Overlay shall guide future development within the Institutional Overlay. The approved Master Development Plan and Development Agreement shall remain binding upon the sponsoring institution and the appropriate jurisdiction. Approvals of building permits and

Certificates of Zoning Review zoning certificates shall be as required for Type (1) permits provided the proposed improvement conforms to the Master Development Plan as approved.

Any City, County, State, Federal or other regulation or standard not specifically superseded by the adopted Master Plan and Development Agreement remains in full force and effect. Any use of land for purposes other than is specifically approved, as part of the adopted Master Plan and Development Agreement, shall be subject to all requirements of the underlying land use zone as designated on the Official Zoning Map.

15A.31.070 Subsequent Actions and Project Applications Under an Approved Master Plan; Amendments to Master Plan.

Implementation of the Master Development Plan shall be reviewed through the Type (1) review process. Modifications to the adopted Master Development Plan and/or Development Agreement may be requested from time to time. Minor revisions will undergo Type (2) review. Major modifications will undergo Type (3) review. Specific criteria for determining major vs. minor modifications shall be incorporated into the final zoning regulation and Development Agreement governing the institution's Master Plan. The following criteria are established to assist this determination.

- (1) Type (1) Review Projects or Actions - For future projects or actions in compliance with an approved Master Development Plan and Development Agreement the Type (1) review process shall be applied.
- (2) Type (2) Review Projects or Actions - The following projects or actions, representing projects or actions which do not substantially differ from projects contemplated by an approved Master Development Plan shall be subject to Type (2) review.
 - (a) An amendment to the Master Development Plan - defined in the Development Agreement as a Minor Modification (YCC Section 15A.31.025(3)(g).";
- (3) Type (3) Review Projects or Actions - The following actions, not contemplated by an approved Master Development Plan shall be subject to Type (3) review:
 - (a) An amendment to the Master Development Plan - defined in the Development Agreement as a Major Modification (YCC Section 15A.31.025(3)(g).
- (4) Type (1), (2) and (3) reviews shall be conducted consistent with the provisions of YCC Chapters 15A.13, 15A.14, and 15A.15, respectively. For any changes falling outside the scope of such review, the procedures set forth in this Chapter for original Master Development Plan and Development Plan approval shall be followed.

Exhibit B

Changes to YCC Title 15A Jurisdiction from Text Amendments



Zoning Districts

Suburban Residential (SR)

Single-Family Residential (R-1)

Two-Family Residential (R-2)

Multi-Family Residential (R-3)

Professional Business (B-1)

Local Business (B-2)

Small Convenience Center

General Commercial

Parcel Lot lines are for visual display only. Do not use for legal purposes.

A scale bar with markings for 0, 0.5, 1, 1.5, and 2 miles. A vertical label to the right of the bar states "1" = 1.0 miles.

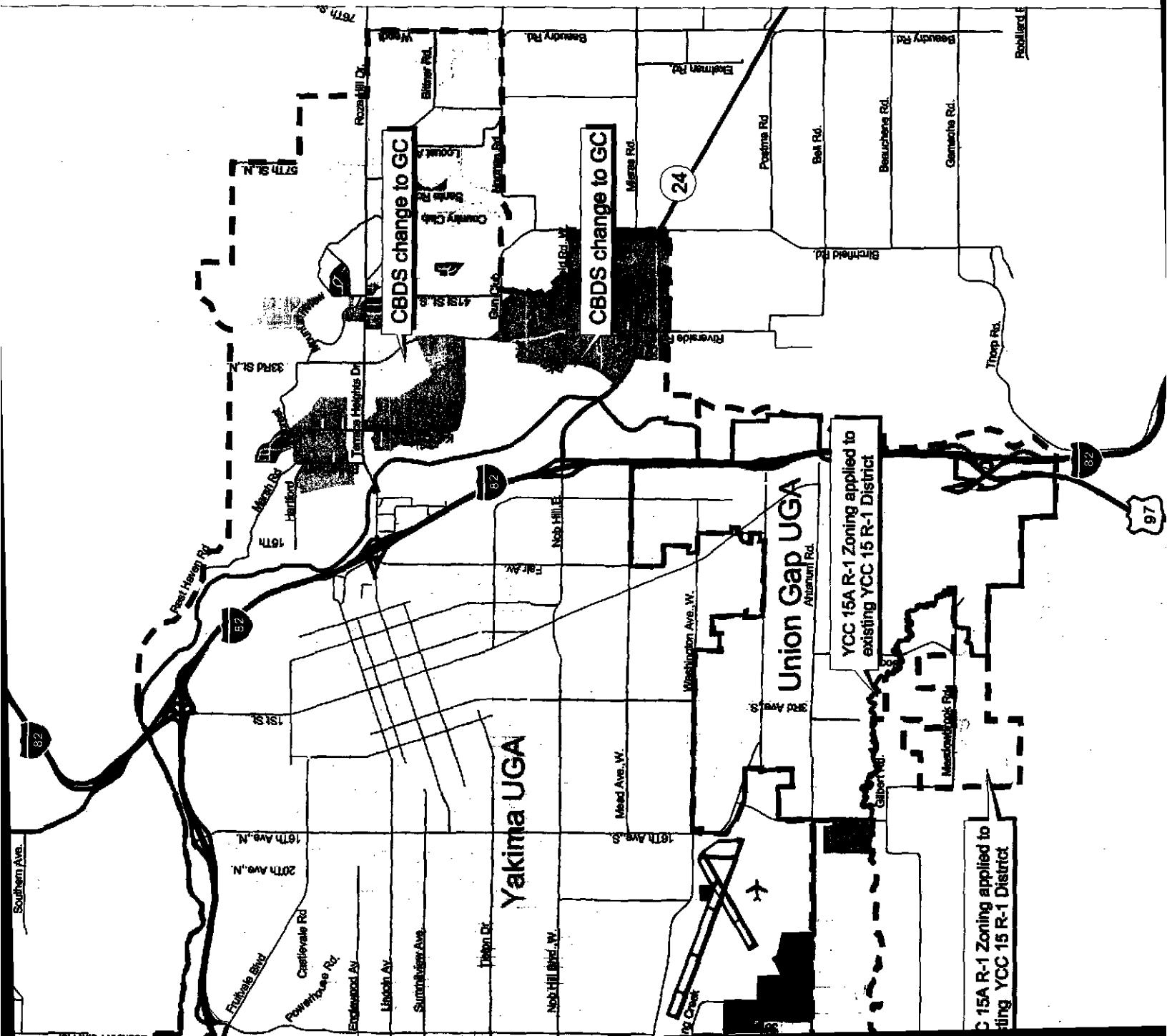


EXHIBIT C

Findings of Fact

The Board deems that changes to text recommended by the Yakima Urban Area Regional Planning Commission are necessary. The Board hereby adopts its own findings of fact and statement setting forth the factors considered at the hearing and its own analysis of findings considered to be controlling. Included here is a list of the substantial differences from the findings and recommendations from the RPC and the Board's reasons for differing. The changes are enumerated in more detail in the chapter summaries in the record.

Factors Considered at and after the Public Hearings

1. Substantive oral testimony at the joint public hearing on August 19, 2008 was limited to matters pertaining to the Master Planned Development Overlay application process.
2. No oral testimony was presented by the public at the Board and Yakima City Council's joint public hearing on March 23, 2010.
3. No oral testimony was presented by the public at the Board's public hearing on September 27, 2011.
4. Following proper procedures, the Board has carefully considered the Yakima Urban Area Planning Commission's Findings and Recommendations on this matter, dated August 2008 and February 2010, and accepts the recommendations as substantiated by the findings, subject to some modifications which are described in the following analysis of findings considered to be controlling.

Analysis of Findings Considered to Be Controlling

5. The Board has carefully reviewed the Yakima Urban Area Regional Planning Commission's findings and recommendations. The Board finds that it is in the public interest to enact the legislation as modified by the changes and actions included herein.
6. It is necessary to remove zoning districts in the language recommended by the RPC and regulations that apply only within the city limits of Yakima.
7. It is necessary to establish street development standards consistent with the West Valley Neighborhood Plan, adopted by the Board on February 15, 2011 and developed jointly by the Board and the City of Yakima.

8. It is necessary to modify several provisions in the language recommended by the RPC to achieve greater consistency in procedural language between YCC Titles 15 and 15A relating to administration, Interpretations, appeals and code compliance.
9. Provisions are necessary for greater flexibility in reestablishing legal nonconforming uses when they become damaged or destroyed.
10. Various other revisions are included to define terms and allow land uses in other coeds, to conform with or reference other laws, documents and agencies, and to standardize County procedures.
11. The changes and legislation enacted herein further the purpose and objectives of the Yakima County and Yakima Urban Area Comprehensive Plans and the Terrace Heights and West Valley Neighborhood Plans.

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